



Rep. Barbara Flynn Currie

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1 AMENDMENT TO HOUSE BILL 821

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 821, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

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

7 (35 ILCS 5/704A)

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

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

13 (b) Returns. Every employer shall, in the form and manner  
14 required by the Department, make returns with respect to taxes  
15 withheld or required to be withheld under this Article 7 for  
16 each quarter beginning on or after January 1, 2008, on or

1 before the last day of the first month following the close of  
2 that quarter.

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

5 (1) Semi-weekly payments. For each calendar year, each  
6 employer who withheld or was required to withhold more than  
7 \$12,000 during the one-year period ending on June 30 of the  
8 immediately preceding calendar year, payment must be made:

9 (A) on or before each Friday of the calendar year,  
10 for taxes withheld or required to be withheld on the  
11 immediately preceding Saturday, Sunday, Monday, or  
12 Tuesday;

13 (B) on or before each Wednesday of the calendar  
14 year, for taxes withheld or required to be withheld on  
15 the immediately preceding Wednesday, Thursday, or  
16 Friday.

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

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

26 (3) Monthly payments. Each employer, other than an

1 employer described in items (1) or (2) of this subsection,  
2 shall pay to the Department, on or before the 15th day of  
3 each month the taxes withheld or required to be withheld  
4 during the immediately preceding month.

5 (4) Payments with returns. Each employer shall pay to  
6 the Department, on or before the due date for each return  
7 required to be filed under this Section, any tax withheld  
8 or required to be withheld during the period for which the  
9 return is due and not previously paid to the Department.

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

11 (1) Permit employers, in lieu of the requirements of  
12 subsections (b) and (c), to file annual returns due on or  
13 before January 31 of the year for taxes withheld or  
14 required to be withheld during the previous calendar year  
15 and, if the aggregate amounts required to be withheld by  
16 the employer under this Article 7 (other than amounts  
17 required to be withheld under Section 709.5) do not exceed  
18 \$1,000 for the previous calendar year, to pay the taxes  
19 required to be shown on each such return no later than the  
20 due date for such return.

21 (2) Provide that any payment required to be made under  
22 subsection (c)(1) or (c)(2) is deemed to be timely to the  
23 extent paid by electronic funds transfer on or before the  
24 due date for deposit of federal income taxes withheld from,  
25 or federal employment taxes due with respect to, the wages  
26 from which the Illinois taxes were withheld.

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

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

7           (e) Annual return and payment. Every employer who deducts  
8           and withholds or is required to deduct and withhold tax from a  
9           person engaged in domestic service employment, as that term is  
10          defined in Section 3510 of the Internal Revenue Code, may  
11          comply with the requirements of this Section with respect to  
12          such employees by filing an annual return and paying the taxes  
13          required to be deducted and withheld on or before the 15th day  
14          of the fourth month following the close of the employer's  
15          taxable year. The Department may allow the employer's return to  
16          be submitted with the employer's individual income tax return  
17          or to be submitted with a return due from the employer under  
18          Section 1400.2 of the Unemployment Insurance Act.

19          (f) Magnetic media and electronic filing.

20          With respect to taxes withheld in calendar years prior to  
21          2017, any ~~Any~~ W-2 Form that, under the Internal Revenue Code  
22          and regulations promulgated thereunder, is required to be  
23          submitted to the Internal Revenue Service on magnetic media or  
24          electronically must also be submitted to the Department on  
25          magnetic media or electronically for Illinois purposes, if  
26          required by the Department.

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

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

8       (g) For amounts deducted or withheld after December 31,  
9 2009, a taxpayer who makes an election under subsection (f) of  
10 Section 5-15 of the Economic Development for a Growing Economy  
11 Tax Credit Act for a taxable year shall be allowed a credit  
12 against payments due under this Section for amounts withheld  
13 during the first calendar year beginning after the end of that  
14 taxable year equal to the amount of the credit for the  
15 incremental income tax attributable to full-time employees of  
16 the taxpayer awarded to the taxpayer by the Department of  
17 Commerce and Economic Opportunity under the Economic  
18 Development for a Growing Economy Tax Credit Act for the  
19 taxable year and credits not previously claimed and allowed to  
20 be carried forward under Section 211(4) of this Act as provided  
21 in subsection (f) of Section 5-15 of the Economic Development  
22 for a Growing Economy Tax Credit Act. The credit or credits may  
23 not reduce the taxpayer's obligation for any payment due under  
24 this Section to less than zero. If the amount of the credit or  
25 credits exceeds the total payments due under this Section with  
26 respect to amounts withheld during the calendar year, the

1 excess may be carried forward and applied against the  
2 taxpayer's liability under this Section in the succeeding  
3 calendar years as allowed to be carried forward under paragraph  
4 (4) of Section 211 of this Act. The credit or credits shall be  
5 applied to the earliest year for which there is a tax  
6 liability. If there are credits from more than one taxable year  
7 that are available to offset a liability, the earlier credit  
8 shall be applied first. Each employer who deducts and withholds  
9 or is required to deduct and withhold tax under this Act and  
10 who retains income tax withholdings under subsection (f) of  
11 Section 5-15 of the Economic Development for a Growing Economy  
12 Tax Credit Act must make a return with respect to such taxes  
13 and retained amounts in the form and manner that the  
14 Department, by rule, requires and pay to the Department or to a  
15 depository designated by the Department those withheld taxes  
16 not retained by the taxpayer. For purposes of this subsection  
17 (g), the term taxpayer shall include taxpayer and members of  
18 the taxpayer's unitary business group as defined under  
19 paragraph (27) of subsection (a) of Section 1501 of this Act.  
20 This Section is exempt from the provisions of Section 250 of  
21 this Act.

22 (h) An employer may claim a credit against payments due  
23 under this Section for amounts withheld during the first  
24 calendar year ending after the date on which a tax credit  
25 certificate was issued under Section 35 of the Small Business  
26 Job Creation Tax Credit Act. The credit shall be equal to the

1 amount shown on the certificate, but may not reduce the  
2 taxpayer's obligation for any payment due under this Section to  
3 less than zero. If the amount of the credit exceeds the total  
4 payments due under this Section with respect to amounts  
5 withheld during the calendar year, the excess may be carried  
6 forward and applied against the taxpayer's liability under this  
7 Section in the 5 succeeding calendar years. The credit shall be  
8 applied to the earliest year for which there is a tax  
9 liability. If there are credits from more than one calendar  
10 year that are available to offset a liability, the earlier  
11 credit shall be applied first. This Section is exempt from the  
12 provisions of Section 250 of this Act.

13 (Source: P.A. 96-834, eff. 12-14-09; 96-888, eff. 4-13-10;  
14 96-905, eff. 6-4-10; 96-1027, eff. 7-12-10; 97-333, eff.  
15 8-12-11; 97-507, eff. 8-23-11.)

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

18 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

19 Sec. 9. Except as to motor vehicles, watercraft, aircraft,  
20 and trailers that are required to be registered with an agency  
21 of this State, each retailer required or authorized to collect  
22 the tax imposed by this Act shall pay to the Department the  
23 amount of such tax (except as otherwise provided) at the time  
24 when he is required to file his return for the period during

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

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



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

5 Except as provided in this Section, on or before the  
6 twentieth day of each calendar month, such retailer shall file  
7 a return for the preceding calendar month. Such return shall be  
8 filed on forms prescribed by the Department and shall furnish  
9 such information as the Department may reasonably require. On  
10 and after January 1, 2018, except for returns for motor  
11 vehicles, watercraft, aircraft, and trailers that are required  
12 to be registered with an agency of this State, with respect to  
13 retailers whose annual gross receipts average \$20,000 or more,  
14 all returns required to be filed pursuant to this Act shall be  
15 filed electronically. Retailers who demonstrate that they do  
16 not have access to the Internet or demonstrate hardship in  
17 filing electronically may petition the Department to waive the  
18 electronic filing requirement.

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

26 1. The name of the seller;

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

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

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

11          5. The amount of tax due;

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

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

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

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

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

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

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

26 All taxpayers required to make payment by electronic funds

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

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

7 Before October 1, 2000, if the taxpayer's average monthly  
8 tax liability to the Department under this Act, the Retailers'  
9 Occupation Tax Act, the Service Occupation Tax Act, the Service  
10 Use Tax Act was \$10,000 or more during the preceding 4 complete  
11 calendar quarters, he shall file a return with the Department  
12 each month by the 20th day of the month next following the  
13 month during which such tax liability is incurred and shall  
14 make payments to the Department on or before the 7th, 15th,  
15 22nd and last day of the month during which such liability is  
16 incurred. On and after October 1, 2000, if the taxpayer's  
17 average monthly tax liability to the Department under this Act,  
18 the Retailers' Occupation Tax Act, the Service Occupation Tax  
19 Act, and the Service Use Tax Act was \$20,000 or more during the  
20 preceding 4 complete calendar quarters, he shall file a return  
21 with the Department each month by the 20th day of the month  
22 next following the month during which such tax liability is  
23 incurred and shall make payment to the Department on or before  
24 the 7th, 15th, 22nd and last day of the month during which such  
25 liability is incurred. If the month during which such tax  
26 liability is incurred began prior to January 1, 1985, each

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

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

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

23 If any such payment provided for in this Section exceeds  
24 the taxpayer's liabilities under this Act, the Retailers'  
25 Occupation Tax Act, the Service Occupation Tax Act and the  
26 Service Use Tax Act, as shown by an original monthly return,

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

24 If the retailer is otherwise required to file a monthly  
25 return and if the retailer's average monthly tax liability to  
26 the Department does not exceed \$200, the Department may



1 authorize his returns to be filed on a quarter annual basis,  
2 with the return for January, February, and March of a given  
3 year being due by April 20 of such year; with the return for  
4 April, May and June of a given year being due by July 20 of such  
5 year; with the return for July, August and September of a given  
6 year being due by October 20 of such year, and with the return  
7 for October, November and December of a given year being due by  
8 January 20 of the following year.

