



Rep. Michael J. Zalewski

**Filed: 11/6/2017**

10000SB0482ham002

LRB100 05146 HLH 30547 a

1 AMENDMENT TO SENATE BILL 482

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 482, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The State Finance Act is amended by adding  
6 Sections 5.886, 5.887, 5.888, 6z-20.1, 6z-20.2, and 6z-20.3 as  
7 follows:

8 (30 ILCS 105/5.886 new)

9 Sec. 5.886. The State Aviation Program Fund.

10 (30 ILCS 105/5.887 new)

11 Sec. 5.887. The Local Government Aviation Trust Fund.

12 (30 ILCS 105/5.888 new)

13 Sec. 5.888. The Aviation Fuel Sales Tax Refund Fund.

1 (30 ILCS 105/6z-20.1 new)

2 Sec. 6z-20.1. The State Aviation Program Fund.

3 (a) The State Aviation Program Fund is created in the State  
4 Treasury. Moneys in the Fund shall be used by the Department of  
5 Transportation for the purposes of administering a State  
6 Aviation Program. Subject to appropriation, the moneys shall be  
7 used for the purpose of distributing grants to units of local  
8 government to be used for airport-related purposes. Grants to  
9 units of local government from the Fund shall be distributed  
10 proportionately based on enplanements. With regard to  
11 enplanements that occur within a municipality with a population  
12 of over 500,000, grants shall be distributed only to the  
13 municipality.

14 (b) For grants to a municipality with a population of over  
15 500,000, "airport-related purposes" means: (1) the replacement  
16 of sound-reducing windows and doors installed under the  
17 Residential Sound Insulation Program; and (2) in-home air  
18 quality testing in residences in which windows or doors were  
19 installed under the Residential Sound Insulation Program.

20 (c) For grants to a unit of government other than a  
21 municipality with a population of over 500,000,  
22 "airport-related purposes" means the capital or operating  
23 costs of: (1) an airport; (2) a local airport system; or (3)  
24 any other local facility that is owned or operated by the  
25 person or entity that owns or operates the airport that is  
26 directly and substantially related to the air transportation of

1 passengers or property as provided in 49 U.S.C. §47133.

2 (30 ILCS 105/6z-20.2 new)

3 Sec. 6z-20.2. The Local Government Aviation Trust Fund. The  
4 Local Government Aviation Trust Fund is created as a trust fund  
5 in the State Treasury. Moneys in the Trust Fund shall be used  
6 by units of local government for airport-related purposes. For  
7 purposes of this Section, "airport-related purposes" means the  
8 capital or operating costs of: (1) an airport; (2) a local  
9 airport system; or (3) any other local facility that is owned  
10 or operated by the person or entity that owns or operates the  
11 airport that is directly and substantially related to the air  
12 transportation of passengers or property as provided in 49  
13 U.S.C. §47133.

14 Moneys in the Trust Fund are not subject to appropriation  
15 and shall be used solely as provided in this Section. All  
16 deposits into the Trust Fund shall be held in the Trust Fund by  
17 the State Treasurer, ex officio, as trustee separate and apart  
18 from all public moneys or funds of this State.

19 On or before the 25th day of each calendar month, the  
20 Department shall prepare and certify to the Comptroller the  
21 disbursement of stated sums of money to named units of local  
22 government, the units of local government to be those from  
23 which retailers or servicemen have paid tax or penalties to the  
24 Department during the second preceding calendar month on sales  
25 of aviation fuel. The amount to be paid to each unit of local

1 government shall be the amount (not including credit memoranda)  
2 collected during the second preceding calendar month by the  
3 Department and paid into the Local Government Aviation Trust  
4 Fund, plus an amount the Department determines is necessary to  
5 offset any amounts which were erroneously paid to a different  
6 taxing body, and not including an amount equal to the amount of  
7 refunds made during the second preceding calendar month by the  
8 Department, and not including any amount which the Department  
9 determines is necessary to offset any amounts which are payable  
10 to a different taxing body but were erroneously paid to the  
11 unit of local government. Within 10 days after receipt by the  
12 Comptroller of the certification for disbursement to the units  
13 of local government, provided for in this Section to be given  
14 to the Comptroller by the Department, the Comptroller shall  
15 cause the orders to be drawn for the respective amounts in  
16 accordance with the directions contained in the certification.

17 When certifying the amount of the monthly disbursement to a  
18 unit of local government under this Section, the Department  
19 shall increase or decrease that amount by an amount necessary  
20 to offset any misallocation of previous disbursements. The  
21 offset amount shall be the amount erroneously disbursed within  
22 the 6 months preceding the time a misallocation is discovered.

23 (30 ILCS 105/6z-20.3 new)

24 Sec. 6z-20.3. The Aviation Fuel Sales Tax Refund Fund.

25 (a) The Aviation Fuel Sales Tax Refund Fund is hereby

1 created as a special fund in the State Treasury. Moneys in the  
2 Aviation Fuel Sales Tax Refund Fund shall be used by the  
3 Department of Revenue to pay refunds of Use Tax, Service Use  
4 Tax, Service Occupation Tax, and Retailers' Occupation Tax paid  
5 on aviation fuel in the manner provided in Section 19 of the  
6 Use Tax Act, Section 17 of the Service Use Tax Act, Section 17  
7 of the Service Occupation Tax Act, and Section 6 of the  
8 Retailers' Occupation Tax Act.

9 (b) Moneys in the Aviation Fuel Sales Tax Refund Fund shall  
10 be expended exclusively for the purpose of paying refunds  
11 pursuant to this Section.

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

19 As soon as possible after the end of each fiscal year, the  
20 Director of Revenue shall order transferred and the State  
21 Treasurer and State Comptroller shall transfer from the  
22 Aviation Fuel Sales Tax Refund Fund to the State Aviation  
23 Program Fund 20% of any surplus remaining as of the end of such  
24 fiscal year and shall transfer from the Aviation Fuel Sales Tax  
25 Refund Fund to the General Revenue Fund 80% of any surplus  
26 remaining as of the end of such fiscal year.

1        This Section shall constitute an irrevocable and  
2        continuing appropriation from the Aviation Fuel Sales Tax  
3        Refund Fund for the purpose of paying refunds in accordance  
4        with the provisions of this Section.

