

1 AN ACT concerning revenue.

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

4 Section 5. The Department of Revenue Law of the Civil
5 Administrative Code of Illinois is amended by changing Section
6 2505-190 and by adding Section 2505-755 as follows:

7 (20 ILCS 2505/2505-190) (was 20 ILCS 2505/39c-4)

8 Sec. 2505-190. Tax Compliance and Administration Fund.

9 (a) Amounts deposited into the Tax Compliance and
10 Administration Fund, a special fund in the State treasury that
11 is hereby created, must be appropriated to the Department to
12 reimburse the Department for its costs of collecting,
13 administering, and enforcing the tax laws that provide for
14 deposits into the Fund.

15 (b) As soon as possible after July 1, 2015, and as soon as
16 possible after each July 1 thereafter, the Director of the
17 Department of Revenue shall certify the balance in the Tax
18 Compliance and Administration Fund as of July 1, less any
19 amounts obligated, and the State Comptroller shall order
20 transferred and the State Treasurer shall transfer from the Tax
21 Compliance and Administration Fund to the General Revenue Fund
22 the amount certified that exceeds \$2,500,000.

23 (Source: P.A. 91-239, eff. 1-1-00.)

1 (20 ILCS 2505/2505-755 new)

2 Sec. 2505-755. Use and Occupation Tax Reform Task Force.

3 (a) The Use and Occupation Tax Reform Task Force is hereby
4 created. The Task Force shall consist of the following 13
5 members: the Speaker of the House of Representatives or his or
6 her designee; the Minority Leader of the House of
7 Representatives or his or her designee; the Senate President or
8 his or her designee; the Senate Minority Leader or his or her
9 designee; the Director of Revenue or his or her designee; the
10 Executive Director of the Regional Transportation Authority or
11 his or her designee; a representative of a statewide
12 organization representing municipalities, appointed by the
13 Governor; a representative of a statewide association
14 representing taxpayers, appointed by the Governor; a
15 representative of a statewide association representing
16 manufacturers, appointed by the Governor; a representative of a
17 statewide chamber of commerce, appointed by the Governor; a
18 representative of a statewide association representing retail
19 merchants, appointed by the Governor; a representative of a
20 municipality, appointed by the Governor; and a representative
21 of a county, appointed by the Governor.

22 (b) The Task Force shall conduct a study on modernizing
23 State and local use and occupation taxes in Illinois, including
24 the possible conversion to a destination-based taxing regime.
25 The Task Force shall focus on the following areas: benefits to

1 consumers and businesses; conversion costs; revenue impacts to
2 local municipalities; and costs to the State to implement and
3 enforce proposed changes.

4 (c) The members of the Task Force shall serve without
5 compensation but shall be reimbursed for their reasonable and
6 necessary expenses from funds appropriated for that purpose.

7 (d) The Task Force shall submit its findings to the General
8 Assembly no later than January 1, 2016.

9 (e) The Department of Revenue shall provide administrative
10 support to the Task Force.

11 (f) This Section is repealed on January 1, 2017.

12 Section 10. The State Finance Act is amended by changing
13 Section 6z-17 as follows:

14 (30 ILCS 105/6z-17) (from Ch. 127, par. 142z-17)

15 Sec. 6z-17. State and Local Sales Tax Reform Fund.

16 (a) After deducting the amount transferred to the Tax
17 Compliance and Administration Fund under subsection (b), of ~~of~~

18 the money paid into the State and Local Sales Tax Reform Fund:

19 (i) subject to appropriation to the Department of Revenue,
20 Municipalities having 1,000,000 or more inhabitants shall
21 receive 20% and may expend such amount to fund and establish a
22 program for developing and coordinating public and private
23 resources targeted to meet the affordable housing needs of
24 low-income and very low-income households within such

1 municipality, (ii) 10% shall be transferred into the Regional
2 Transportation Authority Occupation and Use Tax Replacement
3 Fund, a special fund in the State treasury which is hereby
4 created, (iii) until July 1, 2013, subject to appropriation to
5 the Department of Transportation, the Madison County Mass
6 Transit District shall receive .6%, and beginning on July 1,
7 2013, subject to appropriation to the Department of Revenue,
8 0.6% shall be distributed each month out of the Fund to the
9 Madison County Mass Transit District, (iv) the following
10 amounts, plus any cumulative deficiency in such transfers for
11 prior months, shall be transferred monthly into the Build
12 Illinois Fund and credited to the Build Illinois Bond Account
13 therein:

14 Fiscal Year	Amount
15 1990	\$2,700,000
16 1991	1,850,000
17 1992	2,750,000
18 1993	2,950,000

19 From Fiscal Year 1994 through Fiscal Year 2025 the transfer
20 shall total \$3,150,000 monthly, plus any cumulative deficiency
21 in such transfers for prior months, and (v) the remainder of
22 the money paid into the State and Local Sales Tax Reform Fund
23 shall be transferred into the Local Government Distributive
24 Fund and, except for municipalities with 1,000,000 or more
25 inhabitants which shall receive no portion of such remainder,
26 shall be distributed, subject to appropriation, in the manner

1 provided by Section 2 of "An Act in relation to State revenue
2 sharing with local government entities", approved July 31,
3 1969, as now or hereafter amended. Municipalities with more
4 than 50,000 inhabitants according to the 1980 U.S. Census and
5 located within the Metro East Mass Transit District receiving
6 funds pursuant to provision (v) of this paragraph may expend
7 such amounts to fund and establish a program for developing and
8 coordinating public and private resources targeted to meet the
9 affordable housing needs of low-income and very low-income
10 households within such municipality.

11 (b) Beginning on the first day of the first calendar month
12 to occur on or after the effective date of this amendatory Act
13 of the 98th General Assembly, each month the Department of
14 Revenue shall certify to the State Comptroller and the State
15 Treasurer, and the State Comptroller shall order transferred
16 and the State Treasurer shall transfer from the State and Local
17 Sales Tax Reform Fund to the Tax Compliance and Administration
18 Fund, an amount equal to 1/12 of 5% of 20% of the cash receipts
19 collected during the preceding fiscal year by the Audit Bureau
20 of the Department of Revenue under the Use Tax Act, the Service
21 Use Tax Act, the Service Occupation Tax Act, the Retailers'
22 Occupation Tax Act, and associated local occupation and use
23 taxes administered by the Department. The amount distributed
24 under subsection (a) each month shall first be reduced by the
25 amount transferred to the Tax Compliance and Administration
26 Fund under this subsection (b). Moneys transferred to the Tax

1 Compliance and Administration Fund under this subsection (b)
2 shall be used, subject to appropriation, to fund additional
3 auditors and compliance personnel at the Department of Revenue.
4 (Source: P.A. 98-44, eff. 6-28-13.)

5 Section 15. The Illinois Income Tax Act is amended by
6 changing Section 901 as follows:

7 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

8 Sec. 901. Collection Authority.

9 (a) In general.

10 The Department shall collect the taxes imposed by this Act.
11 The Department shall collect certified past due child support
12 amounts under Section 2505-650 of the Department of Revenue Law
13 (20 ILCS 2505/2505-650). Except as provided in subsections (c),
14 (e), (f), ~~and~~ (g), and (h) of this Section, money collected
15 pursuant to subsections (a) and (b) of Section 201 of this Act
16 shall be paid into the General Revenue Fund in the State
17 treasury; money collected pursuant to subsections (c) and (d)
18 of Section 201 of this Act shall be paid into the Personal
19 Property Tax Replacement Fund, a special fund in the State
20 Treasury; and money collected under Section 2505-650 of the
21 Department of Revenue Law (20 ILCS 2505/2505-650) shall be paid
22 into the Child Support Enforcement Trust Fund, a special fund
23 outside the State Treasury, or to the State Disbursement Unit
24 established under Section 10-26 of the Illinois Public Aid

1 Code, as directed by the Department of Healthcare and Family
2 Services.

3 (b) Local Government Distributive Fund.

4 Beginning August 1, 1969, and continuing through June 30,
5 1994, the Treasurer shall transfer each month from the General
6 Revenue Fund to a special fund in the State treasury, to be
7 known as the "Local Government Distributive Fund", an amount
8 equal to 1/12 of the net revenue realized from the tax imposed
9 by subsections (a) and (b) of Section 201 of this Act during
10 the preceding month. Beginning July 1, 1994, and continuing
11 through June 30, 1995, the Treasurer shall transfer each month
12 from the General Revenue Fund to the Local Government
13 Distributive Fund an amount equal to 1/11 of the net revenue
14 realized from the tax imposed by subsections (a) and (b) of
15 Section 201 of this Act during the preceding month. Beginning
16 July 1, 1995 and continuing through January 31, 2011, the
17 Treasurer shall transfer each month from the General Revenue
18 Fund to the Local Government Distributive Fund an amount equal
19 to the net of (i) 1/10 of the net revenue realized from the tax
20 imposed by subsections (a) and (b) of Section 201 of the
21 Illinois Income Tax Act during the preceding month (ii) minus,
22 beginning July 1, 2003 and ending June 30, 2004, \$6,666,666,
23 and beginning July 1, 2004, zero. Beginning February 1, 2011,
24 and continuing through January 31, 2015, the Treasurer shall
25 transfer each month from the General Revenue Fund to the Local
26 Government Distributive Fund an amount equal to the sum of (i)

1 6% (10% of the ratio of the 3% individual income tax rate prior
2 to 2011 to the 5% individual income tax rate after 2010) of the
3 net revenue realized from the tax imposed by subsections (a)
4 and (b) of Section 201 of this Act upon individuals, trusts,
5 and estates during the preceding month and (ii) 6.86% (10% of
6 the ratio of the 4.8% corporate income tax rate prior to 2011
7 to the 7% corporate income tax rate after 2010) of the net
8 revenue realized from the tax imposed by subsections (a) and
9 (b) of Section 201 of this Act upon corporations during the
10 preceding month. Beginning February 1, 2015 and continuing
11 through January 31, 2025, the Treasurer shall transfer each
12 month from the General Revenue Fund to the Local Government
13 Distributive Fund an amount equal to the sum of (i) 8% (10% of
14 the ratio of the 3% individual income tax rate prior to 2011 to
15 the 3.75% individual income tax rate after 2014) of the net
16 revenue realized from the tax imposed by subsections (a) and
17 (b) of Section 201 of this Act upon individuals, trusts, and
18 estates during the preceding month and (ii) 9.14% (10% of the
19 ratio of the 4.8% corporate income tax rate prior to 2011 to
20 the 5.25% corporate income tax rate after 2014) of the net
21 revenue realized from the tax imposed by subsections (a) and
22 (b) of Section 201 of this Act upon corporations during the
23 preceding month. Beginning February 1, 2025, the Treasurer
24 shall transfer each month from the General Revenue Fund to the
25 Local Government Distributive Fund an amount equal to the sum
26 of (i) 9.23% (10% of the ratio of the 3% individual income tax

1 rate prior to 2011 to the 3.25% individual income tax rate
2 after 2024) of the net revenue realized from the tax imposed by
3 subsections (a) and (b) of Section 201 of this Act upon
4 individuals, trusts, and estates during the preceding month and
5 (ii) 10% of the net revenue realized from the tax imposed by
6 subsections (a) and (b) of Section 201 of this Act upon
7 corporations during the preceding month. Net revenue realized
8 for a month shall be defined as the revenue from the tax
9 imposed by subsections (a) and (b) of Section 201 of this Act
10 which is deposited in the General Revenue Fund, the Education
11 Assistance Fund, the Income Tax Surcharge Local Government
12 Distributive Fund, the Fund for the Advancement of Education,
13 and the Commitment to Human Services Fund during the month
14 minus the amount paid out of the General Revenue Fund in State
15 warrants during that same month as refunds to taxpayers for
16 overpayment of liability under the tax imposed by subsections
17 (a) and (b) of Section 201 of this Act.

18 (c) Deposits Into Income Tax Refund Fund.