9 If the retailer is otherwise required to file a monthly or  
10 quarterly return and if the retailer's average monthly tax  
11 liability to the Department does not exceed \$50, the Department  
12 may authorize his returns to be filed on an annual basis, with  
13 the return for a given year being due by January 20 of the  
14 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 retailer may file his return, in the  
20 case of any retailer who ceases to engage in a kind of business  
21 which makes him responsible for filing returns under this Act,  
22 such retailer shall file a final return under this Act with the  
23 Department not more than one month after discontinuing such  
24 business.

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

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

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

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

17 The transaction reporting return in the case of watercraft  
18 and aircraft must show the name and address of the seller; the  
19 name and address of the purchaser; the amount of the selling  
20 price including the amount allowed by the retailer for  
21 traded-in property, if any; the amount allowed by the retailer  
22 for the traded-in tangible personal property, if any, to the  
23 extent to which Section 2 of this Act allows an exemption for  
24 the value of traded-in property; the balance payable after  
25 deducting such trade-in allowance from the total selling price;  
26 the amount of tax due from the retailer with respect to such

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

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

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

1 whom, he must title or register the tangible personal property  
2 that is involved (if titling or registration is required) in  
3 support of such purchaser's application for an Illinois  
4 certificate or other evidence of title or registration to such  
5 tangible personal property.

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

14 If the user who would otherwise pay tax to the retailer  
15 wants the transaction reporting return filed and the payment of  
16 tax or proof of exemption made to the Department before the  
17 retailer is willing to take these actions and such user has not  
18 paid the tax to the retailer, such user may certify to the fact  
19 of such delay by the retailer, and may (upon the Department  
20 being satisfied of the truth of such certification) transmit  
21 the information required by the transaction reporting return  
22 and the remittance for tax or proof of exemption directly to  
23 the Department and obtain his tax receipt or exemption  
24 determination, in which event the transaction reporting return  
25 and tax remittance (if a tax payment was required) shall be  
26 credited by the Department to the proper retailer's account

1 with the Department, but without the 2.1% or 1.75% discount  
2 provided for in this Section being allowed. When the user pays  
3 the tax directly to the Department, he shall pay the tax in the  
4 same amount and in the same form in which it would be remitted  
5 if the tax had been remitted to the Department by the retailer.

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

22 Any retailer filing a return under this Section shall also  
23 include (for the purpose of paying tax thereon) the total tax  
24 covered by such return upon the selling price of tangible  
25 personal property purchased by him at retail from a retailer,  
26 but as to which the tax imposed by this Act was not collected

1 from the retailer filing such return, and such retailer shall  
2 remit the amount of such tax to the Department when filing such  
3 return.

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

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

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

1 to those devices, and insulin, urine testing materials,  
2 syringes and needles used by diabetics.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 and

6 each fiscal year

7 thereafter that bonds

8 are outstanding under

9 Section 13.2 of the

10 Metropolitan Pier and

11 Exposition Authority Act,

12 but not after fiscal year 2060.

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

26 Subject to payment of amounts into the Build Illinois Fund

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

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

21 Subject to payment of amounts into the Build Illinois Fund,  
22 the McCormick Place Expansion Project Fund, the Illinois Tax  
23 Increment Fund, and the Energy Infrastructure Fund pursuant to  
24 the preceding paragraphs or in any amendments to this Section  
25 hereafter enacted, beginning on the first day of the first  
26 calendar month to occur on or after August 26, 2014 (the



1 effective date of Public Act 98-1098) ~~this amendatory Act of~~  
2 ~~the 98th General Assembly~~, each month, from the collections  
3 made under Section 9 of the Use Tax Act, Section 9 of the  
4 Service Use Tax Act, Section 9 of the Service Occupation Tax  
5 Act, and Section 3 of the Retailers' Occupation Tax Act, the  
6 Department shall pay into the Tax Compliance and Administration  
7 Fund, to be used, subject to appropriation, to fund additional  
8 auditors and compliance personnel at the Department of Revenue,  
9 an amount equal to 1/12 of 5% of 80% of the cash receipts  
10 collected during the preceding fiscal year by the Audit Bureau  
11 of the Department under the Use Tax Act, the Service Use Tax  
12 Act, the Service Occupation Tax Act, the Retailers' Occupation  
13 Tax Act, and associated local occupation and use taxes  
14 administered by the Department.

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

21 As soon as possible after the first day of each month, upon  
22 certification of the Department of Revenue, the Comptroller  
23 shall order transferred and the Treasurer shall transfer from  
24 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
25 equal to 1.7% of 80% of the net revenue realized under this Act  
26 for the second preceding month. Beginning April 1, 2000, this

1 transfer is no longer required and shall not be made.

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

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

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

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

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

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

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

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

1 Internet or demonstrate hardship in filing electronically may  
2 petition the Department to waive the electronic filing  
3 requirement.

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

11 1. The name of the seller;

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

14 3. The total amount of taxable receipts received by him  
15 during the preceding calendar month, including receipts  
16 from charge and time sales, but less all deductions allowed  
17 by law;

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

20 5. The amount of tax due;

21 5-5. The signature of the taxpayer; and

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

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

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

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

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

16           If the serviceman is otherwise required to file a monthly  
17 return and if the serviceman'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 year  
21 being due by April 20 of such year; with the return for April,  
22 May and June of a given year being due by July 20 of such year;  
23 with the return for July, August and September of a given year  
24 being due by October 20 of such year, and with the return for  
25 October, November and December of a given year being due by  
26 January 20 of the following year.

1           If the serviceman is otherwise required to file a monthly  
2 or quarterly return and if the serviceman'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 serviceman may file his return, in the  
12 case of any serviceman who ceases to engage in a kind of  
13 business which makes him responsible for filing returns under  
14 this Act, such serviceman shall file a final return under this  
15 Act with the Department not more than 1 month after  
16 discontinuing such business.

17          Where a serviceman collects the tax with respect to the  
18 selling price of property which he sells and the purchaser  
19 thereafter returns such property and the serviceman refunds the  
20 selling price thereof to the purchaser, such serviceman shall  
21 also refund, to the purchaser, the tax so collected from the  
22 purchaser. When filing his return for the period in which he  
23 refunds such tax to the purchaser, the serviceman may deduct  
24 the amount of the tax so refunded by him to the purchaser from  
25 any other Service Use Tax, Service Occupation Tax, retailers'  
26 occupation tax or use tax which such serviceman may be required

1 to pay or remit to the Department, as shown by such return,  
2 provided that the amount of the tax to be deducted shall  
3 previously have been remitted to the Department by such  
4 serviceman. If the serviceman shall not previously have  
5 remitted the amount of such tax to the Department, he shall be  
6 entitled to no deduction hereunder upon refunding such tax to  
7 the purchaser.

8 Any serviceman filing a return hereunder shall also include  
9 the total tax upon the selling price of tangible personal  
10 property purchased for use by him as an incident to a sale of  
11 service, and such serviceman shall remit the amount of such tax  
12 to the Department when filing such return.

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

19 Where the serviceman has more than one business registered  
20 with the Department under separate registration hereunder,  
21 such serviceman shall not file each return that is due as a  
22 single return covering all such registered businesses, but  
23 shall file separate returns for each such registered business.

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



1 month from the 1% tax on sales of food for human consumption  
2 which is to be consumed off the premises where it is sold  
3 (other than alcoholic beverages, soft drinks and food which has  
4 been prepared for immediate consumption) and prescription and  
5 nonprescription medicines, drugs, medical appliances, products  
6 classified as Class III medical devices, by the United States  
7 Food and Drug Administration that are used for cancer treatment  
8 pursuant to a prescription, as well as any accessories and  
9 components related to those devices, and insulin, urine testing  
10 materials, syringes and needles used by diabetics.

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

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

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

1 been taxed at a rate of 1% prior to September 1, 2009 but that  
2 are now taxed at 6.25%.