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

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

8            (Text of Section before amendment by P.A. 100-363)

9            Sec. 9. Except as to motor vehicles, watercraft, aircraft,  
10        and trailers that are required to be registered with an agency  
11        of this State, each retailer required or authorized to collect  
12        the tax imposed by this Act shall pay to the Department the  
13        amount of such tax (except as otherwise provided) at the time  
14        when he is required to file his return for the period during  
15        which such tax was collected, less a discount of 2.1% prior to  
16        January 1, 1990, and 1.75% on and after January 1, 1990, or \$5  
17        per calendar year, whichever is greater, which is allowed to  
18        reimburse the retailer for expenses incurred in collecting the  
19        tax, keeping records, preparing and filing returns, remitting  
20        the tax and supplying data to the Department on request. The  
21        discount under this Section is not allowed for taxes paid on  
22        aviation fuel that are deposited into the State Aviation  
23        Program Fund under this Act. In the case of retailers who  
24        report and pay the tax on a transaction by transaction basis,

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

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

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

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

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

18 1. The name of the seller;

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

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



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

3           5. The amount of tax due;

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

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

7           Beginning on January 1, 2018, each retailer required or  
8           authorized to collect the tax imposed by this Act on aviation  
9           fuel sold at retail in this State during the preceding calendar  
10           month shall, instead of reporting and paying tax on aviation  
11           fuel as otherwise required by this Section, file and pay tax to  
12           the Department on an aviation fuel tax return, on or before the  
13           twentieth day of each calendar month. The requirements related  
14           to the return shall be as otherwise provided in this Section.  
15           Notwithstanding any other provisions of this Act to the  
16           contrary, retailers collecting tax on aviation fuel shall file  
17           all aviation fuel tax returns and shall make all aviation fuel  
18           fee payments by electronic means in the manner and form  
19           required by the Department. For purposes of this paragraph,  
20           "aviation fuel" means a product that is intended for use or  
21           offered for sale as fuel for an aircraft.

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           Beginning October 1, 1993, a taxpayer who has an average

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

25 Before August 1 of each year beginning in 1993, the  
26 Department shall notify all taxpayers required to make payments

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

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

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

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

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

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

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

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

1 rules and regulations to govern the quarter monthly payment  
2 amount and quarter monthly payment dates for taxpayers who file  
3 on other than a calendar monthly basis.

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

1 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall  
2 be reduced by 2.1% or 1.75% of the difference between the  
3 credit taken and that actually due, and the taxpayer shall be  
4 liable for penalties and interest on such difference.

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

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

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

25 Notwithstanding any other provision in this Act concerning  
26 the time within which a retailer may file his return, in the



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

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

1 and Safety Act, a personal watercraft, or any boat equipped  
2 with an inboard motor.

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

24 The transaction reporting return in the case of watercraft  
25 and aircraft must show the name and address of the seller; the  
26 name and address of the purchaser; the amount of the selling

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

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

26 With each such transaction reporting return, the retailer

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

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

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

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

13 Where a retailer 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 retailer refunds the selling price thereof to  
17 the purchaser, such retailer 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 retailer may deduct the amount of the tax so  
21 refunded by him to the purchaser from any other use tax which  
22 such retailer may be required to pay or remit to the  
23 Department, as shown by such return, if the amount of the tax  
24 to be deducted was previously remitted to the Department by  
25 such retailer. If the retailer has not previously remitted the  
26 amount of such tax to the Department, he is entitled to no

1 deduction under this Act upon refunding such tax to the  
2 purchaser.

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

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

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

22 Beginning January 1, 1990, each month the Department shall  
23 pay into the State and Local Sales Tax Reform Fund, a special  
24 fund in the State Treasury which is hereby created, the net  
25 revenue realized for the preceding month from the 1% tax on  
26 sales of food for human consumption which is to be consumed off

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

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

17 Beginning January 1, 1990, each month the Department shall  
18 pay into the State and Local Sales Tax Reform Fund, a special  
19 fund in the State Treasury, 20% of the net revenue realized for  
20 the preceding month from the 6.25% general rate on the selling  
21 price of tangible personal property, other than (i) tangible  
22 personal property which is purchased outside Illinois at retail  
23 from a retailer and which is titled or registered by an agency  
24 of this State's government and (ii) aviation fuel sold on or  
25 after December 1, 2017. This exception for aviation fuel only  
26 applies for so long as the revenue use requirements of 49

1 U.S.C. §47107(b) and 49 U.S.C. §47133 are binding on the State.

2 For aviation fuel sold on or after December 1, 2017, each  
3 month the Department shall pay into the State Aviation Program  
4 Fund 20% of the net revenue realized for the preceding month  
5 from the 6.25% general rate on the selling price of aviation  
6 fuel, less an amount estimated by the Department to be required  
7 for refunds of the 20% portion of the tax on aviation fuel  
8 under this Act, which amount shall be deposited into the  
9 Aviation Fuel Sales Tax Refund Fund. The Department shall only  
10 pay moneys into the State Aviation Program Fund and the  
11 Aviation Fuels Sales Tax Refund Fund under this Act for so long  
12 as the revenue use requirements of 49 U.S.C. §47107(b) and 49  
13 U.S.C. §47133 are binding on the State.

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

22 Beginning January 1, 1990, each month the Department shall  
23 pay into the Local Government Tax Fund 16% of the net revenue  
24 realized for the preceding month from the 6.25% general rate on  
25 the selling price of tangible personal property which is  
26 purchased outside Illinois at retail from a retailer and which



1 is titled or registered by an agency of this State's  
2 government.

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

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

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

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

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

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

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

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

26 Subject to payment of amounts into the Build Illinois Fund

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

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

1	2007	119,000,000
2	2008	126,000,000
3	2009	132,000,000
4	2010	139,000,000
5	2011	146,000,000
6	2012	153,000,000
7	2013	161,000,000
8	2014	170,000,000
9	2015	179,000,000
10	2016	189,000,000
11	2017	199,000,000
12	2018	210,000,000
13	2019	221,000,000
14	2020	233,000,000
15	2021	246,000,000
16	2022	260,000,000
17	2023	275,000,000
18	2024	275,000,000
19	2025	275,000,000
20	2026	279,000,000
21	2027	292,000,000
22	2028	307,000,000
23	2029	322,000,000
24	2030	338,000,000
25	2031	350,000,000
26	2032	350,000,000

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

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

22                   Subject to payment of amounts into the Capital Projects  
23                   Fund, the Clean Air Act (CAA) Permit Fund, the Build Illinois  
24                   Fund, and the McCormick Place Expansion Project Fund pursuant  
25                   to the preceding paragraphs or in any amendments thereto  
26                   hereafter enacted, the Department shall each month deposit into

1 the Aviation Fuel Sales Tax Refund Fund an amount estimated by  
2 the Department to be required for refunds of the 80% portion of  
3 the tax on aviation fuel under this Act.

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

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

25 Subject to payment of amounts into the Build Illinois Fund,  
26 the McCormick Place Expansion Project Fund, the Illinois Tax



1 Increment Fund, and the Energy Infrastructure Fund pursuant to  
2 the preceding paragraphs or in any amendments to this Section  
3 hereafter enacted, beginning on the first day of the first  
4 calendar month to occur on or after August 26, 2014 (the  
5 effective date of Public Act 98-1098), each month, from the  
6 collections made under Section 9 of the Use Tax Act, Section 9  
7 of the Service Use Tax Act, Section 9 of the Service Occupation  
8 Tax Act, and Section 3 of the Retailers' Occupation Tax Act,  
9 the Department shall pay into the Tax Compliance and  
10 Administration Fund, to be used, subject to appropriation, to  
11 fund additional auditors and compliance personnel at the  
12 Department of Revenue, an amount equal to 1/12 of 5% of 80% of  
13 the cash receipts collected during the preceding fiscal year by  
14 the Audit Bureau of the Department under the Use Tax Act, the  
15 Service Use Tax Act, the Service Occupation Tax Act, the  
16 Retailers' Occupation Tax Act, and associated local occupation  
17 and use taxes administered by the Department (except the amount  
18 collected on aviation fuel sold on or after December 1, 2017).