19 (1) Beginning on January 1, 1989 and thereafter, the
20 Department shall deposit a percentage of the amounts
21 collected pursuant to subsections (a) and (b)(1), (2), and
22 (3), of Section 201 of this Act into a fund in the State
23 treasury known as the Income Tax Refund Fund. The
24 Department shall deposit 6% of such amounts during the
25 period beginning January 1, 1989 and ending on June 30,
26 1989. Beginning with State fiscal year 1990 and for each

1 fiscal year thereafter, the percentage deposited into the
2 Income Tax Refund Fund during a fiscal year shall be the
3 Annual Percentage. For fiscal years 1999 through 2001, the
4 Annual Percentage shall be 7.1%. For fiscal year 2003, the
5 Annual Percentage shall be 8%. For fiscal year 2004, the
6 Annual Percentage shall be 11.7%. Upon the effective date
7 of this amendatory Act of the 93rd General Assembly, the
8 Annual Percentage shall be 10% for fiscal year 2005. For
9 fiscal year 2006, the Annual Percentage shall be 9.75%. For
10 fiscal year 2007, the Annual Percentage shall be 9.75%. For
11 fiscal year 2008, the Annual Percentage shall be 7.75%. For
12 fiscal year 2009, the Annual Percentage shall be 9.75%. For
13 fiscal year 2010, the Annual Percentage shall be 9.75%. For
14 fiscal year 2011, the Annual Percentage shall be 8.75%. For
15 fiscal year 2012, the Annual Percentage shall be 8.75%. For
16 fiscal year 2013, the Annual Percentage shall be 9.75%. For
17 fiscal year 2014, the Annual Percentage shall be 9.5%. For
18 all other fiscal years, the Annual Percentage shall be
19 calculated as a fraction, the numerator of which shall be
20 the amount of refunds approved for payment by the
21 Department during the preceding fiscal year as a result of
22 overpayment of tax liability under subsections (a) and
23 (b) (1), (2), and (3) of Section 201 of this Act plus the
24 amount of such refunds remaining approved but unpaid at the
25 end of the preceding fiscal year, minus the amounts
26 transferred into the Income Tax Refund Fund from the

1 Tobacco Settlement Recovery Fund, and the denominator of
2 which shall be the amounts which will be collected pursuant
3 to subsections (a) and (b)(1), (2), and (3) of Section 201
4 of this Act during the preceding fiscal year; except that
5 in State fiscal year 2002, the Annual Percentage shall in
6 no event exceed 7.6%. The Director of Revenue shall certify
7 the Annual Percentage to the Comptroller on the last
8 business day of the fiscal year immediately preceding the
9 fiscal year for which it is to be effective.

10 (2) Beginning on January 1, 1989 and thereafter, the
11 Department shall deposit a percentage of the amounts
12 collected pursuant to subsections (a) and (b)(6), (7), and
13 (8), (c) and (d) of Section 201 of this Act into a fund in
14 the State treasury known as the Income Tax Refund Fund. The
15 Department shall deposit 18% of such amounts during the
16 period beginning January 1, 1989 and ending on June 30,
17 1989. Beginning with State fiscal year 1990 and for each
18 fiscal year thereafter, the percentage deposited into the
19 Income Tax Refund Fund during a fiscal year shall be the
20 Annual Percentage. For fiscal years 1999, 2000, and 2001,
21 the Annual Percentage shall be 19%. For fiscal year 2003,
22 the Annual Percentage shall be 27%. For fiscal year 2004,
23 the Annual Percentage shall be 32%. Upon the effective date
24 of this amendatory Act of the 93rd General Assembly, the
25 Annual Percentage shall be 24% for fiscal year 2005. For
26 fiscal year 2006, the Annual Percentage shall be 20%. For

1 fiscal year 2007, the Annual Percentage shall be 17.5%. For
2 fiscal year 2008, the Annual Percentage shall be 15.5%. For
3 fiscal year 2009, the Annual Percentage shall be 17.5%. For
4 fiscal year 2010, the Annual Percentage shall be 17.5%. For
5 fiscal year 2011, the Annual Percentage shall be 17.5%. For
6 fiscal year 2012, the Annual Percentage shall be 17.5%. For
7 fiscal year 2013, the Annual Percentage shall be 14%. For
8 fiscal year 2014, the Annual Percentage shall be 13.4%. For
9 all other fiscal years, the Annual Percentage shall be
10 calculated as a fraction, the numerator of which shall be
11 the amount of refunds approved for payment by the
12 Department during the preceding fiscal year as a result of
13 overpayment of tax liability under subsections (a) and
14 (b) (6), (7), and (8), (c) and (d) of Section 201 of this
15 Act plus the amount of such refunds remaining approved but
16 unpaid at the end of the preceding fiscal year, and the
17 denominator of which shall be the amounts which will be
18 collected pursuant to subsections (a) and (b) (6), (7), and
19 (8), (c) and (d) of Section 201 of this Act during the
20 preceding fiscal year; except that in State fiscal year
21 2002, the Annual Percentage shall in no event exceed 23%.
22 The Director of Revenue shall certify the Annual Percentage
23 to the Comptroller on the last business day of the fiscal
24 year immediately preceding the fiscal year for which it is
25 to be effective.

26 (3) The Comptroller shall order transferred and the

1 Treasurer shall transfer from the Tobacco Settlement
2 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000
3 in January, 2001, (ii) \$35,000,000 in January, 2002, and
4 (iii) \$35,000,000 in January, 2003.

5 (d) Expenditures from Income Tax Refund Fund.

6 (1) Beginning January 1, 1989, money in the Income Tax
7 Refund Fund shall be expended exclusively for the purpose
8 of paying refunds resulting from overpayment of tax
9 liability under Section 201 of this Act, for paying rebates
10 under Section 208.1 in the event that the amounts in the
11 Homeowners' Tax Relief Fund are insufficient for that
12 purpose, and for making transfers pursuant to this
13 subsection (d).

14 (2) The Director shall order payment of refunds
15 resulting from overpayment of tax liability under Section
16 201 of this Act from the Income Tax Refund Fund only to the
17 extent that amounts collected pursuant to Section 201 of
18 this Act and transfers pursuant to this subsection (d) and
19 item (3) of subsection (c) have been deposited and retained
20 in the Fund.

21 (3) As soon as possible after the end of each fiscal
22 year, the Director shall order transferred and the State
23 Treasurer and State Comptroller shall transfer from the
24 Income Tax Refund Fund to the Personal Property Tax
25 Replacement Fund an amount, certified by the Director to
26 the Comptroller, equal to the excess of the amount

1 collected pursuant to subsections (c) and (d) of Section
2 201 of this Act deposited into the Income Tax Refund Fund
3 during the fiscal year over the amount of refunds resulting
4 from overpayment of tax liability under subsections (c) and
5 (d) of Section 201 of this Act paid from the Income Tax
6 Refund Fund during the fiscal year.

7 (4) As soon as possible after the end of each fiscal
8 year, the Director shall order transferred and the State
9 Treasurer and State Comptroller shall transfer from the
10 Personal Property Tax Replacement Fund to the Income Tax
11 Refund Fund an amount, certified by the Director to the
12 Comptroller, equal to the excess of the amount of refunds
13 resulting from overpayment of tax liability under
14 subsections (c) and (d) of Section 201 of this Act paid
15 from the Income Tax Refund Fund during the fiscal year over
16 the amount collected pursuant to subsections (c) and (d) of
17 Section 201 of this Act deposited into the Income Tax
18 Refund Fund during the fiscal year.

19 (4.5) As soon as possible after the end of fiscal year
20 1999 and of each fiscal year thereafter, the Director shall
21 order transferred and the State Treasurer and State
22 Comptroller shall transfer from the Income Tax Refund Fund
23 to the General Revenue Fund any surplus remaining in the
24 Income Tax Refund Fund as of the end of such fiscal year;
25 excluding for fiscal years 2000, 2001, and 2002 amounts
26 attributable to transfers under item (3) of subsection (c)

1 less refunds resulting from the earned income tax credit.

2 (5) This Act shall constitute an irrevocable and
3 continuing appropriation from the Income Tax Refund Fund
4 for the purpose of paying refunds upon the order of the
5 Director in accordance with the provisions of this Section.

6 (e) Deposits into the Education Assistance Fund and the
7 Income Tax Surcharge Local Government Distributive Fund.

8 On July 1, 1991, and thereafter, of the amounts collected
9 pursuant to subsections (a) and (b) of Section 201 of this Act,
10 minus deposits into the Income Tax Refund Fund, the Department
11 shall deposit 7.3% into the Education Assistance Fund in the
12 State Treasury. Beginning July 1, 1991, and continuing through
13 January 31, 1993, of the amounts collected pursuant to
14 subsections (a) and (b) of Section 201 of the Illinois Income
15 Tax Act, minus deposits into the Income Tax Refund Fund, the
16 Department shall deposit 3.0% into the Income Tax Surcharge
17 Local Government Distributive Fund in the State Treasury.
18 Beginning February 1, 1993 and continuing through June 30,
19 1993, of the amounts collected pursuant to subsections (a) and
20 (b) of Section 201 of the Illinois Income Tax Act, minus
21 deposits into the Income Tax Refund Fund, the Department shall
22 deposit 4.4% into the Income Tax Surcharge Local Government
23 Distributive Fund in the State Treasury. Beginning July 1,
24 1993, and continuing through June 30, 1994, of the amounts
25 collected under subsections (a) and (b) of Section 201 of this
26 Act, minus deposits into the Income Tax Refund Fund, the

1 Department shall deposit 1.475% into the Income Tax Surcharge
2 Local Government Distributive Fund in the State Treasury.

3 (f) Deposits into the Fund for the Advancement of
4 Education. Beginning February 1, 2015, the Department shall
5 deposit the following portions of the revenue realized from the
6 tax imposed upon individuals, trusts, and estates by
7 subsections (a) and (b) of Section 201 of this Act during the
8 preceding month, minus deposits into the Income Tax Refund
9 Fund, into the Fund for the Advancement of Education:

10 (1) beginning February 1, 2015, and prior to February
11 1, 2025, 1/30; and

12 (2) beginning February 1, 2025, 1/26.

13 If the rate of tax imposed by subsection (a) and (b) of
14 Section 201 is reduced pursuant to Section 201.5 of this Act,
15 the Department shall not make the deposits required by this
16 subsection (f) on or after the effective date of the reduction.

17 (g) Deposits into the Commitment to Human Services Fund.
18 Beginning February 1, 2015, the Department shall deposit the
19 following portions of the revenue realized from the tax imposed
20 upon individuals, trusts, and estates by subsections (a) and
21 (b) of Section 201 of this Act during the preceding month,
22 minus deposits into the Income Tax Refund Fund, into the
23 Commitment to Human Services Fund:

24 (1) beginning February 1, 2015, and prior to February
25 1, 2025, 1/30; and

26 (2) beginning February 1, 2025, 1/26.

1 If the rate of tax imposed by subsection (a) and (b) of
2 Section 201 is reduced pursuant to Section 201.5 of this Act,
3 the Department shall not make the deposits required by this
4 subsection (g) on or after the effective date of the reduction.

5 (h) Deposits into the Tax Compliance and Administration
6 Fund. Beginning on the first day of the first calendar month to
7 occur on or after the effective date of this amendatory Act of
8 the 98th General Assembly, each month the Department shall pay
9 into the Tax Compliance and Administration Fund, to be used,
10 subject to appropriation, to fund additional auditors and
11 compliance personnel at the Department, an amount equal to 1/12
12 of 5% of the cash receipts collected during the preceding
13 fiscal year by the Audit Bureau of the Department from the tax
14 imposed by subsections (a), (b), (c), and (d) of Section 201 of
15 this Act, net of deposits into the Income Tax Refund Fund made
16 from those cash receipts.

17 (Source: P.A. 97-72, eff. 7-1-11; 97-732, eff. 6-30-12; 98-24,
18 eff. 6-19-13.)

19 Section 20. The Use Tax Act is amended by changing Sections
20 9 and 12 as follows:

21 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

22 Sec. 9. Except as to motor vehicles, watercraft, aircraft,
23 and trailers that are required to be registered with an agency
24 of this State, each retailer required or authorized to collect

1 the tax imposed by this Act shall pay to the Department the
2 amount of such tax (except as otherwise provided) at the time
3 when he is required to file his return for the period during
4 which such tax was collected, less a discount of 2.1% prior to
5 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5
6 per calendar year, whichever is greater, which is allowed to
7 reimburse the retailer for expenses incurred in collecting the
8 tax, keeping records, preparing and filing returns, remitting
9 the tax and supplying data to the Department on request. In the
10 case of retailers who report and pay the tax on a transaction
11 by transaction basis, as provided in this Section, such
12 discount shall be taken with each such tax remittance instead
13 of when such retailer files his periodic return. The Department
14 may disallow the discount for retailers whose certificate of
15 registration is revoked at the time the return is filed, but
16 only if the Department's decision to revoke the certificate of
17 registration has become final. A retailer need not remit that
18 part of any tax collected by him to the extent that he is
19 required to remit and does remit the tax imposed by the
20 Retailers' Occupation Tax Act, with respect to the sale of the
21 same property.

22 Where such tangible personal property is sold under a
23 conditional sales contract, or under any other form of sale
24 wherein the payment of the principal sum, or a part thereof, is
25 extended beyond the close of the period for which the return is
26 filed, the retailer, in collecting the tax (except as to motor

1 vehicles, watercraft, aircraft, and trailers that are required
2 to be registered with an agency of this State), may collect for
3 each tax return period, only the tax applicable to that part of
4 the selling price actually received during such tax return
5 period.

6 Except as provided in this Section, on or before the
7 twentieth day of each calendar month, such retailer shall file
8 a return for the preceding calendar month. Such return shall be
9 filed on forms prescribed by the Department and shall furnish
10 such information as the Department may reasonably require.