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

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

23 Of the remainder of the moneys received by the Department  
24 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
25 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
26 and after July 1, 1989, 3.8% thereof shall be paid into the

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

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

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

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

	Fiscal Year	Total Deposit
23	1993	\$0
24	1994	53,000,000
25	1995	58,000,000

1	1996	61,000,000
2	1997	64,000,000
3	1998	68,000,000
4	1999	71,000,000
5	2000	75,000,000
6	2001	80,000,000
7	2002	93,000,000
8	2003	99,000,000
9	2004	103,000,000
10	2005	108,000,000
11	2006	113,000,000
12	2007	119,000,000
13	2008	126,000,000
14	2009	132,000,000
15	2010	139,000,000
16	2011	146,000,000
17	2012	153,000,000
18	2013	161,000,000
19	2014	170,000,000
20	2015	179,000,000
21	2016	189,000,000
22	2017	199,000,000
23	2018	210,000,000
24	2019	221,000,000
25	2020	233,000,000
26	2021	246,000,000

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

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

20                   Beginning July 20, 1993 and in each month of each fiscal  
21                   year thereafter, one-eighth of the amount requested in the  
22                   certificate of the Chairman of the Metropolitan Pier and  
23                   Exposition Authority for that fiscal year, less the amount  
24                   deposited into the McCormick Place Expansion Project Fund by  
25                   the State Treasurer in the respective month under subsection  
26                   (g) of Section 13 of the Metropolitan Pier and Exposition

1 Authority Act, plus cumulative deficiencies in the deposits  
2 required under this Section for previous months and years,  
3 shall be deposited into the McCormick Place Expansion Project  
4 Fund, until the full amount requested for the fiscal year, but  
5 not in excess of the amount specified above as "Total Deposit",  
6 has been deposited.

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

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



1 Civil Administrative Code of Illinois.

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

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

1 Finance Act.

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

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

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

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

19 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

20 Sec. 9. Each serviceman required or authorized to collect  
21 the tax herein imposed shall pay to the Department the amount  
22 of such tax at the time when he is required to file his return  
23 for the period during which such tax was collectible, less a  
24 discount of 2.1% prior to January 1, 1990, and 1.75% on and

1 after January 1, 1990, or \$5 per calendar year, whichever is  
2 greater, which is allowed to reimburse the serviceman for  
3 expenses incurred in collecting the tax, keeping records,  
4 preparing and filing returns, remitting the tax and supplying  
5 data to the Department on request. The discount allowed under  
6 this Section is allowed only for returns that are filed in the  
7 manner required by this Act. The Department may disallow the  
8 discount for servicemen whose certificate of registration is  
9 revoked at the time the return is filed, but only if the  
10 Department's decision to revoke the certificate of  
11 registration has become final.

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

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

1 and after January 1, 2018, with respect to servicemen whose  
2 annual gross receipts average \$20,000 or more, all returns  
3 required to be filed pursuant to this Act shall be filed  
4 electronically. Servicemen who demonstrate that they do not  
5 have access to the Internet or demonstrate hardship in filing  
6 electronically may petition the Department to waive the  
7 electronic filing requirement.

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, products classified as Class III medical devices by  
23 the United States Food and Drug Administration that are used  
24 for cancer treatment pursuant to a prescription, as well as any  
25 accessories and components related to those devices, and  
26 insulin, urine testing materials, syringes and needles used by

1       diabetics.

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

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

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

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

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

25          Beginning July 1, 2013, each month the Department shall pay  
26       into the Underground Storage Tank Fund from the proceeds

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

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

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

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

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

1 payable for such fiscal year pursuant to clause (b) of the  
 2 preceding sentence. The moneys received by the Department  
 3 pursuant to this Act and required to be deposited into the  
 4 Build Illinois Fund are subject to the pledge, claim and charge  
 5 set forth in Section 12 of the Build Illinois Bond Act.

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

		Total
	Fiscal Year	Deposit
19	1993	\$0
20	1994	53,000,000
21	1995	58,000,000
22	1996	61,000,000
23	1997	64,000,000
24	1998	68,000,000
25	1999	71,000,000

1	2000	75,000,000
2	2001	80,000,000
3	2002	93,000,000
4	2003	99,000,000
5	2004	103,000,000
6	2005	108,000,000
7	2006	113,000,000
8	2007	119,000,000
9	2008	126,000,000
10	2009	132,000,000
11	2010	139,000,000
12	2011	146,000,000
13	2012	153,000,000
14	2013	161,000,000
15	2014	170,000,000
16	2015	179,000,000
17	2016	189,000,000
18	2017	199,000,000
19	2018	210,000,000
20	2019	221,000,000
21	2020	233,000,000
22	2021	246,000,000
23	2022	260,000,000
24	2023	275,000,000
25	2024	275,000,000
26	2025	275,000,000

1	2026	279,000,000
2	2027	292,000,000
3	2028	307,000,000
4	2029	322,000,000
5	2030	338,000,000
6	2031	350,000,000
7	2032	350,000,000

8 and

9 each fiscal year

10 thereafter that bonds

11 are outstanding under

12 Section 13.2 of the

13 Metropolitan Pier and

14 Exposition Authority Act,

15 but not after fiscal year 2060.

16 Beginning July 20, 1993 and in each month of each fiscal  
17 year thereafter, one-eighth of the amount requested in the  
18 certificate of the Chairman of the Metropolitan Pier and  
19 Exposition Authority for that fiscal year, less the amount  
20 deposited into the McCormick Place Expansion Project Fund by  
21 the State Treasurer in the respective month under subsection  
22 (g) of Section 13 of the Metropolitan Pier and Exposition  
23 Authority Act, plus cumulative deficiencies in the deposits  
24 required under this Section for previous months and years,  
25 shall be deposited into the McCormick Place Expansion Project  
26 Fund, until the full amount requested for the fiscal year, but



1 not in excess of the amount specified above as "Total Deposit",  
2 has been deposited.

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

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

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

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

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

24 The Department may, upon separate written notice to a  
25 taxpayer, require the taxpayer to prepare and file with the  
26 Department on a form prescribed by the Department within not

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

21 If the annual information return required by this Section  
22 is not filed when and as required, the taxpayer shall be liable  
23 as follows:

24 (i) Until January 1, 1994, the taxpayer shall be liable  
25 for a penalty equal to 1/6 of 1% of the tax due from such  
26 taxpayer under this Act during the period to be covered by

1 the annual return for each month or fraction of a month  
2 until such return is filed as required, the penalty to be  
3 assessed and collected in the same manner as any other  
4 penalty provided for in this Act.

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

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

16 The foregoing portion of this Section concerning the filing  
17 of an annual information return shall not apply to a serviceman  
18 who is not required to file an income tax return with the  
19 United States Government.

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

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

5 For greater simplicity of administration, it shall be  
6 permissible for manufacturers, importers and wholesalers whose  
7 products are sold by numerous servicemen in Illinois, and who  
8 wish to do so, to assume the responsibility for accounting and  
9 paying to the Department all tax accruing under this Act with  
10 respect to such sales, if the servicemen who are affected do  
11 not make written objection to the Department to this  
12 arrangement.

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

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

19 (35 ILCS 120/2a) (from Ch. 120, par. 441a)

20 Sec. 2a. It is unlawful for any person to engage in the  
21 business of selling tangible personal property at retail in  
22 this State without a certificate of registration from the  
23 Department. Application for a certificate of registration  
24 shall be made to the Department upon forms furnished by it.

1 Each such application shall be signed and verified and shall  
2 state: (1) the name and social security number of the  
3 applicant; (2) the address of his principal place of business;  
4 (3) the address of the principal place of business from which  
5 he engages in the business of selling tangible personal  
6 property at retail in this State and the addresses of all other  
7 places of business, if any (enumerating such addresses, if any,  
8 in a separate list attached to and made a part of the  
9 application), from which he engages in the business of selling  
10 tangible personal property at retail in this State; (4) the  
11 name and address of the person or persons who will be  
12 responsible for filing returns and payment of taxes due under  
13 this Act; (5) in the case of a publicly traded corporation, the  
14 name and title of the Chief Financial Officer, Chief Operating  
15 Officer, and any other officer or employee with responsibility  
16 for preparing tax returns under this Act, ~~along with the last 4~~  
17 ~~digits of each of their social security numbers,~~ and, in the  
18 case of all other corporations, the name, title, and social  
19 security number of each corporate officer; (6) in the case of a  
20 limited liability company, the name, social security number,  
21 and FEIN number of each manager and member; and (7) such other  
22 information as the Department may reasonably require. The  
23 application shall contain an acceptance of responsibility  
24 signed by the person or persons who will be responsible for  
25 filing returns and payment of the taxes due under this Act. If  
26 the applicant will sell tangible personal property at retail

1 through vending machines, his application to register shall  
2 indicate the number of vending machines to be so operated. If  
3 requested by the Department at any time, that person shall  
4 verify the total number of vending machines he or she uses in  
5 his or her business of selling tangible personal property at  
6 retail.

7 The Department may deny a certificate of registration to  
8 any applicant if a person who is named as the owner, a partner,  
9 a manager or member of a limited liability company, or a  
10 corporate officer of the applicant on the application for the  
11 certificate of registration is or has been named as the owner,  
12 a partner, a manager or member of a limited liability company,  
13 or a corporate officer on the application for the certificate  
14 of registration of another retailer that is in default for  
15 moneys due under this Act or any other tax or fee Act  
16 administered by the Department. For purposes of this paragraph  
17 only, in determining whether a person is in default for moneys  
18 due, the Department shall include only amounts established as a  
19 final liability within the 20 years prior to the date of the  
20 Department's notice of denial of a certificate of registration.