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

25 As soon as possible after the first day of each month, upon  
26 certification of the Department of Revenue, the Comptroller

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

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

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

17 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
18 99-933, eff. 1-27-17; 100-303, eff. 8-24-17.)

19 (Text of Section after amendment by P.A. 100-363)

20 Sec. 9. Except as to motor vehicles, watercraft, aircraft,  
21 and trailers that are required to be registered with an agency  
22 of this State, each retailer required or authorized to collect  
23 the tax imposed by this Act shall pay to the Department the  
24 amount of such tax (except as otherwise provided) at the time  
25 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. The  
7 discount under this Section is not allowed for taxes paid on  
8 aviation fuel that are deposited into the State Aviation  
9 Program Fund under this Act. In the case of retailers who  
10 report and pay the tax on a transaction by transaction basis,  
11 as provided in this Section, such discount shall be taken with  
12 each such tax remittance instead of when such retailer files  
13 his periodic return. The discount allowed under this Section is  
14 allowed only for returns that are filed in the manner required  
15 by this Act. The Department may disallow the discount for  
16 retailers whose certificate of registration is revoked at the  
17 time the return is filed, but only if the Department's decision  
18 to revoke the certificate of registration has become final. A  
19 retailer need not remit that part of any tax collected by him  
20 to the extent that he is required to remit and does remit the  
21 tax imposed by the Retailers' Occupation Tax Act, with respect  
22 to the sale of the same property.

23 Where such tangible personal property is sold under a  
24 conditional sales contract, or under any other form of sale  
25 wherein the payment of the principal sum, or a part thereof, is  
26 extended beyond the close of the period for which the return is

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

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

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

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

2 1. The name of the seller;

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

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

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

13 5. The amount of tax due;

14 5-5. The signature of the taxpayer; and

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

17 Beginning on January 1, 2018, each retailer required or  
18 authorized to collect the tax imposed by this Act on aviation  
19 fuel sold at retail in this State during the preceding calendar  
20 month shall, instead of reporting and paying tax on aviation  
21 fuel as otherwise required by this Section, file and pay tax to  
22 the Department on an aviation fuel tax return, on or before the  
23 twentieth day of each calendar month. The requirements related  
24 to the return shall be as otherwise provided in this Section.  
25 Notwithstanding any other provisions of this Act to the  
26 contrary, retailers collecting tax on aviation fuel shall file

1 all aviation fuel tax returns and shall make all aviation fuel  
2 fee payments by electronic means in the manner and form  
3 required by the Department. For purposes of this paragraph,  
4 "aviation fuel" means a product that is intended for use or  
5 offered for sale as fuel for an aircraft.

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

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

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

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

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

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

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

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

1 Use Tax Act was \$10,000 or more during the preceding 4 complete  
2 calendar quarters, he shall file a return with the Department  
3 each month by the 20th day of the month next following the  
4 month during which such tax liability is incurred and shall  
5 make payments to the Department on or before the 7th, 15th,  
6 22nd and last day of the month during which such liability is  
7 incurred. On and after October 1, 2000, if the taxpayer's  
8 average monthly tax liability to the Department under this Act,  
9 the Retailers' Occupation Tax Act, the Service Occupation Tax  
10 Act, and the Service Use Tax Act was \$20,000 or more during the  
11 preceding 4 complete calendar quarters, he shall file a return  
12 with the Department each month by the 20th day of the month  
13 next following the month during which such tax liability is  
14 incurred and shall make payment to the Department on or before  
15 the 7th, 15th, 22nd and last day of the month during which such  
16 liability is incurred. If the month during which such tax  
17 liability is incurred began prior to January 1, 1985, each  
18 payment shall be in an amount equal to 1/4 of the taxpayer's  
19 actual liability for the month or an amount set by the  
20 Department not to exceed 1/4 of the average monthly liability  
21 of the taxpayer to the Department for the preceding 4 complete  
22 calendar quarters (excluding the month of highest liability and  
23 the month of lowest liability in such 4 quarter period). If the  
24 month during which such tax liability is incurred begins on or  
25 after January 1, 1985, and prior to January 1, 1987, each  
26 payment shall be in an amount equal to 22.5% of the taxpayer's



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

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

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

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

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

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

26 If the retailer is otherwise required to file a monthly or

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

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

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

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

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

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

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

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

24 Such transaction reporting return shall be filed not later  
25 than 20 days after the date of delivery of the item that is  
26 being sold, but may be filed by the retailer at any time sooner

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

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

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



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

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

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

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

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

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

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

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

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

1           Beginning January 1, 1990, each month the Department shall  
2 pay into the State and Local Sales Tax Reform Fund, a special  
3 fund in the State Treasury, 20% of the net revenue realized for  
4 the preceding month from the 6.25% general rate on the selling  
5 price of tangible personal property, other than (i) tangible  
6 personal property which is purchased outside Illinois at retail  
7 from a retailer and which is titled or registered by an agency  
8 of this State's government and (ii) aviation fuel sold on or  
9 after December 1, 2017. This exception for aviation fuel only  
10 applies for so long as the revenue use requirements of 49  
11 U.S.C. §47107(b) and 49 U.S.C. §47133 are binding on the State.

12           For aviation fuel sold on or after December 1, 2017, each  
13 month the Department shall pay into the State Aviation Program  
14 Fund 20% of the net revenue realized for the preceding month  
15 from the 6.25% general rate on the selling price of aviation  
16 fuel, less an amount estimated by the Department to be required  
17 for refunds of the 20% portion of the tax on aviation fuel  
18 under this Act, which amount shall be deposited into the  
19 Aviation Fuel Sales Tax Refund Fund. The Department shall only  
20 pay moneys into the State Aviation Program Fund and the  
21 Aviation Fuels Sales Tax Refund Fund under this Act for so long  
22 as the revenue use requirements of 49 U.S.C. §47107(b) and 49  
23 U.S.C. §47133 are binding on the State.

24           Beginning August 1, 2000, each month the Department shall  
25 pay into the State and Local Sales Tax Reform Fund 100% of the  
26 net revenue realized for the preceding month from the 1.25%

1 rate on the selling price of motor fuel and gasohol. Beginning  
2 September 1, 2010, each month the Department shall pay into the  
3 State and Local Sales Tax Reform Fund 100% of the net revenue  
4 realized for the preceding month from the 1.25% rate on the  
5 selling price of sales tax holiday items.

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

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

20 Beginning July 1, 2011, each month the Department shall pay  
21 into the Clean Air Act Permit Fund 80% of the net revenue  
22 realized for the preceding month from the 6.25% general rate on  
23 the selling price of sorbents used in Illinois in the process  
24 of sorbent injection as used to comply with the Environmental  
25 Protection Act or the federal Clean Air Act, but the total  
26 payment into the Clean Air Act Permit Fund under this Act and

1 the Retailers' Occupation Tax Act shall not exceed \$2,000,000  
2 in any fiscal year.