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 and insulin, urine testing
16 materials, syringes and needles used by diabetics.

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

24 Beginning January 1, 1990, each month the Department shall
25 pay into the State and Local Sales Tax Reform Fund, a special
26 fund in the State Treasury, 20% of the net revenue realized for

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

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

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

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

1 are ~~is~~ now taxed at 6.25%.

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

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

26 Of the remainder of the moneys received by the Department

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

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

1 Build Illinois Bond Act, an amount equal to such deficiency
2 shall be immediately paid from other moneys received by the
3 Department pursuant to the Tax Acts to the Build Illinois Fund;
4 provided, however, that any amounts paid to the Build Illinois
5 Fund in any fiscal year pursuant to this sentence shall be
6 deemed to constitute payments pursuant to clause (b) of the
7 preceding sentence and shall reduce the amount otherwise
8 payable for such fiscal year pursuant to clause (b) of the
9 preceding sentence. The moneys received by the Department
10 pursuant to this Act and required to be deposited into the
11 Build Illinois Fund are subject to the pledge, claim and charge
12 set forth in Section 12 of the Build Illinois Bond 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 the 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
26	1993	\$0

1	1994	53,000,000
2	1995	58,000,000
3	1996	61,000,000
4	1997	64,000,000
5	1998	68,000,000
6	1999	71,000,000
7	2000	75,000,000
8	2001	80,000,000
9	2002	93,000,000
10	2003	99,000,000
11	2004	103,000,000
12	2005	108,000,000
13	2006	113,000,000
14	2007	119,000,000
15	2008	126,000,000
16	2009	132,000,000
17	2010	139,000,000
18	2011	146,000,000
19	2012	153,000,000
20	2013	161,000,000
21	2014	170,000,000
22	2015	179,000,000
23	2016	189,000,000
24	2017	199,000,000
25	2018	210,000,000
26	2019	221,000,000

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

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

22 Beginning July 20, 1993 and in each month of each fiscal
23 year thereafter, one-eighth of the amount requested in the
24 certificate of the Chairman of the Metropolitan Pier and
25 Exposition Authority for that fiscal year, less the amount
26 deposited into the McCormick Place Expansion Project Fund by

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

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

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

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

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

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

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

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

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

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

21 (Source: P.A. 97-95, eff. 7-12-11; 97-333, eff. 8-12-11; 98-24,
22 eff. 6-19-13; 98-109, eff. 7-25-13; 98-496, eff. 1-1-14;
23 revised 9-9-13.)

24 (35 ILCS 105/12) (from Ch. 120, par. 439.12)

25 Sec. 12. Applicability of Retailers' Occupation Tax Act and

1 Uniform Penalty and Interest Act. All of the provisions of
2 Sections 1d, 1e, 1f, 1i, 1j, 1j.1, 1k, 1m, 1n, 1o, 2-6, 2-12,
3 2-54, 2a, 2b, 2c, 3, 4 (except that the time limitation
4 provisions shall run from the date when the tax is due rather
5 than from the date when gross receipts are received), 5 (except
6 that the time limitation provisions on the issuance of notices
7 of tax liability shall run from the date when the tax is due
8 rather than from the date when gross receipts are received and
9 except that in the case of a failure to file a return required
10 by this Act, no notice of tax liability shall be issued on and
11 after each July 1 and January 1 covering tax due with that
12 return during any month or period more than 6 years before that
13 July 1 or January 1, respectively), 5a, 5b, 5c, 5d, 5e, 5f, 5g,
14 5h, 5j, 5k, 5l, 7, 8, 9, 10, 11 and 12 of the Retailers'
15 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
16 Interest Act, which are not inconsistent with this Act, shall
17 apply, as far as practicable, to the subject matter of this Act
18 to the same extent as if such provisions were included herein.
19 (Source: P.A. 94-781, eff. 5-19-06; 94-1021, eff. 7-12-06;
20 95-331, eff. 8-21-07.)

21 Section 25. The Service Use Tax Act is amended by changing
22 Sections 9 and 12 as follows:

23 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

24 Sec. 9. Each serviceman required or authorized to collect

1 the tax herein imposed shall pay to the Department the amount
2 of such tax (except as otherwise provided) at the time when he
3 is required to file his return for the period during which such
4 tax was collected, less a discount of 2.1% prior to January 1,
5 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar
6 year, whichever is greater, which is allowed to reimburse the
7 serviceman for expenses incurred in collecting the tax, keeping
8 records, preparing and filing returns, remitting the tax and
9 supplying data to the Department on request. The Department may
10 disallow the discount for servicemen whose certificate of
11 registration is revoked at the time the return is filed, but
12 only if the Department's decision to revoke the certificate of
13 registration has become final. A serviceman need not remit that
14 part of any tax collected by him to the extent that he is
15 required to pay and does pay the tax imposed by the Service
16 Occupation Tax Act with respect to his sale of service
17 involving the incidental transfer by him of the same property.

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

25 The Department may require returns to be filed on a
26 quarterly basis. If so required, a return for each calendar

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

6 1. The name of the seller;

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

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

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

15 5. The amount of tax due;

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

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

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

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

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

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

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

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

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

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

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

1 following year.

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

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

12 Where a serviceman collects the tax with respect to the
13 selling price of property which he sells and the purchaser
14 thereafter returns such property and the serviceman refunds the
15 selling price thereof to the purchaser, such serviceman shall
16 also refund, to the purchaser, the tax so collected from the
17 purchaser. When filing his return for the period in which he
18 refunds such tax to the purchaser, the serviceman may deduct
19 the amount of the tax so refunded by him to the purchaser from
20 any other Service Use Tax, Service Occupation Tax, retailers'
21 occupation tax or use tax which such serviceman may be required
22 to pay or remit to the Department, as shown by such return,
23 provided that the amount of the tax to be deducted shall
24 previously have been remitted to the Department by such
25 serviceman. If the serviceman shall not previously have
26 remitted the amount of such tax to the Department, he shall be

1 entitled to no deduction hereunder upon refunding such tax to
2 the purchaser.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 price of tangible personal property.

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

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

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

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

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

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

26 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;

1 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; revised 9-9-13.)

2 (35 ILCS 110/12) (from Ch. 120, par. 439.42)

3 Sec. 12. Applicability of Retailers' Occupation Tax Act and
4 Uniform Penalty and Interest Act. All of the provisions of
5 Sections 1d, 1e, 1f, 1i, 1j, 1j.1, 1k, 1m, 1n, 1o, 2-6, 2-12,
6 2-54, 2a, 2b, 2c, 3 (except as to the disposition by the
7 Department of the money collected under this Act), 4 (except
8 that the time limitation provisions shall run from the date
9 when gross receipts are received), 5 (except that the time
10 limitation provisions on the issuance of notices of tax
11 liability shall run from the date when the tax is due rather
12 than from the date when gross receipts are received and except
13 that in the case of a failure to file a return required by this
14 Act, no notice of tax liability shall be issued on and after
15 July 1 and January 1 covering tax due with that return during
16 any month or period more than 6 years before that July 1 or
17 January 1, respectively), 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5j, 5k,
18 5l, 7, 8, 9, 10, 11 and 12 of the Retailers' Occupation Tax Act
19 which are not inconsistent with this Act, and Section 3-7 of
20 the Uniform Penalty and Interest Act, shall apply, as far as
21 practicable, to the subject matter of this Act to the same
22 extent as if such provisions were included herein.

23 (Source: P.A. 94-781, eff. 5-19-06; 94-1021, eff. 7-12-06;
24 95-331, eff. 8-21-07.)

1 Section 30. The Service Occupation Tax Act is amended by
2 changing Sections 9 and 12 as follows:

3 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

4 Sec. 9. Each serviceman required or authorized to collect
5 the tax herein imposed shall pay to the Department the amount
6 of such tax at the time when he is required to file his return
7 for the period during which such tax was collectible, less a
8 discount of 2.1% prior to January 1, 1990, and 1.75% on and
9 after January 1, 1990, or \$5 per calendar year, whichever is
10 greater, which is allowed to reimburse the serviceman for
11 expenses incurred in collecting the tax, keeping records,
12 preparing and filing returns, remitting the tax and supplying
13 data to the Department on request. The Department may disallow
14 the discount for servicemen whose certificate of registration
15 is revoked at the time the return is filed, but only if the
16 Department's decision to revoke the certificate of
17 registration has become final.

18 Where such tangible personal property is sold under a
19 conditional sales contract, or under any other form of sale
20 wherein the payment of the principal sum, or a part thereof, is
21 extended beyond the close of the period for which the return is
22 filed, the serviceman, in collecting the tax may collect, for
23 each tax return period, only the tax applicable to the part of
24 the selling price actually received during such tax return
25 period.

1 Except as provided hereinafter in this Section, on or
2 before the twentieth day of each calendar month, such
3 serviceman shall file a return for the preceding calendar month
4 in accordance with reasonable rules and regulations to be
5 promulgated by the Department of Revenue. Such return shall be
6 filed on a form prescribed by the Department and shall contain
7 such information as the Department may reasonably require.

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

- 15 1. The name of the seller;
- 16 2. The address of the principal place of business from
17 which he engages in business as a serviceman in this State;
- 18 3. The total amount of taxable receipts received by him
19 during the preceding calendar month, including receipts
20 from charge and time sales, but less all deductions allowed
21 by law;
- 22 4. The amount of credit provided in Section 2d of this
23 Act;
- 24 5. The amount of tax due;
- 25 5-5. The signature of the taxpayer; and
- 26 6. Such other reasonable information as the Department

1 may require.

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

6 Prior to October 1, 2003, and on and after September 1,
7 2004 a serviceman may accept a Manufacturer's Purchase Credit
8 certification from a purchaser in satisfaction of Service Use
9 Tax as provided in Section 3-70 of the Service Use Tax Act if
10 the purchaser provides the appropriate documentation as
11 required by Section 3-70 of the Service Use Tax Act. A
12 Manufacturer's Purchase Credit certification, accepted prior
13 to October 1, 2003 or on or after September 1, 2004 by a
14 serviceman as provided in Section 3-70 of the Service Use Tax
15 Act, may be used by that serviceman to satisfy Service
16 Occupation Tax liability in the amount claimed in the
17 certification, not to exceed 6.25% of the receipts subject to
18 tax from a qualifying purchase. A Manufacturer's Purchase
19 Credit reported on any original or amended return filed under
20 this Act after October 20, 2003 for reporting periods prior to
21 September 1, 2004 shall be disallowed. Manufacturer's Purchase
22 Credit reported on annual returns due on or after January 1,
23 2005 will be disallowed for periods prior to September 1, 2004.
24 No Manufacturer's Purchase Credit may be used after September
25 30, 2003 through August 31, 2004 to satisfy any tax liability
26 imposed under this Act, including any audit liability.

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

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

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

18 Notwithstanding any other provision in this Act concerning
19 the time within which a serviceman may file his return, in the
20 case of any serviceman who ceases to engage in a kind of
21 business which makes him responsible for filing returns under
22 this Act, such serviceman shall file a final return under this
23 Act with the Department not more than 1 month after
24 discontinuing such business.

25 Beginning October 1, 1993, a taxpayer who has an average
26 monthly tax liability of \$150,000 or more shall make all

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

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

1 payments by electronic funds transfer shall make those payments
2 for a minimum of one year beginning on October 1.

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

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

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

13 Where a serviceman collects the tax with respect to the
14 selling price of tangible personal property which he sells and
15 the purchaser thereafter returns such tangible personal
16 property and the serviceman refunds the selling price thereof
17 to the purchaser, such serviceman shall also refund, to the
18 purchaser, the tax so collected from the purchaser. When filing
19 his return for the period in which he refunds such tax to the
20 purchaser, the serviceman may deduct the amount of the tax so
21 refunded by him to the purchaser from any other Service
22 Occupation Tax, Service Use Tax, Retailers' Occupation Tax or
23 Use Tax which such serviceman may be required to pay or remit
24 to the Department, as shown by such return, provided that the
25 amount of the tax to be deducted shall previously have been
26 remitted to the Department by such serviceman. If the

1 serviceman shall not previously have remitted the amount of
2 such tax to the Department, he shall be entitled to no
3 deduction hereunder upon refunding such tax to the purchaser.

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

11 Where the serviceman has more than one business registered
12 with the Department under separate registrations hereunder,
13 such serviceman shall file separate returns for each registered
14 business.

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

24 Beginning January 1, 1990, each month the Department shall
25 pay into the County and Mass Transit District Fund 4% of the
26 revenue realized for the preceding month from the 6.25% general

1 rate.