21 The Department may require an applicant for a certificate  
22 of registration hereunder to, at the time of filing such  
23 application, furnish a bond from a surety company authorized to  
24 do business in the State of Illinois, or an irrevocable bank  
25 letter of credit or a bond signed by 2 personal sureties who  
26 have filed, with the Department, sworn statements disclosing

1 net assets equal to at least 3 times the amount of the bond to  
2 be required of such applicant, or a bond secured by an  
3 assignment of a bank account or certificate of deposit, stocks  
4 or bonds, conditioned upon the applicant paying to the State of  
5 Illinois all moneys becoming due under this Act and under any  
6 other State tax law or municipal or county tax ordinance or  
7 resolution under which the certificate of registration that is  
8 issued to the applicant under this Act will permit the  
9 applicant to engage in business without registering separately  
10 under such other law, ordinance or resolution. In making a  
11 determination as to whether to require a bond or other  
12 security, the Department shall take into consideration whether  
13 the owner, any partner, any manager or member of a limited  
14 liability company, or a corporate officer of the applicant is  
15 or has been the owner, a partner, a manager or member of a  
16 limited liability company, or a corporate officer of another  
17 retailer that is in default for moneys due under this Act or  
18 any other tax or fee Act administered by the Department; and  
19 whether the owner, any partner, any manager or member of a  
20 limited liability company, or a corporate officer of the  
21 applicant is or has been the owner, a partner, a manager or  
22 member of a limited liability company, or a corporate officer  
23 of another retailer whose certificate of registration has been  
24 revoked within the previous 5 years under this Act or any other  
25 tax or fee Act administered by the Department. If a bond or  
26 other security is required, the Department shall fix the amount



1 of the bond or other security, taking into consideration the  
2 amount of money expected to become due from the applicant under  
3 this Act and under any other State tax law or municipal or  
4 county tax ordinance or resolution under which the certificate  
5 of registration that is issued to the applicant under this Act  
6 will permit the applicant to engage in business without  
7 registering separately under such other law, ordinance, or  
8 resolution. The amount of security required by the Department  
9 shall be such as, in its opinion, will protect the State of  
10 Illinois against failure to pay the amount which may become due  
11 from the applicant under this Act and under any other State tax  
12 law or municipal or county tax ordinance or resolution under  
13 which the certificate of registration that is issued to the  
14 applicant under this Act will permit the applicant to engage in  
15 business without registering separately under such other law,  
16 ordinance or resolution, but the amount of the security  
17 required by the Department shall not exceed three times the  
18 amount of the applicant's average monthly tax liability, or  
19 \$50,000.00, whichever amount is lower.

20 No certificate of registration under this Act shall be  
21 issued by the Department until the applicant provides the  
22 Department with satisfactory security, if required, as herein  
23 provided for.

24 Upon receipt of the application for certificate of  
25 registration in proper form, and upon approval by the  
26 Department of the security furnished by the applicant, if

1 required, the Department shall issue to such applicant a  
2 certificate of registration which shall permit the person to  
3 whom it is issued to engage in the business of selling tangible  
4 personal property at retail in this State. The certificate of  
5 registration shall be conspicuously displayed at the place of  
6 business which the person so registered states in his  
7 application to be the principal place of business from which he  
8 engages in the business of selling tangible personal property  
9 at retail in this State.

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

1 notice to the taxpayer to whom the certificate was issued of  
2 the account period of the delinquent returns, the amount of  
3 tax, penalty and interest due and owing from the taxpayer, and  
4 that the certificate of registration shall not be automatically  
5 renewed upon its expiration date unless the taxpayer, on or  
6 before the date of expiration, has filed and paid the  
7 delinquent returns or paid the defaulted amount in full. A  
8 taxpayer to whom such a notice is issued shall be deemed an  
9 applicant for renewal. The Department shall promulgate  
10 regulations establishing procedures for taxpayers who file  
11 returns on a monthly basis but desire and qualify to change to  
12 a quarterly or yearly filing basis and will no longer be  
13 subject to renewal under this Section, and for taxpayers who  
14 file returns on a yearly or quarterly basis but who desire or  
15 are required to change to a monthly filing basis and will be  
16 subject to renewal under this Section.

17 The Department may in its discretion approve renewal by an  
18 applicant who is in default if, at the time of application for  
19 renewal, the applicant files all of the delinquent returns or  
20 pays to the Department such percentage of the defaulted amount  
21 as may be determined by the Department and agrees in writing to  
22 waive all limitations upon the Department for collection of the  
23 remaining defaulted amount to the Department over a period not  
24 to exceed 5 years from the date of renewal of the certificate;  
25 however, no renewal application submitted by an applicant who  
26 is in default shall be approved if the immediately preceding

1 renewal by the applicant was conditioned upon the installment  
2 payment agreement described in this Section. The payment  
3 agreement herein provided for shall be in addition to and not  
4 in lieu of the security that may be required by this Section of  
5 a taxpayer who is no longer considered a prior continuous  
6 compliance taxpayer. The execution of the payment agreement as  
7 provided in this Act shall not toll the accrual of interest at  
8 the statutory rate.

9 The Department may suspend a certificate of registration if  
10 the Department finds that the person to whom the certificate of  
11 registration has been issued knowingly sold contraband  
12 cigarettes.

13 A certificate of registration issued under this Act more  
14 than 5 years before the effective date of this amendatory Act  
15 of 1989 shall expire and be subject to the renewal provisions  
16 of this Section on the next anniversary of the date of issuance  
17 of such certificate which occurs more than 6 months after the  
18 effective date of this amendatory Act of 1989. A certificate of  
19 registration issued less than 5 years before the effective date  
20 of this amendatory Act of 1989 shall expire and be subject to  
21 the renewal provisions of this Section on the 5th anniversary  
22 of the issuance of the certificate.

23 If the person so registered states that he operates other  
24 places of business from which he engages in the business of  
25 selling tangible personal property at retail in this State, the  
26 Department shall furnish him with a sub-certificate of

1 registration for each such place of business, and the applicant  
2 shall display the appropriate sub-certificate of registration  
3 at each such place of business. All sub-certificates of  
4 registration shall bear the same registration number as that  
5 appearing upon the certificate of registration to which such  
6 sub-certificates relate.

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

26 Where the same person engages in 2 or more businesses of

1 selling tangible personal property at retail in this State,  
2 which businesses are substantially different in character or  
3 engaged in under different trade names or engaged in under  
4 other substantially dissimilar circumstances (so that it is  
5 more practicable, from an accounting, auditing or bookkeeping  
6 standpoint, for such businesses to be separately registered),  
7 the Department may require or permit such person (subject to  
8 the same requirements concerning the furnishing of security as  
9 those that are provided for hereinbefore in this Section as to  
10 each application for a certificate of registration) to apply  
11 for and obtain a separate certificate of registration for each  
12 such business or for any of such businesses, under a single  
13 certificate of registration supplemented by related  
14 sub-certificates of registration.

15 Any person who is registered under the "Retailers'  
16 Occupation Tax Act" as of March 8, 1963, and who, during the  
17 3-year period immediately prior to March 8, 1963, or during a  
18 continuous 3-year period part of which passed immediately  
19 before and the remainder of which passes immediately after  
20 March 8, 1963, has been so registered continuously and who is  
21 determined by the Department not to have been either delinquent  
22 or deficient in the payment of tax liability during that period  
23 under this Act or under any other State tax law or municipal or  
24 county tax ordinance or resolution under which the certificate  
25 of registration that is issued to the registrant under this Act  
26 will permit the registrant to engage in business without

1 registering separately under such other law, ordinance or  
2 resolution, shall be considered to be a Prior Continuous  
3 Compliance taxpayer. Also any taxpayer who has, as verified by  
4 the Department, faithfully and continuously complied with the  
5 condition of his bond or other security under the provisions of  
6 this Act for a period of 3 consecutive years shall be  
7 considered to be a Prior Continuous Compliance taxpayer.

8 Every Prior Continuous Compliance taxpayer shall be exempt  
9 from all requirements under this Act concerning the furnishing  
10 of a bond or other security as a condition precedent to his  
11 being authorized to engage in the business of selling tangible  
12 personal property at retail in this State. This exemption shall  
13 continue for each such taxpayer until such time as he may be  
14 determined by the Department to be delinquent in the filing of  
15 any returns, or is determined by the Department (either through  
16 the Department's issuance of a final assessment which has  
17 become final under the Act, or by the taxpayer's filing of a  
18 return which admits tax that is not paid to be due) to be  
19 delinquent or deficient in the paying of any tax under this Act  
20 or under any other State tax law or municipal or county tax  
21 ordinance or resolution under which the certificate of  
22 registration that is issued to the registrant under this Act  
23 will permit the registrant to engage in business without  
24 registering separately under such other law, ordinance or  
25 resolution, at which time that taxpayer shall become subject to  
26 all the financial responsibility requirements of this Act and,

1 as a condition of being allowed to continue to engage in the  
2 business of selling tangible personal property at retail, may  
3 be required to post bond or other acceptable security with the  
4 Department covering liability which such taxpayer may  
5 thereafter incur. Any taxpayer who fails to pay an admitted or  
6 established liability under this Act may also be required to  
7 post bond or other acceptable security with this Department  
8 guaranteeing the payment of such admitted or established  
9 liability.