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 Service 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 Service Use Tax Act, the Service Occupation Tax Act, and  
12 the Retailers' Occupation Tax Act shall not exceed \$18,000,000  
13 in any State fiscal year. As used in this paragraph, the  
14 "average monthly deficit" shall be equal to the difference  
15 between the average monthly claims for payment by the fund and  
16 the average monthly revenues deposited into the fund, excluding  
17 payments made pursuant to this paragraph.

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

22	Fiscal Year	Total Deposit
23	1993	\$0
24	1994	53,000,000
25	1995	58,000,000
26	1996	61,000,000

1	1997	64,000,000
2	1998	68,000,000
3	1999	71,000,000
4	2000	75,000,000
5	2001	80,000,000
6	2002	93,000,000
7	2003	99,000,000
8	2004	103,000,000
9	2005	108,000,000
10	2006	113,000,000
11	2007	119,000,000
12	2008	126,000,000
13	2009	132,000,000
14	2010	139,000,000
15	2011	146,000,000
16	2012	153,000,000
17	2013	161,000,000
18	2014	170,000,000
19	2015	179,000,000
20	2016	189,000,000
21	2017	199,000,000
22	2018	210,000,000
23	2019	221,000,000
24	2020	233,000,000
25	2021	246,000,000
26	2022	260,000,000

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

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

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

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

6 Subject to payment of amounts into the Capital Projects  
7 Fund, the Clean Air Act (CAA) Permit Fund, the Build Illinois  
8 Fund, and the McCormick Place Expansion Project Fund pursuant  
9 to the preceding paragraphs or in any amendments thereto  
10 hereafter enacted, the Department shall each month deposit into  
11 the Aviation Fuel Sales Tax Refund Fund an amount estimated by  
12 the Department to be required for refunds of the 80% portion of  
13 the tax on aviation fuel under this Act.

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

22 Subject to payment of amounts into the Build Illinois Fund  
23 and the McCormick Place Expansion Project Fund pursuant to the  
24 preceding paragraphs or in any amendments thereto hereafter  
25 enacted, beginning with the receipt of the first report of  
26 taxes paid by an eligible business and continuing for a 25-year

1 period, the Department shall each month pay into the Energy  
2 Infrastructure Fund 80% of the net revenue realized from the  
3 6.25% general rate on the selling price of Illinois-mined coal  
4 that was sold to an eligible business. For purposes of this  
5 paragraph, the term "eligible business" means a new electric  
6 generating facility certified pursuant to Section 605-332 of  
7 the Department of Commerce and Economic Opportunity Law of the  
8 Civil Administrative Code of Illinois.

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

1 and use taxes administered by the Department (except the amount  
2 collected on aviation fuel sold on or after December 1, 2017).

3 Subject to payments of amounts into the Build Illinois  
4 Fund, the McCormick Place Expansion Project Fund, the Illinois  
5 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax  
6 Compliance and Administration Fund as provided in this Section,  
7 beginning on July 1, 2018 the Department shall pay each month  
8 into the Downstate Public Transportation Fund the moneys  
9 required to be so paid under Section 2-3 of the Downstate  
10 Public Transportation Act.

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

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

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

1 overpayment of liability.

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

9 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
10 99-933, eff. 1-27-17; 100-303, eff. 8-24-17; 100-363, eff.  
11 7-1-18; revised 10-20-17.)

12 (35 ILCS 105/19) (from Ch. 120, par. 439.19)

13 Sec. 19. If it shall appear that an amount of tax or  
14 penalty or interest has been paid in error hereunder to the  
15 Department by a purchaser, as distinguished from the retailer,  
16 whether such amount be paid through a mistake of fact or an  
17 error of law, such purchaser may file a claim for credit or  
18 refund with the Department in accordance with Sections 6, 6a,  
19 6b, 6c, and 6d of the Retailers' Occupation Tax Act. If it  
20 shall appear that an amount of tax or penalty or interest has  
21 been paid in error to the Department hereunder by a retailer  
22 who is required or authorized to collect and remit the use tax,  
23 whether such amount be paid through a mistake of fact or an  
24 error of law, such retailer may file a claim for credit or  
25 refund with the Department in accordance with Sections 6, 6a,

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

25 Any credit or refund that is allowed under this Section  
26 shall bear interest at the rate and in the manner specified in



1 the Uniform Penalty and Interest Act.

2 Any claim filed hereunder shall be filed upon a form  
3 prescribed and furnished by the Department. The claim shall be  
4 signed by the claimant (or by the claimant's legal  
5 representative if the claimant shall have died or become a  
6 person under legal disability), or by a duly authorized agent  
7 of the claimant or his or her legal representative.

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

1 these questions in the event of any dispute between the  
2 claimant (or his or her legal representative) and the  
3 Department concerning these questions.

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

15 If a retailer who has failed to pay use tax on gross  
16 receipts from retail sales is required by the Department to pay  
17 such tax, such retailer, without filing any formal claim with  
18 the Department, shall be allowed to take credit against such  
19 use tax liability to the extent, if any, to which such retailer  
20 has paid an amount equivalent to retailers' occupation tax or  
21 has paid use tax in error to his or her vendor or vendors of the  
22 same tangible personal property which such retailer bought for  
23 resale and did not first use before selling it, and no penalty  
24 or interest shall be charged to such retailer on the amount of  
25 such credit. However, when such credit is allowed to the  
26 retailer by the Department, the vendor is precluded from

1 refunding any of that tax to the retailer and filing a claim  
2 for credit or refund with respect thereto with the Department.  
3 The provisions of this amendatory Act shall be applied  
4 retroactively, regardless of the date of the transaction.

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

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

8 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

9 (Text of Section before amendment by P.A. 100-363)

10 Sec. 9. Each serviceman required or authorized to collect  
11 the tax herein imposed shall pay to the Department the amount  
12 of such tax (except as otherwise provided) at the time when he  
13 is required to file his return for the period during which such  
14 tax was collected, less a discount of 2.1% prior to January 1,  
15 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar  
16 year, whichever is greater, which is allowed to reimburse the  
17 serviceman for expenses incurred in collecting the tax, keeping  
18 records, preparing and filing returns, remitting the tax and  
19 supplying data to the Department on request. The discount under  
20 this Section is not allowed for taxes paid on aviation fuel  
21 that are deposited into the State Aviation Program Fund under  
22 this Act. The discount allowed under this Section is allowed  
23 only for returns that are filed in the manner required by this  
24 Act. The Department may disallow the discount for servicemen

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

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

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

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

4 1. The name of the seller;

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

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

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

13 5. The amount of tax due;

14 5-5. The signature of the taxpayer; and

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

17 Beginning on January 1, 2018, each serviceman required or  
18 authorized to collect the tax imposed by this Act on aviation  
19 fuel transferred as an incident of a sale of service in this  
20 State during the preceding calendar month shall, instead of  
21 reporting and paying tax on aviation fuel as otherwise required  
22 by this Section, report and pay the tax by filing an aviation  
23 fuel tax return with the Department on or before the twentieth  
24 day of each calendar month. The requirements related to the  
25 return shall be as otherwise provided in this Section.  
26 Notwithstanding any other provisions of this Act to the

1 contrary, servicemen collecting tax on aviation fuel shall file  
2 all aviation fuel tax returns and shall make all aviation fuel  
3 tax payments by electronic means in the manner and form  
4 required by the Department. For purposes of this paragraph,  
5 "aviation fuel" means a product that is intended for use or  
6 offered for sale as fuel for an aircraft.