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

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

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

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 ~~is~~ 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 Use Tax
24 Act, and the Retailers' Occupation Tax Act an amount equal to
25 the average monthly deficit in the Underground Storage Tank
26 Fund during the prior year, as certified annually by the

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

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

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

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

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

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

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

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

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

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

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

1 price of tangible personal property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
5 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; revised 9-9-13.)

6 (35 ILCS 115/12) (from Ch. 120, par. 439.112)

7 Sec. 12. All of the provisions of Sections 1d, 1e, 1f, 1i,
8 1j, 1j.1, 1k, 1m, 1n, 1o, 2-6, 2-12, 2-54, 2a, 2b, 2c, 3
9 (except as to the disposition by the Department of the tax
10 collected under this Act), 4 (except that the time limitation
11 provisions shall run from the date when the tax is due rather
12 than from the date when gross receipts are received), 5 (except
13 that the time limitation provisions on the issuance of notices
14 of tax liability shall run from the date when the tax is due
15 rather than from the date when gross receipts are received),
16 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5j, 5k, 5l, 7, 8, 9, 10, 11 and 12
17 of the "Retailers' Occupation Tax Act" which are not
18 inconsistent with this Act, and Section 3-7 of the Uniform
19 Penalty and Interest Act shall apply, as far as practicable, to
20 the subject matter of this Act to the same extent as if such
21 provisions were included herein.

22 (Source: P.A. 94-781, eff. 5-19-06; 94-1021, eff. 7-12-06;
23 95-331, eff. 8-21-07.)

24 Section 35. The Retailers' Occupation Tax Act is amended by

1 changing Section 3 and by adding Section 2-12 as follows:

2 (35 ILCS 120/2-12 new)

3 Sec. 2-12. Location where retailer is deemed to be engaged
4 in the business of selling. The purpose of this Section is to
5 specify where a retailer is deemed to be engaged in the
6 business of selling tangible personal property for the purposes
7 of this Act, the Use Tax Act, the Service Use Tax Act, and the
8 Service Occupation Tax Act, and for the purpose of collecting
9 any other local retailers' occupation tax administered by the
10 Department. This Section applies only with respect to the
11 particular selling activities described in the following
12 paragraphs. The provisions of this Section are not intended to,
13 and shall not be interpreted to, affect where a retailer is
14 deemed to be engaged in the business of selling with respect to
15 any activity that is not specifically described in the
16 following paragraphs.

17 (1) If a purchaser who is present at the retailer's
18 place of business, having no prior commitment to the
19 retailer, agrees to purchase and makes payment for tangible
20 personal property at the retailer's place of business, then
21 the transaction shall be deemed an over-the-counter sale
22 occurring at the retailer's same place of business where
23 the purchaser was present and made payment for that
24 tangible personal property if the retailer regularly
25 stocks the purchased tangible personal property or similar

1 tangible personal property in the quantity, or similar
2 quantity, for sale at the retailer's same place of business
3 and then either (i) the purchaser takes possession of the
4 tangible personal property at the same place of business or
5 (ii) the retailer delivers or arranges for the tangible
6 personal property to be delivered to the purchaser.

7 (2) If a purchaser, having no prior commitment to the
8 retailer, agrees to purchase tangible personal property
9 and makes payment over the phone, in writing, or via the
10 Internet and takes possession of the tangible personal
11 property at the retailer's place of business, then the sale
12 shall be deemed to have occurred at the retailer's place of
13 business where the purchaser takes possession of the
14 property if the retailer regularly stocks the item or
15 similar items in the quantity, or similar quantities,
16 purchased by the purchaser.

17 (3) A retailer is deemed to be engaged in the business
18 of selling food, beverages, or other tangible personal
19 property through a vending machine at the location where
20 the vending machine is located at the time the sale is made
21 if (i) the vending machine is a device operated by coin,
22 currency, credit card, token, coupon or similar device; (2)
23 the food, beverage or other tangible personal property is
24 contained within the vending machine and dispensed from the
25 vending machine; and (3) the purchaser takes possession of
26 the purchased food, beverage or other tangible personal

1 property immediately.

2 (4) Minerals. A producer of coal or other mineral mined
3 in Illinois is deemed to be engaged in the business of
4 selling at the place where the coal or other mineral mined
5 in Illinois is extracted from the earth. With respect to
6 minerals (i) the term "extracted from the earth" means the
7 location at which the coal or other mineral is extracted
8 from the mouth of the mine, and (ii) a "mineral" includes
9 not only coal, but also oil, sand, stone taken from a
10 quarry, gravel and any other thing commonly regarded as a
11 mineral and extracted from the earth. This paragraph does
12 not apply to coal or another mineral when it is delivered
13 or shipped by the seller to the purchaser at a point
14 outside Illinois so that the sale is exempt under the
15 United States Constitution as a sale in interstate or
16 foreign commerce.

17 (35 ILCS 120/3) (from Ch. 120, par. 442)

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

23 1. The name of the seller;

24 2. His residence address and the address of his
25 principal place of business and the address of the

1 principal place of business (if that is a different
2 address) from which he engages in the business of selling
3 tangible personal property at retail in this State;

4 3. Total amount of receipts received by him during the
5 preceding calendar month or quarter, as the case may be,
6 from sales of tangible personal property, and from services
7 furnished, by him during such preceding calendar month or
8 quarter;

9 4. Total amount received by him during the preceding
10 calendar month or quarter on charge and time sales of
11 tangible personal property, and from services furnished,
12 by him prior to the month or quarter for which the return
13 is filed;

14 5. Deductions allowed by law;

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

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

20 8. The amount of tax due;

21 9. The signature of the taxpayer; and

22 10. Such other reasonable information as the
23 Department may require.

24 If a taxpayer fails to sign a return within 30 days after
25 the proper notice and demand for signature by the Department,
26 the return shall be considered valid and any amount shown to be

1 due on the return shall be deemed assessed.

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

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

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 the business of selling tangible
10 personal property at retail in this State;

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

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

18 5. The amount of tax due; and

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

21 Beginning on October 1, 2003, any person who is not a
22 licensed distributor, importing distributor, or manufacturer,
23 as defined in the Liquor Control Act of 1934, but is engaged in
24 the business of selling, at retail, alcoholic liquor shall file
25 a statement with the Department of Revenue, in a format and at
26 a time prescribed by the Department, showing the total amount

1 paid for alcoholic liquor purchased during the preceding month
2 and such other information as is reasonably required by the
3 Department. The Department may adopt rules to require that this
4 statement be filed in an electronic or telephonic format. Such
5 rules may provide for exceptions from the filing requirements
6 of this paragraph. For the purposes of this paragraph, the term
7 "alcoholic liquor" shall have the meaning prescribed in the
8 Liquor Control Act of 1934.

9 Beginning on October 1, 2003, every distributor, importing
10 distributor, and manufacturer of alcoholic liquor as defined in
11 the Liquor Control Act of 1934, shall file a statement with the
12 Department of Revenue, no later than the 10th day of the month
13 for the preceding month during which transactions occurred, by
14 electronic means, showing the total amount of gross receipts
15 from the sale of alcoholic liquor sold or distributed during
16 the preceding month to purchasers; identifying the purchaser to
17 whom it was sold or distributed; the purchaser's tax
18 registration number; and such other information reasonably
19 required by the Department. A distributor, importing
20 distributor, or manufacturer of alcoholic liquor must
21 personally deliver, mail, or provide by electronic means to
22 each retailer listed on the monthly statement a report
23 containing a cumulative total of that distributor's, importing
24 distributor's, or manufacturer's total sales of alcoholic
25 liquor to that retailer no later than the 10th day of the month
26 for the preceding month during which the transaction occurred.

1 The distributor, importing distributor, or manufacturer shall
2 notify the retailer as to the method by which the distributor,
3 importing distributor, or manufacturer will provide the sales
4 information. If the retailer is unable to receive the sales
5 information by electronic means, the distributor, importing
6 distributor, or manufacturer shall furnish the sales
7 information by personal delivery or by mail. For purposes of
8 this paragraph, the term "electronic means" includes, but is
9 not limited to, the use of a secure Internet website, e-mail,
10 or facsimile.

11 If a total amount of less than \$1 is payable, refundable or
12 creditable, such amount shall be disregarded if it is less than
13 50 cents and shall be increased to \$1 if it is 50 cents or more.

14 Beginning October 1, 1993, a taxpayer who has an average
15 monthly tax liability of \$150,000 or more shall make all
16 payments required by rules of the Department by electronic
17 funds transfer. Beginning October 1, 1994, a taxpayer who has
18 an average monthly tax liability of \$100,000 or more shall make
19 all payments required by rules of the Department by electronic
20 funds transfer. Beginning October 1, 1995, a taxpayer who has
21 an average monthly tax liability of \$50,000 or more shall make
22 all payments required by rules of the Department by electronic
23 funds transfer. Beginning October 1, 2000, a taxpayer who has
24 an annual tax liability of \$200,000 or more shall make all
25 payments required by rules of the Department by electronic
26 funds transfer. The term "annual tax liability" shall be the

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

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

18 Any taxpayer not required to make payments by electronic
19 funds transfer may make payments by electronic funds transfer
20 with the permission of the Department.

21 All taxpayers required to make payment by electronic funds
22 transfer and any taxpayers authorized to voluntarily make
23 payments by electronic funds transfer shall make those payments
24 in the manner authorized by the Department.

25 The Department shall adopt such rules as are necessary to
26 effectuate a program of electronic funds transfer and the

1 requirements of this Section.

2 Any amount which is required to be shown or reported on any
3 return or other document under this Act shall, if such amount
4 is not a whole-dollar amount, be increased to the nearest
5 whole-dollar amount in any case where the fractional part of a
6 dollar is 50 cents or more, and decreased to the nearest
7 whole-dollar amount where the fractional part of a dollar is
8 less than 50 cents.

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

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

26 Such quarter annual and annual returns, as to form and

1 substance, shall be subject to the same requirements as monthly
2 returns.

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

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

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

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

12 Any retailer who sells only motor vehicles, watercraft,
13 aircraft, or trailers that are required to be registered with
14 an agency of this State, so that all retailers' occupation tax
15 liability is required to be reported, and is reported, on such
16 transaction reporting returns and who is not otherwise required
17 to file monthly or quarterly returns, need not file monthly or
18 quarterly returns. However, those retailers shall be required
19 to file returns on an annual basis.

20 The transaction reporting return, in the case of motor
21 vehicles or trailers that are required to be registered with an
22 agency of this State, shall be the same document as the Uniform
23 Invoice referred to in Section 5-402 of The Illinois Vehicle
24 Code and must show the name and address of the seller; the name
25 and address of the purchaser; the amount of the selling price
26 including the amount allowed by the retailer for traded-in

1 property, if any; the amount allowed by the retailer for the
2 traded-in tangible personal property, if any, to the extent to
3 which Section 1 of this Act allows an exemption for the value
4 of traded-in property; the balance payable after deducting such
5 trade-in allowance from the total selling price; the amount of
6 tax due from the retailer with respect to such transaction; the
7 amount of tax collected from the purchaser by the retailer on
8 such transaction (or satisfactory evidence that such tax is not
9 due in that particular instance, if that is claimed to be the
10 fact); the place and date of the sale; a sufficient
11 identification of the property sold; such other information as
12 is required in Section 5-402 of The Illinois Vehicle Code, and
13 such other information as the Department may reasonably
14 require.

15 The transaction reporting return in the case of watercraft
16 or aircraft must show the name and address of the seller; the
17 name and address of the purchaser; the amount of the selling
18 price including the amount allowed by the retailer for
19 traded-in property, if any; the amount allowed by the retailer
20 for the traded-in tangible personal property, if any, to the
21 extent to which Section 1 of this Act allows an exemption for
22 the value of traded-in property; the balance payable after
23 deducting such trade-in allowance from the total selling price;
24 the amount of tax due from the retailer with respect to such
25 transaction; the amount of tax collected from the purchaser by
26 the retailer on such transaction (or satisfactory evidence that

1 such tax is not due in that particular instance, if that is
2 claimed to be the fact); the place and date of the sale, a
3 sufficient identification of the property sold, and such other
4 information as the Department may reasonably require.

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

17 With each such transaction reporting return, the retailer
18 shall remit the proper amount of tax due (or shall submit
19 satisfactory evidence that the sale is not taxable if that is
20 the case), to the Department or its agents, whereupon the
21 Department shall issue, in the purchaser's name, a use tax
22 receipt (or a certificate of exemption if the Department is
23 satisfied that the particular sale is tax exempt) which such
24 purchaser may submit to the agency with which, or State officer
25 with whom, he must title or register the tangible personal
26 property that is involved (if titling or registration is

1 required) in support of such purchaser's application for an
2 Illinois certificate or other evidence of title or registration
3 to such tangible personal property.

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

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

1 the tax directly to the Department, he shall pay the tax in the
2 same amount and in the same form in which it would be remitted
3 if the tax had been remitted to the Department by the retailer.