10 No certificate of registration shall be issued to any  
11 person who is in default to the State of Illinois for moneys  
12 due under this Act or under any other State tax law or  
13 municipal or county tax ordinance or resolution under which the  
14 certificate of registration that is issued to the applicant  
15 under this Act will permit the applicant to engage in business  
16 without registering separately under such other law, ordinance  
17 or resolution.

18 Any person aggrieved by any decision of the Department  
19 under this Section may, within 20 days after notice of such  
20 decision, protest and request a hearing, whereupon the  
21 Department shall give notice to such person of the time and  
22 place fixed for such hearing and shall hold a hearing in  
23 conformity with the provisions of this Act and then issue its  
24 final administrative decision in the matter to such person. In  
25 the absence of such a protest within 20 days, the Department's  
26 decision shall become final without any further determination



1 being made or notice given.

2 With respect to security other than bonds (upon which the  
3 Department may sue in the event of a forfeiture), if the  
4 taxpayer fails to pay, when due, any amount whose payment such  
5 security guarantees, the Department shall, after such  
6 liability is admitted by the taxpayer or established by the  
7 Department through the issuance of a final assessment that has  
8 become final under the law, convert the security which that  
9 taxpayer has furnished into money for the State, after first  
10 giving the taxpayer at least 10 days' written notice, by  
11 registered or certified mail, to pay the liability or forfeit  
12 such security to the Department. If the security consists of  
13 stocks or bonds or other securities which are listed on a  
14 public exchange, the Department shall sell such securities  
15 through such public exchange. If the security consists of an  
16 irrevocable bank letter of credit, the Department shall convert  
17 the security in the manner provided for in the Uniform  
18 Commercial Code. If the security consists of a bank certificate  
19 of deposit, the Department shall convert the security into  
20 money by demanding and collecting the amount of such bank  
21 certificate of deposit from the bank which issued such  
22 certificate. If the security consists of a type of stocks or  
23 other securities which are not listed on a public exchange, the  
24 Department shall sell such security to the highest and best  
25 bidder after giving at least 10 days' notice of the date, time  
26 and place of the intended sale by publication in the "State

1 Official Newspaper". If the Department realizes more than the  
2 amount of such liability from the security, plus the expenses  
3 incurred by the Department in converting the security into  
4 money, the Department shall pay such excess to the taxpayer who  
5 furnished such security, and the balance shall be paid into the  
6 State Treasury.

7 The Department shall discharge any surety and shall release  
8 and return any security deposited, assigned, pledged or  
9 otherwise provided to it by a taxpayer under this Section  
10 within 30 days after:

11 (1) such taxpayer becomes a Prior Continuous  
12 Compliance taxpayer; or

13 (2) such taxpayer has ceased to collect receipts on  
14 which he is required to remit tax to the Department, has  
15 filed a final tax return, and has paid to the Department an  
16 amount sufficient to discharge his remaining tax  
17 liability, as determined by the Department, under this Act  
18 and under every other State tax law or municipal or county  
19 tax ordinance or resolution under which the certificate of  
20 registration issued under this Act permits the registrant  
21 to engage in business without registering separately under  
22 such other law, ordinance or resolution. The Department  
23 shall make a final determination of the taxpayer's  
24 outstanding tax liability as expeditiously as possible  
25 after his final tax return has been filed; if the  
26 Department cannot make such final determination within 45

1           days after receiving the final tax return, within such  
2           period it shall so notify the taxpayer, stating its reasons  
3           therefor.

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

6           (35 ILCS 120/3) (from Ch. 120, par. 442)

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

12                 1. The name of the seller;

13                 2. His residence address and the address of his  
14                 principal place of business and the address of the  
15                 principal place of business (if that is a different  
16                 address) from which he engages in the business of selling  
17                 tangible personal property at retail in this State;

18                 3. Total amount of receipts received by him during the  
19                 preceding calendar month or quarter, as the case may be,  
20                 from sales of tangible personal property, and from services  
21                 furnished, by him during such preceding calendar month or  
22                 quarter;

23                 4. Total amount received by him during the preceding  
24                 calendar month or quarter on charge and time sales of  
25                 tangible personal property, and from services furnished,

1 by him prior to the month or quarter for which the return  
2 is filed;

3 5. Deductions allowed by law;

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

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

9 8. The amount of tax due;

10 9. The signature of the taxpayer; and

11 10. Such other reasonable information as the  
12 Department may require.

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

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

26 Each return shall be accompanied by the statement of

1 prepaid tax issued pursuant to Section 2e for which credit is  
2 claimed.

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

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

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

5 1. The name of the seller;

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

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

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

16 5. The amount of tax due; and

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

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

1 Department. The Department may adopt rules to require that this  
2 statement be filed in an electronic or telephonic format. Such  
3 rules may provide for exceptions from the filing requirements  
4 of this paragraph. For the purposes of this paragraph, the term  
5 "alcoholic liquor" shall have the meaning prescribed in the  
6 Liquor Control Act of 1934.

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

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

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

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



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

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

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

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

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

26 Any amount which is required to be shown or reported on any

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

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

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

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

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

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

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

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

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

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

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

13 The transaction reporting return in the case of watercraft  
14 or aircraft must show the name and address of the seller; the  
15 name and address of the purchaser; the amount of the selling  
16 price including the amount allowed by the retailer for  
17 traded-in property, if any; the amount allowed by the retailer  
18 for the traded-in tangible personal property, if any, to the  
19 extent to which Section 1 of this Act allows an exemption for  
20 the value of traded-in property; the balance payable after  
21 deducting such trade-in allowance from the total selling price;  
22 the amount of tax due from the retailer with respect to such  
23 transaction; the amount of tax collected from the purchaser by  
24 the retailer on such transaction (or satisfactory evidence that  
25 such tax is not due in that particular instance, if that is  
26 claimed to be the fact); the place and date of the sale, a

1 sufficient identification of the property sold, and such other  
2 information as the Department may reasonably require.

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

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

1 to such tangible personal property.

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

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

1 if the tax had been remitted to the Department by the retailer.

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

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

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

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



1 to Section 2d of this Act shall be included in the amount on  
2 which such 2.1% or 1.75% discount is computed. In the case of  
3 retailers who report and pay the tax on a transaction by  
4 transaction basis, as provided in this Section, such discount  
5 shall be taken with each such tax remittance instead of when  
6 such retailer files his periodic return. The discount allowed  
7 under this Section is allowed only for returns that are filed  
8 in the manner required by this Act. The Department may disallow  
9 the discount for retailers whose certificate of registration is  
10 revoked at the time the return is filed, but only if the  
11 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  
21 September 1, 1985 (the effective date of Public Act 84-221)  
22 ~~this amendatory Act of 1985~~, each payment shall be in an amount  
23 not less than 22.5% of the taxpayer's actual liability under  
24 Section 2d. If the month during which such tax liability is  
25 incurred begins on or after January 1, 1986, each payment shall  
26 be in an amount equal to 22.5% of the taxpayer's actual

1 liability for the month or 27.5% of the taxpayer's liability  
2 for the same calendar month of the preceding calendar year. If  
3 the month during which such tax liability is incurred begins on  
4 or after January 1, 1987, each payment shall be in an amount  
5 equal to 22.5% of the taxpayer's actual liability for the month  
6 or 26.25% of the taxpayer's liability for the same calendar  
7 month of the preceding year. The amount of such quarter monthly  
8 payments shall be credited against the final tax liability of  
9 the taxpayer's return for that month filed under this Section  
10 or Section 2f, as the case may be. Once applicable, the  
11 requirement of the making of quarter monthly payments to the  
12 Department pursuant to this paragraph shall continue until such  
13 taxpayer's average monthly prepaid tax collections during the  
14 preceding 2 complete calendar quarters is \$25,000 or less. If  
15 any such quarter monthly payment is not paid at the time or in  
16 the amount required, the taxpayer shall be liable for penalties  
17 and interest on such difference, except insofar as the taxpayer  
18 has 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, products classified as Class III  
8 medical devices by the United States Food and Drug  
9 Administration that are used for cancer treatment pursuant to a  
10 prescription, as well as any accessories and components related  
11 to those devices, and insulin, urine testing materials,  
12 syringes and needles used by diabetics.

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

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

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

1 pay into the Local Government Tax Fund 16% of the net revenue  
2 realized for the preceding month from the 6.25% general rate on  
3 the selling price of tangible personal property.

4 Beginning August 1, 2000, each month the Department shall  
5 pay into the Local Government Tax Fund 80% of the net revenue  
6 realized for the preceding month from the 1.25% rate on the  
7 selling price of motor fuel and gasohol. Beginning September 1,  
8 2010, each month the Department shall pay into the Local  
9 Government Tax Fund 80% of the net revenue realized for the  
10 preceding month from the 1.25% rate on the selling price of  
11 sales tax holiday items.