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

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

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

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

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

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

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

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

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

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

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

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

26 Where a serviceman collects the tax with respect to the



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

17 Any serviceman filing a return hereunder shall also include  
18 the total tax upon the selling price of tangible personal  
19 property purchased for use by him as an incident to a sale of  
20 service, and such serviceman shall remit the amount of such tax  
21 to the Department when filing such return.

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

1 Acts on the one form.

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

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

20 Beginning January 1, 1990, each month the Department shall  
21 pay into the State and Local Sales Tax Reform Fund 20% of the  
22 net revenue realized for the preceding month from the 6.25%  
23 general rate on transfers of tangible personal property, other  
24 than (i) tangible personal property which is purchased outside  
25 Illinois at retail from a retailer and which is titled or  
26 registered by an agency of this State's government and (ii)

1 aviation fuel sold on or after December 1, 2017. This exception  
2 for aviation fuel only applies for so long as the revenue use  
3 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are  
4 binding on the State.

5 For aviation fuel sold on or after December 1, 2017, each  
6 month the Department shall pay into the State Aviation Program  
7 Fund 20% of the net revenue realized for the preceding month  
8 from the 6.25% general rate on the selling price of aviation  
9 fuel, less an amount estimated by the Department to be required  
10 for refunds of the 20% portion of the tax on aviation fuel  
11 under this Act, which amount shall be deposited into the  
12 Aviation fuel Sales Tax Refund Fund. The Department shall only  
13 pay moneys into the State Aviation Program Fund and the  
14 Aviation Fuel Sales Tax Refund Fund under this Act for so long  
15 as the revenue use requirements of 49 U.S.C. §47107(b) and 49  
16 U.S.C. §47133 are binding on the State.

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

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

1 are now taxed at 6.25%.

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

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

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

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

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

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

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

		Total
	Fiscal Year	Deposit
21		
22	1993	\$0
23	1994	53,000,000
24	1995	58,000,000
25	1996	61,000,000

1	1997	64,000,000
2	1998	68,000,000
3	1999	71,000,000
4	2000	75,000,000
5	2001	80,000,000
6	2002	93,000,000
7	2003	99,000,000
8	2004	103,000,000
9	2005	108,000,000
10	2006	113,000,000
11	2007	119,000,000
12	2008	126,000,000
13	2009	132,000,000
14	2010	139,000,000
15	2011	146,000,000
16	2012	153,000,000
17	2013	161,000,000
18	2014	170,000,000
19	2015	179,000,000
20	2016	189,000,000
21	2017	199,000,000
22	2018	210,000,000
23	2019	221,000,000
24	2020	233,000,000
25	2021	246,000,000
26	2022	260,000,000



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

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

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

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

6 Subject to payment of amounts into the Capital Projects  
7 Fund, the Clean Air Act (CAA) Permit Fund, the Build Illinois  
8 Fund, and the McCormick Place Expansion Project Fund pursuant  
9 to the preceding paragraphs or in any amendments thereto  
10 hereafter enacted, the Department shall each month deposit into  
11 the Aviation Fuel Sales Tax Refund Fund an amount estimated by  
12 the Department to be required for refunds of the 80% portion of  
13 the tax on aviation fuel under this Act.

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

22 Subject to payment of amounts into the Build Illinois Fund  
23 and the McCormick Place Expansion Project Fund pursuant to the  
24 preceding paragraphs or in any amendments thereto hereafter  
25 enacted, beginning with the receipt of the first report of  
26 taxes paid by an eligible business and continuing for a 25-year

1 period, the Department shall each month pay into the Energy  
2 Infrastructure Fund 80% of the net revenue realized from the  
3 6.25% general rate on the selling price of Illinois-mined coal  
4 that was sold to an eligible business. For purposes of this  
5 paragraph, the term "eligible business" means a new electric  
6 generating facility certified pursuant to Section 605-332 of  
7 the Department of Commerce and Economic Opportunity Law of the  
8 Civil Administrative Code of Illinois.

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

1 Tax Act, and associated local occupation and use taxes  
2 administered by the Department (except the amount collected on  
3 aviation fuel sold on or after December 1, 2017).

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

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

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

22 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
23 100-303, eff. 8-24-17; revised 10-26-17.)

24 (Text of Section after amendment by P.A. 100-363)

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

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

23 Except as provided hereinafter in this Section, on or  
24 before the twentieth day of each calendar month, such  
25 serviceman shall file a return for the preceding calendar month  
26 in accordance with reasonable Rules and Regulations to be

1 promulgated by the Department. Such return shall be filed on a  
2 form prescribed by the Department and shall contain such  
3 information as the Department may reasonably require. On and  
4 after January 1, 2018, with respect to servicemen whose annual  
5 gross receipts average \$20,000 or more, all returns required to  
6 be filed pursuant to this Act shall be filed electronically.  
7 Servicemen who demonstrate that they do not have access to the  
8 Internet or demonstrate hardship in filing electronically may  
9 petition the Department to waive the electronic filing  
10 requirement.

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

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

- 1           5. The amount of tax due;
- 2           5-5. The signature of the taxpayer; and
- 3           6. Such other reasonable information as the Department
- 4           may require.

5           Beginning on January 1, 2018, each serviceman required or

6           authorized to collect the tax imposed by this Act on aviation

7           fuel transferred as an incident of a sale of service in this

8           State during the preceding calendar month shall, instead of

9           reporting and paying tax on aviation fuel as otherwise required

10          by this Section, report and pay the tax by filing an aviation

11          fuel tax return with the Department on or before the twentieth

12          day of each calendar month. The requirements related to the

13          return shall be as otherwise provided in this Section.

14          Notwithstanding any other provisions of this Act to the

15          contrary, servicemen collecting tax on aviation fuel shall file

16          all aviation fuel tax returns and shall make all aviation fuel

17          tax payments by electronic means in the manner and form

18          required by the Department. For purposes of this paragraph,

19          "aviation fuel" means a product that is intended for use or

20          offered for sale as fuel for an aircraft.

21          If a taxpayer fails to sign a return within 30 days after

22          the proper notice and demand for signature by the Department,

23          the return shall be considered valid and any amount shown to be

24          due on the return shall be deemed assessed.

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

24 If the serviceman is otherwise required to file a monthly  
25 or quarterly return and if the serviceman's average monthly tax  
26 liability to the Department does not exceed \$50, the Department

1 may authorize his returns to be filed on an annual basis, with  
2 the return for a given year being due by January 20 of the  
3 following year.