4 Refunds made by the seller during the preceding return
5 period to purchasers, on account of tangible personal property
6 returned to the seller, shall be allowed as a deduction under
7 subdivision 5 of his monthly or quarterly return, as the case
8 may be, in case the seller had theretofore included the
9 receipts from the sale of such tangible personal property in a
10 return filed by him and had paid the tax imposed by this Act
11 with respect to such receipts.

12 Where the seller is a corporation, the return filed on
13 behalf of such corporation shall be signed by the president,
14 vice-president, secretary or treasurer or by the properly
15 accredited agent of such corporation.

16 Where the seller is a limited liability company, the return
17 filed on behalf of the limited liability company shall be
18 signed by a manager, member, or properly accredited agent of
19 the limited liability company.

20 Except as provided in this Section, the retailer filing the
21 return under this Section shall, at the time of filing such
22 return, pay to the Department the amount of tax imposed by this
23 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
24 on and after January 1, 1990, or \$5 per calendar year,
25 whichever is greater, which is allowed to reimburse the
26 retailer for the expenses incurred in keeping records,

1 preparing and filing returns, remitting the tax and supplying
2 data to the Department on request. Any prepayment made pursuant
3 to Section 2d of this Act shall be included in the amount on
4 which such 2.1% or 1.75% discount is computed. In the case of
5 retailers who report and pay the tax on a transaction by
6 transaction basis, as provided in this Section, such discount
7 shall be taken with each such tax remittance instead of when
8 such retailer files his periodic return. The Department may
9 disallow the discount for retailers whose certificate of
10 registration is revoked at the time the return is filed, but
11 only if the Department's decision to revoke the certificate of
12 registration has become final.

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

1 liability for prepaid sales tax to be remitted in accordance
2 with Section 2d of this Act, was \$20,000 or more during the
3 preceding 4 complete calendar quarters, he shall file a return
4 with the Department each month by the 20th day of the month
5 next following the month during which such tax liability is
6 incurred and shall make payment to the Department on or before
7 the 7th, 15th, 22nd and last day of the month during which such
8 liability is incurred. If the month during which such tax
9 liability is incurred began prior to January 1, 1985, each
10 payment shall be in an amount equal to 1/4 of the taxpayer's
11 actual liability for the month or an amount set by the
12 Department not to exceed 1/4 of the average monthly liability
13 of the taxpayer to the Department for the preceding 4 complete
14 calendar quarters (excluding the month of highest liability and
15 the month of lowest liability in such 4 quarter period). If the
16 month during which such tax liability is incurred begins on or
17 after January 1, 1985 and prior to January 1, 1987, each
18 payment shall be in an amount equal to 22.5% of the taxpayer's
19 actual liability for the month or 27.5% of the taxpayer's
20 liability for the same calendar month of the preceding year. If
21 the month during which such tax liability is incurred begins on
22 or after January 1, 1987 and prior to January 1, 1988, each
23 payment shall be in an amount equal to 22.5% of the taxpayer's
24 actual liability for the month or 26.25% of the taxpayer's
25 liability for the same calendar month of the preceding year. If
26 the month during which such tax liability is incurred begins on

1 or after January 1, 1988, and prior to January 1, 1989, or
2 begins on or after January 1, 1996, each payment shall be in an
3 amount equal to 22.5% of the taxpayer's actual liability for
4 the month or 25% of the taxpayer's liability for the same
5 calendar month of the preceding year. If the month during which
6 such tax liability is incurred begins on or after January 1,
7 1989, and prior to January 1, 1996, each payment shall be in an
8 amount equal to 22.5% of the taxpayer's actual liability for
9 the month or 25% of the taxpayer's liability for the same
10 calendar month of the preceding year or 100% of the taxpayer's
11 actual liability for the quarter monthly reporting period. The
12 amount of such quarter monthly payments shall be credited
13 against the final tax liability of the taxpayer's return for
14 that month. Before October 1, 2000, once applicable, the
15 requirement of the making of quarter monthly payments to the
16 Department by taxpayers having an average monthly tax liability
17 of \$10,000 or more as determined in the manner provided above
18 shall continue until such taxpayer's average monthly liability
19 to the Department during the preceding 4 complete calendar
20 quarters (excluding the month of highest liability and the
21 month of lowest liability) is less than \$9,000, or until such
22 taxpayer's average monthly liability to the Department as
23 computed for each calendar quarter of the 4 preceding complete
24 calendar quarter period is less than \$10,000. However, if a
25 taxpayer can show the Department that a substantial change in
26 the taxpayer's business has occurred which causes the taxpayer

1 to anticipate that his average monthly tax liability for the
2 reasonably foreseeable future will fall below the \$10,000
3 threshold stated above, then such taxpayer may petition the
4 Department for a change in such taxpayer's reporting status. On
5 and after October 1, 2000, once applicable, the requirement of
6 the making of quarter monthly payments to the Department by
7 taxpayers having an average monthly tax liability of \$20,000 or
8 more as determined in the manner provided above shall continue
9 until such taxpayer's average monthly liability to the
10 Department during the preceding 4 complete calendar quarters
11 (excluding the month of highest liability and the month of
12 lowest liability) is less than \$19,000 or until such taxpayer's
13 average monthly liability to the Department as computed for
14 each calendar quarter of the 4 preceding complete calendar
15 quarter period is less than \$20,000. However, if a taxpayer can
16 show the Department that a substantial change in the taxpayer's
17 business has occurred which causes the taxpayer to anticipate
18 that his average monthly tax liability for the reasonably
19 foreseeable future will fall below the \$20,000 threshold stated
20 above, then such taxpayer may petition the Department for a
21 change in such taxpayer's reporting status. The Department
22 shall change such taxpayer's reporting status unless it finds
23 that such change is seasonal in nature and not likely to be
24 long term. If any such quarter monthly payment is not paid at
25 the time or in the amount required by this Section, then the
26 taxpayer shall be liable for penalties and interest on the

1 difference between the minimum amount due as a payment and the
2 amount of such quarter monthly payment actually and timely
3 paid, except insofar as the taxpayer has previously made
4 payments for that month to the Department in excess of the
5 minimum payments previously due as provided in this Section.
6 The Department shall make reasonable rules and regulations to
7 govern the quarter monthly payment amount and quarter monthly
8 payment dates for taxpayers who file on other than a calendar
9 monthly basis.

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

1 taxpayer's liability for the same calendar month of the
2 preceding calendar year. If the month during which such tax
3 liability is incurred begins on or after January 1, 1987, each
4 payment shall be in an amount equal to 22.5% of the taxpayer's
5 actual liability for the month or 26.25% of the taxpayer's
6 liability for the same calendar month of the preceding year.
7 The amount of such quarter monthly payments shall be credited
8 against the final tax liability of the taxpayer's return for
9 that month filed under this Section or Section 2f, as the case
10 may be. Once applicable, the requirement of the making of
11 quarter monthly payments to the Department pursuant to this
12 paragraph shall continue until such taxpayer's average monthly
13 prepaid tax collections during the preceding 2 complete
14 calendar quarters is \$25,000 or less. If any such quarter
15 monthly payment is not paid at the time or in the amount
16 required, the taxpayer shall be liable for penalties and
17 interest on such difference, except insofar as the taxpayer has
18 previously made payments for that month in excess of the
19 minimum payments previously due.

20 The provisions of this paragraph apply on and after October
21 1, 2001. Without regard to whether a taxpayer is required to
22 make quarter monthly payments as specified above, any taxpayer
23 who is required by Section 2d of this Act to collect and remit
24 prepaid taxes and has collected prepaid taxes that average in
25 excess of \$20,000 per month during the preceding 4 complete
26 calendar quarters shall file a return with the Department as

1 required by Section 2f and shall make payments to the
2 Department on or before the 7th, 15th, 22nd and last day of the
3 month during which the liability is incurred. Each payment
4 shall be in an amount equal to 22.5% of the taxpayer's actual
5 liability for the month or 25% of the taxpayer's liability for
6 the same calendar month of the preceding year. The amount of
7 the quarter monthly payments shall be credited against the
8 final tax liability of the taxpayer's return for that month
9 filed under this Section or Section 2f, as the case may be.
10 Once applicable, the requirement of the making of quarter
11 monthly payments to the Department pursuant to this paragraph
12 shall continue until the taxpayer's average monthly prepaid tax
13 collections during the preceding 4 complete calendar quarters
14 (excluding the month of highest liability and the month of
15 lowest liability) is less than \$19,000 or until such taxpayer's
16 average monthly liability to the Department as computed for
17 each calendar quarter of the 4 preceding complete calendar
18 quarters is less than \$20,000. If any such quarter monthly
19 payment is not paid at the time or in the amount required, the
20 taxpayer shall be liable for penalties and interest on such
21 difference, except insofar as the taxpayer has previously made
22 payments for that month in excess of the minimum payments
23 previously due.

24 If any payment provided for in this Section exceeds the
25 taxpayer's liabilities under this Act, the Use Tax Act, the
26 Service Occupation Tax Act and the Service Use Tax Act, as

1 shown on an original monthly return, the Department shall, if
2 requested by the taxpayer, issue to the taxpayer a credit
3 memorandum no later than 30 days after the date of payment. The
4 credit evidenced by such credit memorandum may be assigned by
5 the taxpayer to a similar taxpayer under this Act, the Use Tax
6 Act, the Service Occupation Tax Act or the Service Use Tax Act,
7 in accordance with reasonable rules and regulations to be
8 prescribed by the Department. If no such request is made, the
9 taxpayer may credit such excess payment against tax liability
10 subsequently to be remitted to the Department under this Act,
11 the Use Tax Act, the Service Occupation Tax Act or the Service
12 Use Tax Act, in accordance with reasonable rules and
13 regulations prescribed by the Department. If the Department
14 subsequently determined that all or any part of the credit
15 taken was not actually due to the taxpayer, the taxpayer's 2.1%
16 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%
17 of the difference between the credit taken and that actually
18 due, and that taxpayer shall be liable for penalties and
19 interest on such difference.

20 If a retailer of motor fuel is entitled to a credit under
21 Section 2d of this Act which exceeds the taxpayer's liability
22 to the Department under this Act for the month which the
23 taxpayer is filing a return, the Department shall issue the
24 taxpayer a credit memorandum for the excess.

25 Beginning January 1, 1990, each month the Department shall
26 pay into the Local Government Tax Fund, a special fund in the

1 State treasury which is hereby created, the net revenue
2 realized for the preceding month from the 1% tax on sales of
3 food for human consumption which is to be consumed off the
4 premises where it is sold (other than alcoholic beverages, soft
5 drinks and food which has been prepared for immediate
6 consumption) and prescription and nonprescription medicines,
7 drugs, medical appliances and insulin, urine testing
8 materials, syringes and needles used by diabetics.

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

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

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

26 Beginning August 1, 2000, each month the Department shall

1 pay into the Local Government Tax Fund 80% of the net revenue
2 realized for the preceding month from the 1.25% rate on the
3 selling price of motor fuel and gasohol. Beginning September 1,
4 2010, each month the Department shall pay into the Local
5 Government Tax Fund 80% of the net revenue realized for the
6 preceding month from the 1.25% rate on the selling price of
7 sales tax holiday items.

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

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

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

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

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 the effective date of this
11 amendatory Act of the 98th General Assembly, each month, from
12 the collections made under Section 9 of the Use Tax Act,
13 Section 9 of the Service Use Tax Act, Section 9 of the Service
14 Occupation Tax Act, and Section 3 of the Retailers' Occupation
15 Tax Act, the Department shall pay into the Tax Compliance and
16 Administration Fund, to be used, subject to appropriation, to
17 fund additional auditors and compliance personnel at the
18 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
19 the cash receipts collected during the preceding fiscal year by
20 the Audit Bureau of the Department under the Use Tax Act, the
21 Service Use Tax Act, the Service Occupation Tax Act, the
22 Retailers' Occupation Tax Act, and associated local occupation
23 and use taxes administered by the Department.

24 Of the remainder of the moneys received by the Department
25 pursuant to this Act, 75% thereof shall be paid into the State
26 Treasury and 25% shall be reserved in a special account and

1 used only for the transfer to the Common School Fund as part of
2 the monthly transfer from the General Revenue Fund in
3 accordance with Section 8a of the State Finance Act.

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

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

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

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

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

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

26 As soon as possible after the first day of each month, upon

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

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

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

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

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

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

1 Department, the concessionaires and other sellers shall file
2 their returns as otherwise required in this Section.

3 (Source: P.A. 97-95, eff. 7-12-11; 97-333, eff. 8-12-11; 98-24,
4 eff. 6-19-13; 98-109, eff. 7-25-13; 98-496, eff. 1-1-14;
5 revised 9-9-13.)