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

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

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

16           Beginning July 1, 2015, of the remainder of the moneys  
17 received by the Department under the Use Tax Act, the Service  
18 Use Tax Act, the Service Occupation Tax Act, and this Act, each  
19 month the Department shall deposit \$500,000 into the State  
20 Crime Laboratory Fund.

21           Of the remainder of the moneys received by the Department  
22 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
23 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
24 and after July 1, 1989, 3.8% thereof shall be paid into the  
25 Build Illinois Fund; provided, however, that if in any fiscal  
26 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case

1 may be, of the moneys received by the Department and required  
2 to be paid into the Build Illinois Fund pursuant to this Act,  
3 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax  
4 Act, and Section 9 of the Service Occupation Tax Act, such Acts  
5 being hereinafter called the "Tax Acts" and such aggregate of  
6 2.2% or 3.8%, as the case may be, of moneys being hereinafter  
7 called the "Tax Act Amount", and (2) the amount transferred to  
8 the Build Illinois Fund from the State and Local Sales Tax  
9 Reform Fund shall be less than the Annual Specified Amount (as  
10 hereinafter defined), an amount equal to the difference shall  
11 be immediately paid into the Build Illinois Fund from other  
12 moneys received by the Department pursuant to the Tax Acts; the  
13 "Annual Specified Amount" means the amounts specified below for  
14 fiscal years 1986 through 1993:

15	Fiscal Year	Annual Specified Amount
16	1986	\$54,800,000
17	1987	\$76,650,000
18	1988	\$80,480,000
19	1989	\$88,510,000
20	1990	\$115,330,000
21	1991	\$145,470,000
22	1992	\$182,730,000
23	1993	\$206,520,000;

24 and means the Certified Annual Debt Service Requirement (as  
25 defined in Section 13 of the Build Illinois Bond Act) or the  
26 Tax Act Amount, whichever is greater, for fiscal year 1994 and

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

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

21 Subject to payment of amounts into the Build Illinois Fund  
22 as provided in the preceding paragraph or in any amendment  
23 thereto hereafter enacted, the following specified monthly  
24 installment of the amount requested in the certificate of the  
25 Chairman of the Metropolitan Pier and Exposition Authority  
26 provided under Section 8.25f of the State Finance Act, but not

1 in excess of sums designated as "Total Deposit", shall be  
2 deposited in the aggregate from collections under Section 9 of  
3 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
4 9 of the Service Occupation Tax Act, and Section 3 of the  
5 Retailers' Occupation Tax Act into the McCormick Place  
6 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
7		
8	1993	\$0
9	1994	53,000,000
10	1995	58,000,000
11	1996	61,000,000
12	1997	64,000,000
13	1998	68,000,000
14	1999	71,000,000
15	2000	75,000,000
16	2001	80,000,000
17	2002	93,000,000
18	2003	99,000,000
19	2004	103,000,000
20	2005	108,000,000
21	2006	113,000,000
22	2007	119,000,000
23	2008	126,000,000
24	2009	132,000,000
25	2010	139,000,000

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

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



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

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

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

26           Subject to payment of amounts into the Build Illinois Fund

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

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

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

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

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

1 retailer during the year covered by such return, opening and  
2 closing inventories of such goods for such year, costs of goods  
3 used from stock or taken from stock and given away by the  
4 retailer during such year, payroll information of the  
5 retailer's business during such year and any additional  
6 reasonable information which the Department deems would be  
7 helpful in determining the accuracy of the monthly, quarterly  
8 or annual returns filed by such retailer as provided for in  
9 this Section.

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

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

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

23 The chief executive officer, proprietor, owner or highest  
24 ranking manager shall sign the annual return to certify the  
25 accuracy of the information contained therein. Any person who  
26 willfully signs the annual return containing false or

1 inaccurate information shall be guilty of perjury and punished  
2 accordingly. The annual return form prescribed by the  
3 Department shall include a warning that the person signing the  
4 return may be liable for perjury.

5 The provisions of this Section concerning the filing of an  
6 annual information return do not apply to a retailer who is not  
7 required to file an income tax return with the United States  
8 Government.

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

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

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

1 Any person who promotes, organizes, provides retail  
2 selling space for concessionaires or other types of sellers at  
3 the Illinois State Fair, DuQuoin State Fair, county fairs,  
4 local fairs, art shows, flea markets and similar exhibitions or  
5 events, including any transient merchant as defined by Section  
6 2 of the Transient Merchant Act of 1987, is required to file a  
7 report with the Department providing the name of the merchant's  
8 business, the name of the person or persons engaged in  
9 merchant's business, the permanent address and Illinois  
10 Retailers Occupation Tax Registration Number of the merchant,  
11 the dates and location of the event and other reasonable  
12 information that the Department may require. The report must be  
13 filed not later than the 20th day of the month next following  
14 the month during which the event with retail sales was held.  
15 Any person who fails to file a report required by this Section  
16 commits a business offense and is subject to a fine not to  
17 exceed \$250.

18 Any person engaged in the business of selling tangible  
19 personal property at retail as a concessionaire or other type  
20 of seller at the Illinois State Fair, county fairs, art shows,  
21 flea markets and similar exhibitions or events, or any  
22 transient merchants, as defined by Section 2 of the Transient  
23 Merchant Act of 1987, may be required to make a daily report of  
24 the amount of such sales to the Department and to make a daily  
25 payment of the full amount of tax due. The Department shall  
26 impose this requirement when it finds that there is a

1 significant risk of loss of revenue to the State at such an  
2 exhibition or event. Such a finding shall be based on evidence  
3 that a substantial number of concessionaires or other sellers  
4 who are not residents of Illinois will be engaging in the  
5 business of selling tangible personal property at retail at the  
6 exhibition or event, or other evidence of a significant risk of  
7 loss of revenue to the State. The Department shall notify  
8 concessionaires and other sellers affected by the imposition of  
9 this requirement. In the absence of notification by the  
10 Department, the concessionaires and other sellers shall file  
11 their returns as otherwise required in this Section.

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

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

18 (35 ILCS 155/3) (from Ch. 120, par. 1703)

19 Sec. 3. A tax is imposed upon persons engaged in this State  
20 in the business of renting automobiles in Illinois at the rate  
21 of 5% of the gross receipts received from such business. The  
22 tax herein imposed does not apply to the renting of automobiles  
23 to any governmental body, nor to any corporation, society,  
24 association, foundation or institution organized and operated

1 exclusively for charitable, religious or educational purposes,  
2 nor to any not for profit corporation, society, association,  
3 foundation, institution or organization which has no  
4 compensated officers or employees and which is organized and  
5 operated primarily for the recreation of persons 55 years of  
6 age or older. Every person engaged in this State in the  
7 business of renting automobiles shall apply to the Department  
8 (upon a form prescribed and furnished by the Department) for a  
9 certificate of registration under this Act. The certificate of  
10 registration which is issued by the Department to a retailer  
11 under the Retailers' Occupation Tax Act shall permit such  
12 rentor to engage in a business which is taxable under this  
13 Section without registering separately with the Department.

14 The Department shall have full power to administer and  
15 enforce this Section, to collect all taxes and penalties due  
16 hereunder, to dispose of taxes and penalties so collected in  
17 the manner hereinafter provided, and to determine all rights to  
18 credit memoranda, arising on account of the erroneous payment  
19 of tax or penalty hereunder. In the administration of, and  
20 compliance with, this Section, the Department and persons who  
21 are subject to this Section shall have the same rights,  
22 remedies, privileges, immunities, powers and duties, and be  
23 subject to the same conditions, restrictions, limitations,  
24 penalties and definitions of terms, and employ the same modes  
25 of procedure, as are prescribed in Sections 1, 1a, 2 through  
26 2-65 (in respect to all provisions therein other than the State



1 rate of tax), 2a, 2b, 2c, 3 (except provisions relating to  
2 transaction returns, electronic filing of returns, and quarter  
3 monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6,  
4 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12 and 13 of the Retailers'  
5 Occupation Tax Act and Section 3-7 of the Uniform Penalty and  
6 Interest Act as fully as if those provisions were set forth  
7 herein.

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

9 (35 ILCS 155/4) (from Ch. 120, par. 1704)

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

25 The tax hereby imposed shall be collected from the rentee

1 by a rentor maintaining a place of business in this State and  
2 remitted to the Department.

3 The tax hereby imposed and not paid to a rentor pursuant to  
4 the preceding paragraph of this Section shall be paid to the  
5 Department directly by any person using such automobile within  
6 this State.

7 Rentors shall collect the tax from rentees by adding the  
8 tax to the rental price of the automobile, when rented for use,  
9 in the manner prescribed by the Department. The Department  
10 shall have the power to adopt and promulgate reasonable rules  
11 and regulations for the adding of such tax by rentors to rental  
12 prices by prescribing bracket systems for the purpose of  
13 enabling such rentors to add and collect, as far as  
14 practicable, the amount of such tax.

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

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

1 immunities, powers and duties, and be subject to the same  
2 conditions, restrictions, limitations, penalties and  
3 definitions of terms, and employ the same modes of procedure,  
4 as are prescribed in Sections 2, 3 through 3-80, 4, 6, 7, 8, 9  
5 (except provisions relating to transaction returns, electronic  
6 filing of returns, and quarter monthly payments), 10, 11, 12,  
7 12a, 12b, 13, 14, 15, 19, 20, 21 and 22 of the Use Tax Act, and  
8 are not inconsistent with this Section, as fully as if those  
9 provisions were set forth herein.