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

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

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

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

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

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

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

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

1 been prepared for immediate consumption) and prescription and  
2 nonprescription medicines, drugs, medical appliances, products  
3 classified as Class III medical devices, by the United States  
4 Food and Drug Administration that are used for cancer treatment  
5 pursuant to a prescription, as well as any accessories and  
6 components related to those devices, and insulin, urine testing  
7 materials, syringes and needles used by diabetics.

8 Beginning January 1, 1990, each month the Department shall  
9 pay into the State and Local Sales Tax Reform Fund 20% of the  
10 net revenue realized for the preceding month from the 6.25%  
11 general rate on transfers of tangible personal property, other  
12 than (i) tangible personal property which is purchased outside  
13 Illinois at retail from a retailer and which is titled or  
14 registered by an agency of this State's government and (ii)  
15 aviation fuel sold on or after December 1, 2017. This exception  
16 for aviation fuel only applies for so long as the revenue use  
17 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are  
18 binding on the State.

19 For aviation fuel sold on or after December 1, 2017, each  
20 month the Department shall pay into the State Aviation Program  
21 Fund 20% of the net revenue realized for the preceding month  
22 from the 6.25% general rate on the selling price of aviation  
23 fuel, less an amount estimated by the Department to be required  
24 for refunds of the 20% portion of the tax on aviation fuel  
25 under this Act, which amount shall be deposited into the  
26 Aviation fuel Sales Tax Refund Fund. The Department shall only

1 pay moneys into the State Aviation Program Fund and the  
2 Aviation Fuel Sales Tax Refund Fund under this Act for so long  
3 as the revenue use requirements of 49 U.S.C. §47107(b) and 49  
4 U.S.C. §47133 are binding on the State.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

20           Subject to payment of amounts into the Capital Projects  
21      Fund, the Clean Air Act (CAA) Permit Fund, the Build Illinois  
22      Fund, and the McCormick Place Expansion Project Fund pursuant  
23      to the preceding paragraphs or in any amendments thereto  
24      hereafter enacted, the Department shall each month deposit into  
25      the Aviation Fuel Sales Tax Refund Fund an amount estimated by  
26      the Department to be required for refunds of the 80% portion of

1 the tax on aviation fuel under this Act.

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

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

23 Subject to payment of amounts into the Build Illinois Fund,  
24 the McCormick Place Expansion Project Fund, the Illinois Tax  
25 Increment Fund, and the Energy Infrastructure Fund pursuant to  
26 the preceding paragraphs or in any amendments to this Section

1 hereafter enacted, beginning on the first day of the first  
2 calendar month to occur on or after August 26, 2014 (the  
3 effective date of Public Act 98-1098 ~~this amendatory Act of the~~  
4 ~~98th General Assembly~~, each month, from the collections made  
5 under Section 9 of the Use Tax Act, Section 9 of the Service  
6 Use Tax Act, Section 9 of the Service Occupation Tax Act, and  
7 Section 3 of the Retailers' Occupation Tax Act, the Department  
8 shall pay into the Tax Compliance and Administration Fund, to  
9 be used, subject to appropriation, to fund additional auditors  
10 and compliance personnel at the Department of Revenue, an  
11 amount equal to 1/12 of 5% of 80% of the cash receipts  
12 collected during the preceding fiscal year by the Audit Bureau  
13 of the Department under the Use Tax Act, the Service Use Tax  
14 Act, the Service Occupation Tax Act, the Retailers' Occupation  
15 Tax Act, and associated local occupation and use taxes  
16 administered by the Department (except the amount collected on  
17 aviation fuel sold on or after December 1, 2017).

18 Subject to payments of amounts into the Build Illinois  
19 Fund, the McCormick Place Expansion Project Fund, the Illinois  
20 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax  
21 Compliance and Administration Fund as provided in this Section,  
22 beginning on July 1, 2018 the Department shall pay each month  
23 into the Downstate Public Transportation Fund the moneys  
24 required to be so paid under Section 2-3 of the Downstate  
25 Public Transportation Act.

26 Of the remainder of the moneys received by the Department

1 pursuant to this Act, 75% thereof shall be paid into the  
2 General Revenue Fund of the State Treasury and 25% shall be  
3 reserved in a special account and used only for the transfer to  
4 the Common School Fund as part of the monthly transfer from the  
5 General Revenue Fund in accordance with Section 8a of the State  
6 Finance Act.

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

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

18 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
19 100-303, eff. 8-24-17; 100-363, eff. 7-1-18; revised  
20 10-26-17.)

21 (35 ILCS 110/17) (from Ch. 120, par. 439.47)

22 Sec. 17. If it shall appear that an amount of tax or  
23 penalty or interest has been paid in error hereunder to the  
24 Department by a purchaser, as distinguished from the  
25 serviceman, whether such amount be paid through a mistake of

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

1 Act, whether such amount be paid through a mistake of fact or  
2 an error of law, the procedure for recovering such tax shall be  
3 that prescribed in Sections 17, 18, 19 and 20 of the Service  
4 Occupation Tax Act.

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

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

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



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

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

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

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

24 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

1 (Text of Section before amendment by P.A. 100-363)

2 Sec. 9. Each serviceman required or authorized to collect  
3 the tax herein imposed shall pay to the Department the amount  
4 of such tax at the time when he is required to file his return  
5 for the period during which such tax was collectible, less a  
6 discount of 2.1% prior to January 1, 1990, and 1.75% on and  
7 after January 1, 1990, or \$5 per calendar year, whichever is  
8 greater, which is allowed to reimburse the serviceman for  
9 expenses incurred in collecting the tax, keeping records,  
10 preparing and filing returns, remitting the tax and supplying  
11 data to the Department on request. The discount under this  
12 Section is not allowed for taxes paid on aviation fuel that are  
13 deposited into the State Aviation Program Fund under this Act.

14 The discount allowed under this Section is allowed only for  
15 returns that are filed in the manner required by this Act. The  
16 Department may disallow the discount for servicemen whose  
17 certificate of registration is revoked at the time the return  
18 is filed, but only if the Department's decision to revoke the  
19 certificate of registration has become final.

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

1 period.

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

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

- 23 1. The name of the seller;
- 24 2. The address of the principal place of business from  
25 which he engages in business as a serviceman in this State;
- 26 3. The total amount of taxable receipts received by him

1 during the preceding calendar month, including receipts  
2 from charge and time sales, but less all deductions allowed  
3 by law;

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

6 5. The amount of tax due;

7 5-5. The signature of the taxpayer; and

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

10 Beginning on January 1, 2018, each serviceman required or  
11 authorized to collect the tax herein imposed on aviation fuel  
12 acquired as an incident to the purchase of a service in this  
13 State during the preceding calendar month shall, instead of  
14 reporting and paying tax as otherwise required by this Section,  
15 file an aviation fuel tax return with the Department on or  
16 before the twentieth day of each calendar month. The  
17 requirements related to the return shall be as otherwise  
18 provided in this Section. Notwithstanding any other provisions  
19 of this Act to the contrary, servicemen transferring aviation  
20 fuel incident to sales of service shall file all aviation fuel  
21 tax returns and shall make all aviation fuel tax payments by  
22 electronic means in the manner and form required by the  
23 Department. For purposes of this paragraph, "aviation fuel"  
24 means a product that is intended for use or offered for sale as  
25 fuel for an aircraft.