6 Section 40. The Telecommunications Excise Tax Act is
7 amended by changing Section 6 as follows:

8 (35 ILCS 630/6) (from Ch. 120, par. 2006)

9 Sec. 6. Except as provided hereinafter in this Section, on
10 or before the last day of each month, each retailer maintaining
11 a place of business in this State shall make a return to the
12 Department for the preceding calendar month, stating:

13 1. His name;

14 2. The address of his principal place of business, or
15 the address of the principal place of business (if that is
16 a different address) from which he engages in the business
17 of transmitting telecommunications;

18 3. Total amount of gross charges billed by him during
19 the preceding calendar month for providing
20 telecommunications during such calendar month;

21 4. Total amount received by him during the preceding
22 calendar month on credit extended;

23 5. Deductions allowed by law;

24 6. Gross charges which were billed by him during the

1 preceding calendar month and upon the basis of which the
2 tax is imposed;

3 7. Amount of tax (computed upon Item 6);

4 8. Such other reasonable information as the Department
5 may require.

6 Any taxpayer required to make payments under this Section
7 may make the payments by electronic funds transfer. The
8 Department shall adopt rules necessary to effectuate a program
9 of electronic funds transfer. Any taxpayer who has average
10 monthly tax billings due to the Department under this Act and
11 the Simplified Municipal Telecommunications Tax Act that
12 exceed \$1,000 shall make all payments by electronic funds
13 transfer as required by rules of the Department and shall file
14 the return required by this Section by electronic means as
15 required by rules of the Department.

16 If the retailer's average monthly tax billings due to the
17 Department under this Act and the Simplified Municipal
18 Telecommunications Tax Act do not exceed \$1,000, the Department
19 may authorize his returns to be filed on a quarter annual
20 basis, with the return for January, February and March of a
21 given year being due by April 30 of such year; with the return
22 for April, May and June of a given year being due by July 31st
23 of such year; with the return for July, August and September of
24 a given year being due by October 31st of such year; and with
25 the return of October, November and December of a given year
26 being due by January 31st 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 billings due to the Department under this Act and the
4 Simplified Municipal Telecommunications Tax Act do not exceed
5 \$400, the Department may authorize his or her return to be
6 filed on an annual basis, with the return for a given year
7 being due by January 31st of the following year.

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

15 In making such return, the retailer shall determine the
16 value of any consideration other than money received by him and
17 he shall include such value in his return. Such determination
18 shall be subject to review and revision by the Department in
19 the manner hereinafter provided for the correction of returns.

20 Each retailer whose average monthly liability to the
21 Department under this Article and the Simplified Municipal
22 Telecommunications Tax Act was \$25,000 or more during the
23 preceding calendar year, excluding the month of highest
24 liability and the month of lowest liability in such calendar
25 year, and who is not operated by a unit of local government,
26 shall make estimated payments to the Department on or before

1 the 7th, 15th, 22nd and last day of the month during which tax
2 collection liability to the Department is incurred in an amount
3 not less than the lower of either 22.5% of the retailer's
4 actual tax collections for the month or 25% of the retailer's
5 actual tax collections for the same calendar month of the
6 preceding year. The amount of such quarter monthly payments
7 shall be credited against the final liability of the retailer's
8 return for that month. Any outstanding credit, approved by the
9 Department, arising from the retailer's overpayment of its
10 final liability for any month may be applied to reduce the
11 amount of any subsequent quarter monthly payment or credited
12 against the final liability of the retailer's return for any
13 subsequent month. If any quarter monthly payment is not paid at
14 the time or in the amount required by this Section, the
15 retailer shall be liable for penalty and interest on the
16 difference between the minimum amount due as a payment and the
17 amount of such payment actually and timely paid, except insofar
18 as the retailer has previously made payments for that month to
19 the Department in excess of the minimum payments previously
20 due.

21 The retailer making the return herein provided for shall,
22 at the time of making such return, pay to the Department the
23 amount of tax herein imposed, less a discount of 1% which is
24 allowed to reimburse the retailer for the expenses incurred in
25 keeping records, billing the customer, preparing and filing
26 returns, remitting the tax, and supplying data to the

1 Department upon request. No discount may be claimed by a
2 retailer on returns not timely filed and for taxes not timely
3 remitted.

4 On and after the effective date of this Article of 1985,
5 ~~\$1,000,000~~ of the moneys received by the Department of Revenue
6 pursuant to this Article, other than moneys received pursuant
7 to the additional taxes imposed by Public Act 90-548:

8 (1) \$1,000,000 shall be paid each month into the Common
9 School Fund;

10 (2) beginning on the first day of the first calendar
11 month to occur on or after the effective date of this
12 amendatory Act of the 98th General Assembly, an amount
13 equal to 1/12 of 5% of the cash receipts collected during
14 the preceding fiscal year by the Audit Bureau of the
15 Department from the tax under this Act and the Simplified
16 Municipal Telecommunications Tax Act shall be paid each
17 month into the Tax Compliance and Administration Fund;
18 those moneys shall be used, subject to appropriation, to
19 fund additional auditors and compliance personnel at the
20 Department of Revenue; and

21 (3) the remainder shall be deposited into the General
22 Revenue Fund.

23 On and after February 1, 1998, however, of the moneys
24 received by the Department of Revenue pursuant to the
25 additional taxes imposed by Public Act 90-548, ~~this amendatory~~
26 ~~Act of 1997~~ one-half shall be deposited into the School

1 Infrastructure Fund and one-half shall be deposited into the
2 Common School Fund. On and after the effective date of this
3 amendatory Act of the 91st General Assembly, if in any fiscal
4 year the total of the moneys deposited into the School
5 Infrastructure Fund under this Act is less than the total of
6 the moneys deposited into that Fund from the additional taxes
7 imposed by Public Act 90-548 during fiscal year 1999, then, as
8 soon as possible after the close of the fiscal year, the
9 Comptroller shall order transferred and the Treasurer shall
10 transfer from the General Revenue Fund to the School
11 Infrastructure Fund an amount equal to the difference between
12 the fiscal year total deposits and the total amount deposited
13 into the Fund in fiscal year 1999.

14 (Source: P.A. 91-541, eff. 8-13-99; 91-870, 6-22-00; 92-526,
15 eff. 1-1-03.)

16 Section 45. The Telecommunications Infrastructure
17 Maintenance Fee Act is amended by changing Section 25 as
18 follows:

19 (35 ILCS 635/25)

20 Sec. 25. Collection, enforcement, and administration of
21 State telecommunications infrastructure maintenance fees.

22 (a) A telecommunications retailer shall charge each
23 customer an additional charge equal to the State infrastructure
24 maintenance fee attributable to that customer's service

1 address. Such additional charge shall be shown separately on
2 the bill to each customer.

3 (b) The State infrastructure maintenance fee shall be
4 designated as a replacement for the personal property tax and
5 shall be remitted by the telecommunications retailer to the
6 Department; provided, however, that the telecommunications
7 retailer may retain an amount not to exceed 2% of the State
8 infrastructure maintenance fee paid to the Department, with a
9 timely paid and timely filed return to reimburse itself for
10 expenses incurred in collecting, accounting for, and remitting
11 the fee.

12 Beginning on the first day of the first calendar month to
13 occur on or after the effective date of this amendatory Act of
14 the 98th General Assembly, an amount equal to 1/12 of 5% of the
15 cash receipts collected during the preceding fiscal year by the
16 Audit Bureau of the Department from the tax under this Act
17 shall be paid each month into the Tax Compliance and
18 Administration Fund to be used, subject to appropriation, to
19 fund additional auditors and compliance personnel at the
20 Department of Revenue. All remaining amounts herein remitted to
21 the Department shall be paid into ~~transferred to~~ the Personal
22 Property Tax Replacement Fund in the State Treasury.

23 (Source: P.A. 92-526, eff. 1-1-03.)

24 Section 55. The Counties Code is amended by changing
25 Section 5-1014.3 as follows:

1 (55 ILCS 5/5-1014.3)

2 Sec. 5-1014.3. Agreements to share or rebate occupation
3 taxes.

4 (a) On and after June 1, 2004, a county board shall not
5 enter into any agreement to share or rebate any portion of
6 retailers' occupation taxes generated by retail sales of
7 tangible personal property if: (1) the tax on those retail
8 sales, absent the agreement, would have been paid to another
9 unit of local government; and (2) the retailer maintains,
10 within that other unit of local government, a retail location
11 from which the tangible personal property is delivered to
12 purchasers, or a warehouse from which the tangible personal
13 property is delivered to purchasers. Any unit of local
14 government denied retailers' occupation tax revenue because of
15 an agreement that violates this Section may file an action in
16 circuit court against only the county. Any agreement entered
17 into prior to June 1, 2004 is not affected by this amendatory
18 Act of the 93rd General Assembly. Any unit of local government
19 that prevails in the circuit court action is entitled to
20 damages in the amount of the tax revenue it was denied as a
21 result of the agreement, statutory interest, costs, reasonable
22 attorney's fees, and an amount equal to 50% of the tax.

23 (b) On and after the effective date of this amendatory Act
24 of the 93rd General Assembly, a home rule unit shall not enter
25 into any agreement prohibited by this Section. This Section is

1 a denial and limitation of home rule powers and functions under
2 subsection (g) of Section 6 of Article VII of the Illinois
3 Constitution.

4 (c) Any county that enters into an agreement to share or
5 rebate any portion of retailers' occupation taxes generated by
6 retail sales of tangible personal property must complete and
7 submit a report by electronic filing to the Department of
8 Revenue within 30 days after the execution of the agreement.
9 Any county that has entered into such an agreement before the
10 effective date of this amendatory Act of the 97th General
11 Assembly that has not been terminated or expired as of the
12 effective date of this amendatory Act of the 97th General
13 Assembly shall submit a report with respect to the agreements
14 within 90 days after the effective date of this amendatory Act
15 of the 97th General Assembly.

16 Any agreement entered into after the effective date of this
17 amendatory Act of the 98th General Assembly is not valid until
18 the county entering into the agreement complies with the
19 requirements set forth in this subsection. Any county that
20 fails to comply with the requirements set forth in this
21 subsection within 30 days after the execution of the agreement
22 shall be responsible for paying to the Department of Revenue a
23 delinquency penalty of \$20 per day for each day the county
24 fails to submit a report by electronic filing to the Department
25 of Revenue. A county that has previously failed to report an
26 agreement in effect on the effective date of this subsection

1 will begin to accrue a delinquency penalty for each day the
2 agreement remains unreported beginning on the effective date of
3 this subsection. The Department of Revenue may adopt rules to
4 implement and administer these penalties.

5 (d) The report described in this Section shall be made on a
6 form to be supplied by the Department of Revenue and shall
7 contain the following:

8 (1) the names of the county and the business entering
9 into the agreement;

10 (2) the location or locations of the business within
11 the county;

12 (3) a statement, to be answered in the affirmative or
13 negative, as to whether or not the company maintains
14 additional places of business in the State other than those
15 described pursuant to paragraph (2);

16 (4) the terms of the agreement, including (i) the
17 manner in which the amount of any retailers' occupation tax
18 to be shared, rebated, or refunded is to be determined each
19 year for the duration of the agreement, (ii) the duration
20 of the agreement, and (iii) the name of any business who is
21 not a party to the agreement but who directly or indirectly
22 receives a share, refund, or rebate of the retailers'
23 occupation tax; and

24 (5) a copy of the agreement to share or rebate any
25 portion of retailers' occupation taxes generated by retail
26 sales of tangible personal property.

1 An updated report must be filed by the county within 30
2 days after the execution of any amendment made to an agreement.

3 Reports filed with the Department pursuant to this Section
4 shall not constitute tax returns.

5 (e) The Department and the county shall redact the sales
6 figures, the amount of sales tax collected, and the amount of
7 sales tax rebated prior to disclosure of information contained
8 in a report required by this Section or the Freedom of
9 Information Act. The information redacted shall be exempt from
10 the provisions of the Freedom of Information Act.

11 (f) All reports, except the copy of the agreement, required
12 to be filed with the Department of Revenue pursuant to this
13 Section shall be posted on the Department's website within 6
14 months after the effective date of this amendatory Act of the
15 97th General Assembly. The website shall be updated on a
16 monthly basis to include newly received reports.

17 (Source: P.A. 97-976, eff. 1-1-13; 98-463, eff. 8-16-13.)

18 Section 60. The Illinois Municipal Code is amended by
19 changing Section 8-11-21 as follows:

20 (65 ILCS 5/8-11-21)

21 Sec. 8-11-21. Agreements to share or rebate occupation
22 taxes.

23 (a) On and after June 1, 2004, the corporate authorities of
24 a municipality shall not enter into any agreement to share or

1 rebate any portion of retailers' occupation taxes generated by
2 retail sales of tangible personal property if: (1) the tax on
3 those retail sales, absent the agreement, would have been paid
4 to another unit of local government; and (2) the retailer
5 maintains, within that other unit of local government, a retail
6 location from which the tangible personal property is delivered
7 to purchasers, or a warehouse from which the tangible personal
8 property is delivered to purchasers. Any unit of local
9 government denied retailers' occupation tax revenue because of
10 an agreement that violates this Section may file an action in
11 circuit court against only the municipality. Any agreement
12 entered into prior to June 1, 2004 is not affected by this
13 amendatory Act of the 93rd General Assembly. Any unit of local
14 government that prevails in the circuit court action is
15 entitled to damages in the amount of the tax revenue it was
16 denied as a result of the agreement, statutory interest, costs,
17 reasonable attorney's fees, and an amount equal to 50% of the
18 tax.