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

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

13 (50 ILCS 753/20)

14 Sec. 20. Administration of prepaid wireless 9-1-1  
15 surcharge.

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

1 administration, payment, and remittance of all surcharges  
2 under this Act. The Department shall establish registration and  
3 payment procedures that substantially coincide with the  
4 registration and payment procedures that apply to the  
5 Retailers' Occupation Tax Act.

6 (b) A seller shall be permitted to deduct and retain 3% of  
7 prepaid wireless 9-1-1 surcharges that are collected by the  
8 seller from consumers and that are remitted and timely filed  
9 with the Department. Beginning January 1, 2018, the seller is  
10 allowed to deduct and retain a portion of the prepaid wireless  
11 9-1-1 surcharges as authorized by this subsection only if the  
12 return is filed electronically as provided in Section 3 of the  
13 Retailers' Occupation Tax Act. Sellers who demonstrate that  
14 they do not have access to the Internet or demonstrate hardship  
15 in filing electronically may petition the Department to waive  
16 the electronic filing requirement.

17 (c) Other than the amounts for deposit into the Municipal  
18 Wireless Service Emergency Fund, the Department shall pay to  
19 the State Treasurer all prepaid wireless E911 charges,  
20 penalties, and interest collected under this Act for deposit  
21 into the Statewide 9-1-1 Fund. On or before the 25th day of  
22 each calendar month, the Department shall prepare and certify  
23 to the Comptroller the amount available to the Department of  
24 State Police for distribution out of the Statewide 9-1-1 Fund.  
25 The amount certified shall be the amount (not including credit  
26 memoranda) collected during the second preceding calendar

1 month by the Department plus an amount the Department  
2 determines is necessary to offset any amounts which were  
3 erroneously paid to a different taxing body. The amount paid to  
4 the Statewide 9-1-1 Fund shall not include any amount equal to  
5 the amount of refunds made during the second preceding calendar  
6 month by the Department of Revenue to retailers under this Act  
7 or any amount that the Department determines is necessary to  
8 offset any amounts which were payable to a different taxing  
9 body but were erroneously paid to the Statewide 9-1-1 Fund. The  
10 Department of State Police shall distribute the funds in  
11 accordance with Section 30 of the Emergency Telephone Safety  
12 Act. The Department may deduct an amount, not to exceed 2% of  
13 remitted charges, to be transferred into the Tax Compliance and  
14 Administration Fund to reimburse the Department for its direct  
15 costs of administering the collection and remittance of prepaid  
16 wireless 9-1-1 surcharges.

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

1 service use tax liability.

2 (e) If a home rule municipality having a population in  
3 excess of 500,000 as of the effective date of this amendatory  
4 Act of the 97th General Assembly imposes an E911 surcharge  
5 under subsection (a-5) of Section 15 of this Act, then the  
6 Department shall pay to the State Treasurer all prepaid  
7 wireless E911 charges, penalties, and interest collected for  
8 deposit into the Municipal Wireless Service Emergency Fund. All  
9 deposits into the Municipal Wireless Service Emergency Fund  
10 shall be held by the State Treasurer as ex officio custodian  
11 apart from all public moneys or funds of this State. Any  
12 interest attributable to moneys in the Fund must be deposited  
13 into the Fund. Moneys in the Municipal Wireless Service  
14 Emergency Fund are not subject to appropriation. On or before  
15 the 25th day of each calendar month, the Department shall  
16 prepare and certify to the Comptroller the amount available for  
17 disbursement to the home rule municipality out of the Municipal  
18 Wireless Service Emergency Fund. The amount to be paid to the  
19 Municipal Wireless Service Emergency Fund shall be the amount  
20 (not including credit memoranda) collected during the second  
21 preceding calendar month by the Department plus an amount the  
22 Department determines is necessary to offset any amounts which  
23 were erroneously paid to a different taxing body. The amount  
24 paid to the Municipal Wireless Service Emergency Fund shall not  
25 include any amount equal to the amount of refunds made during  
26 the second preceding calendar month by the Department to

1 retailers under this Act or any amount that the Department  
2 determines is necessary to offset any amounts which were  
3 payable to a different taxing body but were erroneously paid to  
4 the Municipal Wireless Service Emergency Fund. Within 10 days  
5 after receipt by the Comptroller of the certification provided  
6 for in this subsection, the Comptroller shall cause the orders  
7 to be drawn for the respective amounts in accordance with the  
8 directions in the certification. The Department may deduct an  
9 amount, not to exceed 2% of remitted charges, to be transferred  
10 into the Tax Compliance and Administration Fund to reimburse  
11 the Department for its direct costs of administering the  
12 collection and remittance of prepaid wireless 9-1-1  
13 surcharges.

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

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

17 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

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

19 Sec. 13-703. (a) The Commission shall design and implement  
20 a program whereby each telecommunications carrier providing  
21 local exchange service shall provide a telecommunications  
22 device capable of servicing the needs of those persons with a  
23 hearing or speech disability together with a single party line,  
24 at no charge additional to the basic exchange rate, to any

1 subscriber who is certified as having a hearing or speech  
2 disability by a hearing care professional, as defined in the  
3 Hearing Instrument Consumer Protection Act, a speech-language  
4 pathologist, or a qualified State agency and to any subscriber  
5 which is an organization serving the needs of those persons  
6 with a hearing or speech disability as determined and specified  
7 by the Commission pursuant to subsection (d).

8 (b) The Commission shall design and implement a program,  
9 whereby each telecommunications carrier providing local  
10 exchange service shall provide a telecommunications relay  
11 system, using third party intervention to connect those persons  
12 having a hearing or speech disability with persons of normal  
13 hearing by way of intercommunications devices and the telephone  
14 system, making available reasonable access to all phases of  
15 public telephone service to persons who have a hearing or  
16 speech disability. In order to design a telecommunications  
17 relay system which will meet the requirements of those persons  
18 with a hearing or speech disability available at a reasonable  
19 cost, the Commission shall initiate an investigation and  
20 conduct public hearings to determine the most cost-effective  
21 method of providing telecommunications relay service to those  
22 persons who have a hearing or speech disability when using  
23 telecommunications devices and therein solicit the advice,  
24 counsel, and physical assistance of Statewide nonprofit  
25 consumer organizations that serve persons with hearing or  
26 speech disabilities in such hearings and during the development



1 and implementation of the system. The Commission shall phase in  
2 this program, on a geographical basis, as soon as is  
3 practicable, but no later than June 30, 1990.

4 (c) The Commission shall establish a competitively neutral  
5 rate recovery mechanism that establishes charges in an amount  
6 to be determined by the Commission for each line of a  
7 subscriber to allow telecommunications carriers providing  
8 local exchange service to recover costs as they are incurred  
9 under this Section. Beginning no later than April 1, 2016, and  
10 on a yearly basis thereafter, the Commission shall initiate a  
11 proceeding to establish the competitively neutral amount to be  
12 charged or assessed to subscribers of telecommunications  
13 carriers and wireless carriers, Interconnected VoIP service  
14 providers, and consumers of prepaid wireless  
15 telecommunications service in a manner consistent with this  
16 subsection (c) and subsection (f) of this Section. The  
17 Commission shall issue its order establishing the  
18 competitively neutral amount to be charged or assessed to  
19 subscribers of telecommunications carriers and wireless  
20 carriers, Interconnected VoIP service providers, and  
21 purchasers of prepaid wireless telecommunications service on  
22 or prior to June 1 of each year, and such amount shall take  
23 effect June 1 of each year.

24 Telecommunications carriers, wireless carriers,  
25 Interconnected VoIP service providers, and sellers of prepaid  
26 wireless telecommunications service shall have 60 days from the

1 date the Commission files its order to implement the new rate  
2 established by the order.

3 (d) The Commission shall determine and specify those  
4 organizations serving the needs of those persons having a  
5 hearing or speech disability that shall receive a  
6 telecommunications device and in which offices the equipment  
7 shall be installed in the case of an organization having more  
8 than one office. For the purposes of this Section,  
9 "organizations serving the needs of those persons with hearing  
10 or speech disabilities" means centers for independent living as  
11 described in Section 12a of the Rehabilitation of Persons with  
12 Disabilities Act and not-for-profit organizations whose  
13 primary purpose is serving the needs of those persons with  
14 hearing or speech disabilities. The Commission shall direct the  
15 telecommunications carriers subject to its jurisdiction and  
16 this Section to comply with its determinations and  
17 specifications in this regard.

18 (e) As used in this Section:

19 "Prepaid wireless telecommunications service" has the  
20 meaning given to that term under Section 10 of the Prepaid  
21 Wireless 9-1-1 Surcharge Act.

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

24 "Seller" has the meaning given to that term under Section  
25 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

26 "Telecommunications carrier providing local exchange

1 service" includes, without otherwise limiting the meaning of  
2 the term, telecommunications carriers which are purely mutual  
3 concerns, having no rates or charges for services, but paying  
4 the operating expenses by assessment upon the members of such a  
5 company and no other person.