26 If a taxpayer fails to sign a return within 30 days after

1 the proper notice and demand for signature by the Department,  
2 the return shall be considered valid and any amount shown to be  
3 due on the return shall be deemed assessed.

4 Prior to October 1, 2003, and on and after September 1,  
5 2004 a serviceman may accept a Manufacturer's Purchase Credit  
6 certification from a purchaser in satisfaction of Service Use  
7 Tax as provided in Section 3-70 of the Service Use Tax Act if  
8 the purchaser provides the appropriate documentation as  
9 required by Section 3-70 of the Service Use Tax Act. A  
10 Manufacturer's Purchase Credit certification, accepted prior  
11 to October 1, 2003 or on or after September 1, 2004 by a  
12 serviceman as provided in Section 3-70 of the Service Use Tax  
13 Act, may be used by that serviceman to satisfy Service  
14 Occupation Tax liability in the amount claimed in the  
15 certification, not to exceed 6.25% of the receipts subject to  
16 tax from a qualifying purchase. A Manufacturer's Purchase  
17 Credit reported on any original or amended return filed under  
18 this Act after October 20, 2003 for reporting periods prior to  
19 September 1, 2004 shall be disallowed. Manufacturer's Purchase  
20 Credit reported on annual returns due on or after January 1,  
21 2005 will be disallowed for periods prior to September 1, 2004.  
22 No Manufacturer's Purchase Credit may be used after September  
23 30, 2003 through August 31, 2004 to satisfy any tax liability  
24 imposed under this Act, including any audit liability.

25 If the serviceman's average monthly tax liability to the  
26 Department does not exceed \$200, the Department may authorize

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

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

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

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

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

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

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

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

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

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

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



1 deduction hereunder upon refunding such tax to the purchaser.

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

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

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

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

1 pay into the County and Mass Transit District Fund 4% of the  
2 revenue realized for the preceding month from the 6.25% general  
3 rate on sales of tangible personal property other than aviation  
4 fuel sold on or after December 1, 2017. This exception for  
5 aviation fuel only applies for so long as the revenue use  
6 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are  
7 binding on the State.

8 For aviation fuel sold on or after December 1, 2017, each  
9 month the Department shall pay into the State Aviation Program  
10 Fund 4% of the net revenue realized for the preceding month  
11 from the 6.25% general rate on the selling price of aviation  
12 fuel, less an amount estimated by the Department to be required  
13 for refunds of the 4% portion of the tax on aviation fuel under  
14 this Act, which amount shall be deposited into the Aviation  
15 Fuel Sales Tax Refund Fund. The Department shall only pay  
16 moneys into the State Aviation Program Fund and the Aviation  
17 Fuel Sales Tax Refund Fund under this Act for so long as the  
18 revenue use requirements of 49 U.S.C. §47107(b) and 49 U.S.C.  
19 §47133 are binding on the State.

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

24 Beginning January 1, 1990, each month the Department shall  
25 pay into the Local Government Tax Fund 16% of the revenue  
26 realized for the preceding month from the 6.25% general rate on

1 transfers of tangible personal property other than aviation  
2 fuel sold on or after December 1, 2017. This exception for  
3 aviation fuel only applies for so long as the revenue use  
4 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are  
5 binding on the State.

6 For aviation fuel sold on or after December 1, 2017, each  
7 month the Department shall pay into the State Aviation Program  
8 Fund 16% of the net revenue realized for the preceding month  
9 from the 6.25% general rate on the selling price of aviation  
10 fuel, less an amount estimated by the Department to be required  
11 for refunds of the 16% portion of the tax on aviation fuel  
12 under this Act, which amount shall be deposited into the  
13 Aviation Fuel Sales Tax Refund Fund. The Department shall only  
14 pay moneys into the State Aviation Program Fund and the  
15 Aviation Fuel Sales Tax Refund Fund under this Act for so long  
16 as the revenue use requirements of 49 U.S.C. §47107(b) and 49  
17 U.S.C. §47133 are binding on the State.

18 Beginning August 1, 2000, each month the Department shall  
19 pay into the Local Government Tax Fund 80% of the net revenue  
20 realized for the preceding month from the 1.25% rate on the  
21 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 Use Tax  
6 Act, and the Retailers' Occupation Tax Act an amount equal to  
7 the average monthly deficit in the Underground Storage Tank  
8 Fund during the prior year, as certified annually by the  
9 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 Use Tax Act, and the Retailers'  
12 Occupation Tax Act shall not exceed \$18,000,000 in any State  
13 fiscal year. As used in this paragraph, the "average monthly  
14 deficit" shall be equal to the difference between the average  
15 monthly claims for payment by the fund and the average monthly  
16 revenues deposited into the fund, excluding payments made  
17 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, the Service  
20 Use Tax Act, this Act, and the Retailers' Occupation Tax Act,  
21 each month the Department shall deposit \$500,000 into the State  
22 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 Account in the  
19 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.

		Total
	Fiscal Year	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 Capital Projects  
8 Fund, the Build Illinois Fund, and the McCormick Place  
9 Expansion Project Fund pursuant to the preceding paragraphs or  
10 in any amendments thereto hereafter enacted, the Department  
11 shall each month deposit into the Aviation Fuel Sales Tax  
12 Refund Fund an amount estimated by the Department to be  
13 required for refunds of the 80% portion of the tax on aviation  
14 fuel under this Act.

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 July 1, 1993 and ending on September 30,  
19 2013, the Department shall each month pay into the Illinois Tax  
20 Increment Fund 0.27% of 80% of the net revenue realized for the  
21 preceding month from the 6.25% general rate on the selling  
22 price of tangible personal property.

23 Subject to payment of amounts into the Build Illinois Fund  
24 and the McCormick Place Expansion Project Fund pursuant to the  
25 preceding paragraphs or in any amendments thereto hereafter  
26 enacted, beginning with the receipt of the first report of

1 taxes paid by an eligible business and continuing for a 25-year  
2 period, the Department shall each month pay into the Energy  
3 Infrastructure Fund 80% of the net revenue realized from the  
4 6.25% general rate on the selling price of Illinois-mined coal  
5 that was sold to an eligible business. For purposes of this  
6 paragraph, the term "eligible business" means a new electric  
7 generating facility certified pursuant to Section 605-332 of  
8 the Department of Commerce and Economic Opportunity Law of the  
9 Civil Administrative Code of Illinois.

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

1 Act, the Service Occupation Tax Act, the Retailers' Occupation  
2 Tax Act, and associated local occupation and use taxes  
3 administered by the Department (except the amount collected on  
4 aviation fuel sold on or after December 1, 2017).

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

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

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

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

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

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

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

1 accordingly. The annual return form prescribed by the  
2 Department shall include a warning that the person signing the  
3 return may be liable for perjury.