19 (b) On and after the effective date of this amendatory Act
20 of the 93rd General Assembly, a home rule unit shall not enter
21 into any agreement prohibited by this Section. This Section is
22 a denial and limitation of home rule powers and functions under
23 subsection (g) of Section 6 of Article VII of the Illinois
24 Constitution.

25 (c) Any municipality that enters into an agreement to share
26 or rebate any portion of retailers' occupation taxes generated

1 by retail sales of tangible personal property must complete and
2 submit a report by electronic filing to the Department of
3 Revenue within 30 days after the execution of the agreement.
4 Any municipality that has entered into such an agreement before
5 the effective date of this amendatory Act of the 97th General
6 Assembly that has not been terminated or expired as of the
7 effective date of this amendatory Act of the 97th General
8 Assembly shall submit a report with respect to the agreements
9 within 90 days after the effective date of this amendatory Act
10 of the 97th General Assembly.

11 Any agreement entered into on or after the effective date
12 of this amendatory Act of the 98th General Assembly is not
13 valid until the municipality entering into the agreement
14 complies with the requirements set forth in this subsection.
15 Any municipality that fails to comply with the requirements set
16 forth in this subsection within the 30 days after the execution
17 of the agreement shall be responsible for paying to the
18 Department of Revenue a delinquency penalty of \$20 per day for
19 each day the municipality fails to submit a report by
20 electronic filing to the Department of Revenue. A municipality
21 that has previously failed to report an agreement in effect on
22 the effective date of this subsection will begin to accrue a
23 delinquency penalty for each day the agreement remains
24 unreported beginning on the effective date of this subsection.
25 The Department of Revenue may adopt rules to implement and
26 administer these penalties.

1 (d) The report described in this Section shall be made on a
2 form to be supplied by the Department of Revenue and shall
3 contain the following:

4 (1) the names of the municipality and the business
5 entering into the agreement;

6 (2) the location or locations of the business within
7 the municipality;

8 (3) a statement, to be answered in the affirmative or
9 negative, as to whether or not the company maintains
10 additional places of business in the State other than those
11 described pursuant to paragraph (2);

12 (4) the terms of the agreement, including (i) the
13 manner in which the amount of any retailers' occupation tax
14 to be shared, rebated, or refunded is to be determined each
15 year for the duration of the agreement, (ii) the duration
16 of the agreement, and (iii) the name of any business who is
17 not a party to the agreement but who directly or indirectly
18 receives a share, refund, or rebate of the retailers'
19 occupation tax; and

20 (5) a copy of the agreement to share or rebate any
21 portion of retailers' occupation taxes generated by retail
22 sales of tangible personal property.

23 An updated report must be filed by the municipality within
24 30 days after the execution of any amendment made to an
25 agreement.

26 Reports filed with the Department pursuant to this Section

1 shall not constitute tax returns.

2 (e) The Department and the municipality shall redact the
3 sales figures, the amount of sales tax collected, and the
4 amount of sales tax rebated prior to disclosure of information
5 contained in a report required by this Section or the Freedom
6 of Information Act. The information redacted shall be exempt
7 from the provisions of the Freedom of Information Act.

8 (f) All reports, except the copy of the agreement, required
9 to be filed with the Department of Revenue pursuant to this
10 Section shall be posted on the Department's website within 6
11 months after the effective date of this amendatory Act of the
12 97th General Assembly. The website shall be updated on a
13 monthly basis to include newly received reports.

14 (Source: P.A. 97-976, eff. 1-1-13; 98-463, eff. 8-16-13.)"

15 Section 65. The Civic Center Code is amended by changing
16 Section 245-12 as follows:

17 (70 ILCS 200/245-12)

18 Sec. 245-12. Use and occupation taxes.

19 (a) The Authority may adopt a resolution that authorizes a
20 referendum on the question of whether the Authority shall be
21 authorized to impose a retailers' occupation tax, a service
22 occupation tax, and a use tax in one-quarter percent increments
23 at a rate not to exceed 1%. The Authority shall certify the
24 question to the proper election authorities who shall submit

1 the question to the voters of the metropolitan area at the next
2 regularly scheduled election in accordance with the general
3 election law. The question shall be in substantially the
4 following form:

5 "Shall the Salem Civic Center Authority be authorized to
6 impose a retailers' occupation tax, a service occupation
7 tax, and a use tax at the rate of (rate) for the sole
8 purpose of obtaining funds for the support, construction,
9 maintenance, or financing of a facility of the Authority?"

10 Votes shall be recorded as "yes" or "no". If a majority of
11 all votes cast on the proposition are in favor of the
12 proposition, the Authority is authorized to impose the tax.

13 (b) The Authority shall impose the retailers' occupation
14 tax upon all persons engaged in the business of selling
15 tangible personal property at retail in the metropolitan area,
16 at the rate approved by referendum, on the gross receipts from
17 the sales made in the course of such business within the
18 metropolitan area. The tax imposed under this Section and all
19 civil penalties that may be assessed as an incident thereof
20 shall be collected and enforced by the Department of Revenue.
21 The Department has full power to administer and enforce this
22 Section; to collect all taxes and penalties so collected in the
23 manner provided in this Section; and to determine all rights to
24 credit memoranda arising on account of the erroneous payment of
25 tax or penalty hereunder. In the administration of, and
26 compliance with, this Section, the Department and persons who

1 are subject to this Section shall (i) have the same rights,
2 remedies, privileges, immunities, powers and duties, (ii) be
3 subject to the same conditions, restrictions, limitations,
4 penalties, exclusions, exemptions, and definitions of terms,
5 and (iii) employ the same modes of procedure as are prescribed
6 in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2,
7 2-5, 2-5.5, 2-10 (in respect to all provisions therein other
8 than the State rate of tax), 2-12, 2-15 through 2-70, 2a, 2b,
9 2c, 3 (except as to the disposition of taxes and penalties
10 collected and provisions related to quarter monthly payments),
11 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c,
12 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation
13 Tax Act and Section 3-7 of the Uniform Penalty and Interest
14 Act, as fully as if those provisions were set forth in this
15 subsection.

16 Persons subject to any tax imposed under this subsection
17 may reimburse themselves for their seller's tax liability by
18 separately stating the tax as an additional charge, which
19 charge may be stated in combination, in a single amount, with
20 State taxes that sellers are required to collect, in accordance
21 with such bracket schedules as the Department may prescribe.

22 Whenever the Department determines that a refund should be
23 made under this subsection to a claimant instead of issuing a
24 credit memorandum, the Department shall notify the State
25 Comptroller, who shall cause the warrant to be drawn for the
26 amount specified, and to the person named, in the notification

1 from the Department. The refund shall be paid by the State
2 Treasurer out of the tax fund referenced under paragraph (g) of
3 this Section.

4 If a tax is imposed under this subsection (b), a tax shall
5 also be imposed at the same rate under subsections (c) and (d)
6 of this Section.

7 For the purpose of determining whether a tax authorized
8 under this Section is applicable, a retail sale, by a producer
9 of coal or other mineral mined in Illinois, is a sale at retail
10 at the place where the coal or other mineral mined in Illinois
11 is extracted from the earth. This paragraph does not apply to
12 coal or other mineral when it is delivered or shipped by the
13 seller to the purchaser at a point outside Illinois so that the
14 sale is exempt under the Federal Constitution as a sale in
15 interstate or foreign commerce.

16 Nothing in this Section shall be construed to authorize the
17 Authority to impose a tax upon the privilege of engaging in any
18 business which under the Constitution of the United States may
19 not be made the subject of taxation by this State.

20 (c) If a tax has been imposed under subsection (b), a
21 service occupation tax shall also be imposed at the same rate
22 upon all persons engaged, in the metropolitan area, in the
23 business of making sales of service, who, as an incident to
24 making those sales of service, transfer tangible personal
25 property within the metropolitan area as an incident to a sale
26 of service. The tax imposed under this subsection and all civil

1 penalties that may be assessed as an incident thereof shall be
2 collected and enforced by the Department of Revenue. The
3 Department has full power to administer and enforce this
4 paragraph; to collect all taxes and penalties due hereunder; to
5 dispose of taxes and penalties so collected in the manner
6 hereinafter provided; and to determine all rights to credit
7 memoranda arising on account of the erroneous payment of tax or
8 penalty hereunder. In the administration of, and compliance
9 with this paragraph, the Department and persons who are subject
10 to this paragraph shall (i) have the same rights, remedies,
11 privileges, immunities, powers, and duties, (ii) be subject to
12 the same conditions, restrictions, limitations, penalties,
13 exclusions, exemptions, and definitions of terms, and (iii)
14 employ the same modes of procedure as are prescribed in
15 Sections 2 (except that the reference to State in the
16 definition of supplier maintaining a place of business in this
17 State shall mean the metropolitan area), 2a, 2b, 3 through 3-55
18 (in respect to all provisions therein other than the State rate
19 of tax), 4 (except that the reference to the State shall be to
20 the Authority), 5, 7, 8 (except that the jurisdiction to which
21 the tax shall be a debt to the extent indicated in that Section
22 8 shall be the Authority), 9 (except as to the disposition of
23 taxes and penalties collected, and except that the returned
24 merchandise credit for this tax may not be taken against any
25 State tax), 11, 12 (except the reference therein to Section 2b
26 of the Retailers' Occupation Tax Act), 13 (except that any

1 reference to the State shall mean the Authority), 15, 16, 17,
2 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7
3 of the Uniform Penalty and Interest Act, as fully as if those
4 provisions were set forth herein.

5 Persons subject to any tax imposed under the authority
6 granted in this subsection may reimburse themselves for their
7 serviceman's tax liability by separately stating the tax as an
8 additional charge, which charge may be stated in combination,
9 in a single amount, with State tax that servicemen are
10 authorized to collect under the Service Use Tax Act, in
11 accordance with such bracket schedules as the Department may
12 prescribe.

13 Whenever the Department determines that a refund should be
14 made under this subsection to a claimant instead of issuing a
15 credit memorandum, the Department shall notify the State
16 Comptroller, who shall cause the warrant to be drawn for the
17 amount specified, and to the person named, in the notification
18 from the Department. The refund shall be paid by the State
19 Treasurer out of the tax fund referenced under paragraph (g) of
20 this Section.

21 Nothing in this paragraph shall be construed to authorize
22 the Authority to impose a tax upon the privilege of engaging in
23 any business which under the Constitution of the United States
24 may not be made the subject of taxation by the State.

25 (d) If a tax has been imposed under subsection (b), a use
26 tax shall also be imposed at the same rate upon the privilege

1 of using, in the metropolitan area, any item of tangible
2 personal property that is purchased outside the metropolitan
3 area at retail from a retailer, and that is titled or
4 registered at a location within the metropolitan area with an
5 agency of this State's government. "Selling price" is defined
6 as in the Use Tax Act. The tax shall be collected from persons
7 whose Illinois address for titling or registration purposes is
8 given as being in the metropolitan area. The tax shall be
9 collected by the Department of Revenue for the Authority. The
10 tax must be paid to the State, or an exemption determination
11 must be obtained from the Department of Revenue, before the
12 title or certificate of registration for the property may be
13 issued. The tax or proof of exemption may be transmitted to the
14 Department by way of the State agency with which, or the State
15 officer with whom, the tangible personal property must be
16 titled or registered if the Department and the State agency or
17 State officer determine that this procedure will expedite the
18 processing of applications for title or registration.

19 The Department has full power to administer and enforce
20 this paragraph; to collect all taxes, penalties and interest
21 due hereunder; to dispose of taxes, penalties and interest so
22 collected in the manner hereinafter provided; and to determine
23 all rights to credit memoranda or refunds arising on account of
24 the erroneous payment of tax, penalty or interest hereunder. In
25 the administration of, and compliance with, this subsection,
26 the Department and persons who are subject to this paragraph

1 shall (i) have the same rights, remedies, privileges,
2 immunities, powers, and duties, (ii) be subject to the same
3 conditions, restrictions, limitations, penalties, exclusions,
4 exemptions, and definitions of terms, and (iii) employ the same
5 modes of procedure as are prescribed in Sections 2 (except the
6 definition of "retailer maintaining a place of business in this
7 State"), 3, 3-5, 3-10, 3-45, 3-55, 3-65, 3-70, 3-85, 3a, 4, 6,
8 7, 8 (except that the jurisdiction to which the tax shall be a
9 debt to the extent indicated in that Section 8 shall be the
10 Authority), 9 (except provisions relating to quarter monthly
11 payments), 10, 11, 12, 12a, 12b, 13, 14, 15, 19, 20, 21, and 22
12 of the Use Tax Act and Section 3-7 of the Uniform Penalty and
13 Interest Act, that are not inconsistent with this paragraph, as
14 fully as if those provisions were set forth herein.