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

8 (f) Interconnected VoIP service providers, sellers of  
9 prepaid wireless telecommunications service, and wireless  
10 carriers in Illinois shall collect and remit assessments  
11 determined in accordance with this Section in a competitively  
12 neutral manner in the same manner as a telecommunications  
13 carrier providing local exchange service. However, the  
14 assessment imposed on consumers of prepaid wireless  
15 telecommunications service shall be collected by the seller  
16 from the consumer and imposed per retail transaction as a  
17 percentage of that retail transaction on all retail  
18 transactions occurring in this State. The assessment on  
19 subscribers of wireless carriers and consumers of prepaid  
20 wireless telecommunications service shall not be imposed or  
21 collected prior to June 1, 2016.

22 Sellers of prepaid wireless telecommunications service  
23 shall remit the assessments to the Department of Revenue on the  
24 same form and in the same manner which they remit the fee  
25 collected under the Prepaid Wireless 9-1-1 Surcharge Act. For  
26 the purposes of display on the consumers' receipts, the rates

1 of the fee collected under the Prepaid Wireless 9-1-1 Surcharge  
2 Act and the assessment under this Section may be combined. In  
3 administration and enforcement of this Section, the provisions  
4 of Sections 15 and 20 of the Prepaid Wireless 9-1-1 Surcharge  
5 Act (except subsections (a), (a-5), (b-5), (e), and (e-5) of  
6 Section 15 and subsections (c) and (e) of Section 20 of the  
7 Prepaid Wireless 9-1-1 Surcharge Act and, from June 29, 2015  
8 (the effective date of Public Act 99-6), the seller shall be  
9 permitted to deduct and retain 3% of the assessments that are  
10 collected by the seller from consumers and that are remitted  
11 and timely filed with the Department) that are not inconsistent  
12 with this Section, shall apply, as far as practicable, to the  
13 subject matter of this Section to the same extent as if those  
14 provisions were included in this Section. Beginning on January  
15 1, 2018, the seller is allowed to deduct and retain 3% of the  
16 assessments that are collected by the seller from consumers and  
17 that are remitted timely and timely filed with the Department,  
18 but only if the return is filed electronically as provided in  
19 Section 3 of the Retailers' Occupation Tax Act. Sellers who  
20 demonstrate that they do not have access to the Internet or  
21 demonstrate hardship in filing electronically may petition the  
22 Department to waive the electronic filing requirement. The  
23 Department shall deposit all assessments and penalties  
24 collected under this Section into the Illinois  
25 Telecommunications Access Corporation Fund, a special fund  
26 created in the State treasury. On or before the 25th day of

1 each calendar month, the Department shall prepare and certify  
2 to the Comptroller the amount available to the Commission for  
3 distribution out of the Illinois Telecommunications Access  
4 Corporation Fund. The amount certified shall be the amount (not  
5 including credit memoranda) collected during the second  
6 preceding calendar month by the Department, plus an amount the  
7 Department determines is necessary to offset any amounts which  
8 were erroneously paid to a different taxing body or fund. The  
9 amount paid to the Illinois Telecommunications Access  
10 Corporation Fund shall not include any amount equal to the  
11 amount of refunds made during the second preceding calendar  
12 month by the Department to retailers under this Section or any  
13 amount that the Department determines is necessary to offset  
14 any amounts which were payable to a different taxing body or  
15 fund but were erroneously paid to the Illinois  
16 Telecommunications Access Corporation Fund. The Commission  
17 shall distribute all the funds to the Illinois  
18 Telecommunications Access Corporation and the funds may only be  
19 used in accordance with the provisions of this Section. The  
20 Department shall deduct 2% of all amounts deposited in the  
21 Illinois Telecommunications Access Corporation Fund during  
22 every year of remitted assessments. Of the 2% deducted by the  
23 Department, one-half shall be transferred into the Tax  
24 Compliance and Administration Fund to reimburse the Department  
25 for its direct costs of administering the collection and  
26 remittance of the assessment. The remaining one-half shall be

1 transferred into the Public Utility Fund to reimburse the  
2 Commission for its costs of distributing to the Illinois  
3 Telecommunications Access Corporation the amount certified by  
4 the Department for distribution. The amount to be charged or  
5 assessed under subsections (c) and (f) is not imposed on a  
6 provider or the consumer for wireless Lifeline service where  
7 the consumer does not pay the provider for the service. Where  
8 the consumer purchases from the provider optional minutes,  
9 texts, or other services in addition to the federally funded  
10 Lifeline benefit, a consumer must pay the charge or assessment,  
11 and it must be collected by the seller according to this  
12 subsection (f).

13 Interconnected VoIP services shall not be considered an  
14 intrastate telecommunications service for the purposes of this  
15 Section in a manner inconsistent with federal law or Federal  
16 Communications Commission regulation.

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

19 (h) The Commission may adopt rules necessary to implement  
20 this Section.

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

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

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

2 Sec. 55.8. Tire retailers.

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

5 (1) beginning on June 20, 2003 (the effective date of  
6 Public Act 93-32), collect from retail customers a fee of  
7 \$2 per new or used tire sold and delivered in this State,  
8 to be paid to the Department of Revenue and deposited into  
9 the Used Tire Management Fund, less a collection allowance  
10 of 10 cents per tire to be retained by the retail seller  
11 and a collection allowance of 10 cents per tire to be  
12 retained by the Department of Revenue and paid into the  
13 General Revenue Fund; the collection allowance for retail  
14 sellers, however, shall be allowed only if the return is  
15 filed timely and in the manner required by this Title XIV  
16 and only for the amount that is paid timely in accordance  
17 with this Title XIV;

18 (1.5) beginning on July 1, 2003, collect from retail  
19 customers an additional 50 cents per new or used tire sold  
20 and delivered in this State; the money collected from this  
21 fee shall be deposited into the Emergency Public Health  
22 Fund;

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

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

7           (b) A person who accepts used tires for recycling under  
8           subsection (a) shall not allow the tires to accumulate for  
9           periods of more than 90 days.

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



1 return is filed timely and only for the amount that is paid  
2 timely in accordance with this Title XIV.

3 The retailer of the tires must maintain in its books and  
4 records evidence that the appropriate fee was paid to the tire  
5 supplier and that the tire supplier has agreed to remit the fee  
6 to the Department of Revenue for each tire sold by the  
7 retailer. Otherwise, the tire retailer shall be directly liable  
8 for the fee on all tires sold at retail. Tire retailers paying  
9 the fee to their suppliers are not entitled to the collection  
10 allowance of 10 cents per tire. The collection allowance for  
11 suppliers, however, shall be allowed only if the return is  
12 filed timely and in the manner required by this Title XIV and  
13 only for the amount that is paid timely in accordance with this  
14 Title XIV.

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

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

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

1           Sec. 55.10. Tax returns by retailer.

2           (a) Except as otherwise provided in this Section, for  
3 returns due on or before January 31, 2010, each retailer of  
4 tires maintaining a place of business in this State shall make  
5 a return to the Department of Revenue on a quarter annual  
6 basis, with the return for January, February and March of a  
7 given year being due by April 30 of that year; with the return  
8 for April, May and June of a given year being due by July 31 of  
9 that year; with the return for July, August and September of a  
10 given year being due by October 31 of that year; and with the  
11 return for October, November and December of a given year being  
12 due by January 31 of the following year.

13           For returns due after January 31, 2010, each retailer of  
14 tires maintaining a place of business in this State shall make  
15 a return to the Department of Revenue on a quarter annual  
16 basis, with the return for January, February, and March of a  
17 given year being due by April 20 of that year; with the return  
18 for April, May, and June of a given year being due by July 20 of  
19 that year; with the return for July, August, and September of a  
20 given year being due by October 20 of that year; and with the  
21 return for October, November, and December of a given year  
22 being due by January 20 of the following year.

23           Notwithstanding any other provision of this Section to the  
24 contrary, the return for October, November, and December of  
25 2009 is due by February 20, 2010.

26           On and after January 1, 2018, tire retailers and suppliers

1 required to file electronically under Section 3 of the  
2 Retailers' Occupation Tax Act or Section 9 of the Use Tax Act  
3 must electronically file all returns pursuant to this Act. Tire  
4 retailers and suppliers who demonstrate that they do not have  
5 access to the Internet or demonstrate hardship in filing  
6 electronically may petition the Department to waive the  
7 electronic filing requirement.

8 (b) Each return made to the Department of Revenue shall  
9 state:

10 (1) the name of the retailer;

11 (2) the address of the retailer's principal place of  
12 business, and the address of the principal place of  
13 business (if that is a different address) from which the  
14 retailer engages in the business of making retail sales of  
15 tires;

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

18 (4) the amount of tax due; and

19 (5) such other reasonable information as the  
20 Department of Revenue may require.

21 Notwithstanding any other provision of this Act concerning  
22 the time within which a retailer may file his return, in the  
23 case of any retailer who ceases to engage in the retail sale of  
24 tires, the retailer shall file a final return under this Act  
25 with the Department of Revenue not more than one month after  
26 discontinuing that business.

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

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