15 Whenever the Department determines that a refund should be
16 made under this subsection to a claimant instead of issuing a
17 credit memorandum, the Department shall notify the State
18 Comptroller, who shall cause the order to be drawn for the
19 amount specified, and to the person named, in the notification
20 from the Department. The refund shall be paid by the State
21 Treasurer out of the tax fund referenced under paragraph (g) of
22 this Section.

23 (e) A certificate of registration issued by the State
24 Department of Revenue to a retailer under the Retailers'
25 Occupation Tax Act or under the Service Occupation Tax Act
26 shall permit the registrant to engage in a business that is

1 taxed under the tax imposed under paragraphs (b), (c), or (d)
2 of this Section and no additional registration shall be
3 required. A certificate issued under the Use Tax Act or the
4 Service Use Tax Act shall be applicable with regard to any tax
5 imposed under paragraph (c) of this Section.

6 (f) The results of any election authorizing a proposition
7 to impose a tax under this Section or effecting a change in the
8 rate of tax shall be certified by the proper election
9 authorities and filed with the Illinois Department on or before
10 the first day of April. In addition, an ordinance imposing,
11 discontinuing, or effecting a change in the rate of tax under
12 this Section shall be adopted and a certified copy thereof
13 filed with the Department on or before the first day of April.
14 After proper receipt of such certifications, the Department
15 shall proceed to administer and enforce this Section as of the
16 first day of July next following such adoption and filing.

17 (g) The Department of Revenue shall, upon collecting any
18 taxes and penalties as provided in this Section, pay the taxes
19 and penalties over to the State Treasurer as trustee for the
20 Authority. The taxes and penalties shall be held in a trust
21 fund outside the State Treasury. On or before the 25th day of
22 each calendar month, the Department of Revenue shall prepare
23 and certify to the Comptroller of the State of Illinois the
24 amount to be paid to the Authority, which shall be the balance
25 in the fund, less any amount determined by the Department to be
26 necessary for the payment of refunds. Within 10 days after

1 receipt by the Comptroller of the certification of the amount
2 to be paid to the Authority, the Comptroller shall cause an
3 order to be drawn for payment for the amount in accordance with
4 the directions contained in the certification. Amounts
5 received from the tax imposed under this Section shall be used
6 only for the support, construction, maintenance, or financing
7 of a facility of the Authority.

8 (h) When certifying the amount of a monthly disbursement to
9 the Authority under this Section, the Department shall increase
10 or decrease the amounts by an amount necessary to offset any
11 miscalculation of previous disbursements. The offset amount
12 shall be the amount erroneously disbursed within the previous 6
13 months from the time a miscalculation is discovered.

14 (i) This Section may be cited as the Salem Civic Center Use
15 and Occupation Tax Law.

16 (Source: P.A. 90-328, eff. 1-1-98.)

17 Section 70. The Metro-East Park and Recreation District Act
18 is amended by changing Section 30 as follows:

19 (70 ILCS 1605/30)

20 Sec. 30. Taxes.

21 (a) The board shall impose a tax upon all persons engaged
22 in the business of selling tangible personal property, other
23 than personal property titled or registered with an agency of
24 this State's government, at retail in the District on the gross

1 receipts from the sales made in the course of business. This
2 tax shall be imposed only at the rate of one-tenth of one per
3 cent.

4 This additional tax may not be imposed on the sales of food
5 for human consumption that is to be consumed off the premises
6 where it is sold (other than alcoholic beverages, soft drinks,
7 and food which has been prepared for immediate consumption) and
8 prescription and non-prescription medicines, drugs, medical
9 appliances, and insulin, urine testing materials, syringes,
10 and needles used by diabetics. The tax imposed by the Board
11 under this Section and all civil penalties that may be assessed
12 as an incident of the tax shall be collected and enforced by
13 the Department of Revenue. The certificate of registration that
14 is issued by the Department to a retailer under the Retailers'
15 Occupation Tax Act shall permit the retailer to engage in a
16 business that is taxable without registering separately with
17 the Department under an ordinance or resolution under this
18 Section. The Department has full power to administer and
19 enforce this Section, to collect all taxes and penalties due
20 under this Section, to dispose of taxes and penalties so
21 collected in the manner provided in this Section, and to
22 determine all rights to credit memoranda arising on account of
23 the erroneous payment of a tax or penalty under this Section.
24 In the administration of and compliance with this Section, the
25 Department and persons who are subject to this Section shall
26 (i) have the same rights, remedies, privileges, immunities,

1 powers, and duties, (ii) be subject to the same conditions,
2 restrictions, limitations, penalties, and definitions of
3 terms, and (iii) employ the same modes of procedure as are
4 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m,
5 1n, 2, 2-5, 2-5.5, 2-10 (in respect to all provisions contained
6 in those Sections other than the State rate of tax), 2-12, 2-15
7 through 2-70, 2a, 2b, 2c, 3 (except provisions relating to
8 transaction returns and quarter monthly payments), 4, 5, 5a,
9 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8,
10 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act
11 and the Uniform Penalty and Interest Act as if those provisions
12 were set forth in this Section.

13 Persons subject to any tax imposed under the authority
14 granted in this Section may reimburse themselves for their
15 sellers' tax liability by separately stating the tax as an
16 additional charge, which charge may be stated in combination,
17 in a single amount, with State tax which sellers are required
18 to collect under the Use Tax Act, pursuant to such bracketed
19 schedules as the Department may prescribe.

20 Whenever the Department determines that a refund should be
21 made under this Section to a claimant instead of issuing a
22 credit memorandum, the Department shall notify the State
23 Comptroller, who shall cause the order to be drawn for the
24 amount specified and to the person named in the notification
25 from the Department. The refund shall be paid by the State
26 Treasurer out of the State Metro-East Park and Recreation

1 District Fund.

2 (b) If a tax has been imposed under subsection (a), a
3 service occupation tax shall also be imposed at the same rate
4 upon all persons engaged, in the District, in the business of
5 making sales of service, who, as an incident to making those
6 sales of service, transfer tangible personal property within
7 the District as an incident to a sale of service. This tax may
8 not be imposed on sales of food for human consumption that is
9 to be consumed off the premises where it is sold (other than
10 alcoholic beverages, soft drinks, and food prepared for
11 immediate consumption) and prescription and non-prescription
12 medicines, drugs, medical appliances, and insulin, urine
13 testing materials, syringes, and needles used by diabetics. The
14 tax imposed under this subsection and all civil penalties that
15 may be assessed as an incident thereof shall be collected and
16 enforced by the Department of Revenue. The Department has full
17 power to administer and enforce this subsection; to collect all
18 taxes and penalties due hereunder; to dispose of taxes and
19 penalties so collected in the manner hereinafter provided; and
20 to determine all rights to credit memoranda arising on account
21 of the erroneous payment of tax or penalty hereunder. In the
22 administration of, and compliance with this subsection, the
23 Department and persons who are subject to this paragraph shall
24 (i) have the same rights, remedies, privileges, immunities,
25 powers, and duties, (ii) be subject to the same conditions,
26 restrictions, limitations, penalties, exclusions, exemptions,

1 and definitions of terms, and (iii) employ the same modes of
2 procedure as are prescribed in Sections 2 (except that the
3 reference to State in the definition of supplier maintaining a
4 place of business in this State shall mean the District), 2a,
5 2b, 2c, 3 through 3-50 (in respect to all provisions therein
6 other than the State rate of tax), 4 (except that the reference
7 to the State shall be to the District), 5, 7, 8 (except that
8 the jurisdiction to which the tax shall be a debt to the extent
9 indicated in that Section 8 shall be the District), 9 (except
10 as to the disposition of taxes and penalties collected), 10,
11 11, 12 (except the reference therein to Section 2b of the
12 Retailers' Occupation Tax Act), 13 (except that any reference
13 to the State shall mean the District), Sections 15, 16, 17, 18,
14 19 and 20 of the Service Occupation Tax Act and the Uniform
15 Penalty and Interest Act, as fully as if those provisions were
16 set forth herein.

17 Persons subject to any tax imposed under the authority
18 granted in this subsection may reimburse themselves for their
19 serviceman's tax liability by separately stating the tax as an
20 additional charge, which charge may be stated in combination,
21 in a single amount, with State tax that servicemen are
22 authorized to collect under the Service Use Tax Act, in
23 accordance with such bracket schedules as the Department may
24 prescribe.

25 Whenever the Department determines that a refund should be
26 made under this subsection to a claimant instead of issuing a

1 credit memorandum, the Department shall notify the State
2 Comptroller, who shall cause the warrant to be drawn for the
3 amount specified, and to the person named, in the notification
4 from the Department. The refund shall be paid by the State
5 Treasurer out of the State Metro-East Park and Recreation
6 District Fund.

7 Nothing in this subsection shall be construed to authorize
8 the board to impose a tax upon the privilege of engaging in any
9 business which under the Constitution of the United States may
10 not be made the subject of taxation by the State.

11 (c) The Department shall immediately pay over to the State
12 Treasurer, ex officio, as trustee, all taxes and penalties
13 collected under this Section to be deposited into the State
14 Metro-East Park and Recreation District Fund, which shall be an
15 unappropriated trust fund held outside of the State treasury.

16 As soon as possible after the first day of each month,
17 beginning January 1, 2011, upon certification of the Department
18 of Revenue, the Comptroller shall order transferred, and the
19 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
20 local sales tax increment, as defined in the Innovation
21 Development and Economy Act, collected under this Section
22 during the second preceding calendar month for sales within a
23 STAR bond district. The Department shall make this
24 certification only if the Metro East Park and Recreation
25 District imposes a tax on real property as provided in the
26 definition of "local sales taxes" under the Innovation

1 Development and Economy Act.

2 After the monthly transfer to the STAR Bonds Revenue Fund,
3 on or before the 25th day of each calendar month, the
4 Department shall prepare and certify to the Comptroller the
5 disbursement of stated sums of money pursuant to Section 35 of
6 this Act to the District from which retailers have paid taxes
7 or penalties to the Department during the second preceding
8 calendar month. The amount to be paid to the District shall be
9 the amount (not including credit memoranda) collected under
10 this Section during the second preceding calendar month by the
11 Department plus an amount the Department determines is
12 necessary to offset any amounts that were erroneously paid to a
13 different taxing body, and not including (i) an amount equal to
14 the amount of refunds made during the second preceding calendar
15 month by the Department on behalf of the District, (ii) any
16 amount that the Department determines is necessary to offset
17 any amounts that were payable to a different taxing body but
18 were erroneously paid to the District, and (iii) any amounts
19 that are transferred to the STAR Bonds Revenue Fund. Within 10
20 days after receipt by the Comptroller of the disbursement
21 certification to the District provided for in this Section to
22 be given to the Comptroller by the Department, the Comptroller
23 shall cause the orders to be drawn for the respective amounts
24 in accordance with directions contained in the certification.

25 (d) For the purpose of determining whether a tax authorized
26 under this Section is applicable, a retail sale by a producer

1 of coal or another mineral mined in Illinois is a sale at
2 retail at the place where the coal or other mineral mined in
3 Illinois is extracted from the earth. This paragraph does not
4 apply to coal or another mineral when it is delivered or
5 shipped by the seller to the purchaser at a point outside
6 Illinois so that the sale is exempt under the United States
7 Constitution as a sale in interstate or foreign commerce.

8 (e) Nothing in this Section shall be construed to authorize
9 the board to impose a tax upon the privilege of engaging in any
10 business that under the Constitution of the United States may
11 not be made the subject of taxation by this State.

12 (f) An ordinance imposing a tax under this Section or an
13 ordinance extending the imposition of a tax to an additional
14 county or counties shall be certified by the board and filed
15 with the Department of Revenue either (i) on or before the
16 first day of April, whereupon the Department shall proceed to
17 administer and enforce the tax as of the first day of July next
18 following the filing; or (ii) on or before the first day of
19 October, whereupon the Department shall proceed to administer
20 and enforce the tax as of the first day of January next
21 following the filing.

22 (g) When certifying the amount of a monthly disbursement to
23 the District under this Section, the Department shall increase
24 or decrease the amounts by an amount necessary to offset any
25 misallocation of previous disbursements. The offset amount
26 shall be the amount erroneously disbursed within the previous 6

1 months from the time a misallocation is discovered.

2 (Source: P.A. 96-939, eff. 6-24-10.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.