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

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

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

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

1 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
2 100-303, eff. 8-24-17; revised 10-31-17)

3 (Text of Section after amendment by P.A. 100-363)

4 Sec. 9. Each serviceman required or authorized to collect  
5 the tax herein imposed shall pay to the Department the amount  
6 of such tax at the time when he is required to file his return  
7 for the period during which such tax was collectible, less a  
8 discount of 2.1% prior to January 1, 1990, and 1.75% on and  
9 after January 1, 1990, or \$5 per calendar year, whichever is  
10 greater, which is allowed to reimburse the serviceman for  
11 expenses incurred in collecting the tax, keeping records,  
12 preparing and filing returns, remitting the tax and supplying  
13 data to the Department on request. The discount under this  
14 Section is not allowed for taxes paid on aviation fuel that are  
15 deposited into the State Aviation Program Fund under this Act.

16 The discount allowed under this Section is allowed only for  
17 returns that are filed in the manner required by this Act. The  
18 Department may disallow the discount for servicemen whose  
19 certificate of registration is revoked at the time the return  
20 is filed, but only if the Department's decision to revoke the  
21 certificate of registration has become final.

22 Where such tangible personal property is sold under a  
23 conditional sales contract, or under any other form of sale  
24 wherein the payment of the principal sum, or a part thereof, is  
25 extended beyond the close of the period for which the return is

1 filed, the serviceman, in collecting the tax may collect, for  
2 each tax return period, only the tax applicable to the part of  
3 the selling price actually received during such tax return  
4 period.

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

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

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

9           5. The amount of tax due;

10          5-5. The signature of the taxpayer; and

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

13          Beginning on January 1, 2018, each serviceman required or  
14          authorized to collect the tax herein imposed on aviation fuel  
15          acquired as an incident to the purchase of a service in this  
16          State during the preceding calendar month shall, instead of  
17          reporting and paying tax as otherwise required by this Section,  
18          file an aviation fuel tax return with the Department on or  
19          before the twentieth day of each calendar month. The  
20          requirements related to the return shall be as otherwise  
21          provided in this Section. Notwithstanding any other provisions  
22          of this Act to the contrary, servicemen transferring aviation  
23          fuel incident to sales of service shall file all aviation fuel  
24          tax returns and shall make all aviation fuel tax payments by  
25          electronic means in the manner and form required by the  
26          Department. For purposes of this paragraph, "aviation fuel"

1 means a product that is intended for use or offered for sale as  
2 fuel for an aircraft.

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

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

1 imposed under this Act, including any audit liability.

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

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

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

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

26 Beginning October 1, 1993, a taxpayer who has an average

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

25 Before August 1 of each year beginning in 1993, the  
26 Department shall notify all taxpayers required to make payments

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

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

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

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

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

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

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

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

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

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

3 Beginning January 1, 1990, each month the Department shall  
4 pay into the County and Mass Transit District Fund 4% of the  
5 revenue realized for the preceding month from the 6.25% general  
6 rate on sales of tangible personal property other than aviation  
7 fuel sold on or after December 1, 2017. This exception for  
8 aviation fuel only applies for so long as the revenue use  
9 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are  
10 binding on the State.

11 For aviation fuel sold on or after December 1, 2017, each  
12 month the Department shall pay into the State Aviation Program  
13 Fund 4% of the net revenue realized for the preceding month  
14 from the 6.25% general rate on the selling price of aviation  
15 fuel, less an amount estimated by the Department to be required  
16 for refunds of the 4% portion of the tax on aviation fuel under  
17 this Act, which amount shall be deposited into the Aviation  
18 Fuel Sales Tax Refund Fund. The Department shall only pay  
19 moneys into the State Aviation Program Fund and the Aviation  
20 Fuel Sales Tax Refund Fund under this Act for so long as the  
21 revenue use requirements of 49 U.S.C. §47107(b) and 49 U.S.C.  
22 §47133 are binding on the State.

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

1           Beginning January 1, 1990, each month the Department shall  
2 pay into the Local Government Tax Fund 16% of the revenue  
3 realized for the preceding month from the 6.25% general rate on  
4 transfers of tangible personal property other than aviation  
5 fuel sold on or after December 1, 2017. This exception for  
6 aviation fuel only applies for so long as the revenue use  
7 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are  
8 binding on the State.

9           For aviation fuel sold on or after December 1, 2017, each  
10 month the Department shall pay into the State Aviation Program  
11 Fund 16% of the net revenue realized for the preceding month  
12 from the 6.25% general rate on the selling price of aviation  
13 fuel, less an amount estimated by the Department to be required  
14 for refunds of the 16% portion of the tax on aviation fuel  
15 under this Act, which amount shall be deposited into the  
16 Aviation Fuel Sales Tax Refund Fund. The Department shall only  
17 pay moneys into the State Aviation Program Fund and the  
18 Aviation Fuel Sales Tax Refund Fund under this Act for so long  
19 as the revenue use requirements of 49 U.S.C. §47107(b) and 49  
20 U.S.C. §47133 are binding on the State.

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

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



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

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

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

26 Of the remainder of the moneys received by the Department

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

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

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

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

25

	Total
Fiscal Year	Deposit

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

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

15 and

16 each fiscal year

17 thereafter that bonds

18 are outstanding under

19 Section 13.2 of the

20 Metropolitan Pier and

21 Exposition Authority Act,

22 but not after fiscal year 2060.

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

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

10 Subject to payment of amounts into the Capital Projects  
11 Fund, the Build Illinois Fund, and the McCormick Place  
12 Expansion Project Fund pursuant to the preceding paragraphs or  
13 in any amendments thereto hereafter enacted, the Department  
14 shall each month deposit into the Aviation Fuel Sales Tax  
15 Refund Fund an amount estimated by the Department to be  
16 required for refunds of the 80% portion of the tax on aviation  
17 fuel under this Act.

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 (except the amount collected on  
7 aviation fuel sold on or after December 1, 2017).

8 Subject to payments of amounts into the Build Illinois  
9 Fund, the McCormick Place Expansion Project Fund, the Illinois  
10 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax  
11 Compliance and Administration Fund as provided in this Section,  
12 beginning on July 1, 2018 the Department shall pay each month  
13 into the Downstate Public Transportation Fund the moneys  
14 required to be so paid under Section 2-3 of the Downstate  
15 Public Transportation Act.

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

23 The Department may, upon separate written notice to a  
24 taxpayer, require the taxpayer to prepare and file with the  
25 Department on a form prescribed by the Department within not  
26 less than 60 days after receipt of the notice an annual

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

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

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

1           until such return is filed as required, the penalty to be  
2           assessed and collected in the same manner as any other  
3           penalty provided for in this Act.

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

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

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

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

26          Net revenue realized for a month shall be the revenue

1 collected by the State pursuant to this Act, less the amount  
2 paid out during that month as refunds to taxpayers for  
3 overpayment of liability.

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

12 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
13 100-303, eff. 8-24-17; 100-363, eff. 7-1-18; revised  
14 10-31-17.)

15 (35 ILCS 115/17) (from Ch. 120, par. 439.117)

16 Sec. 17. If it shall appear that an amount of tax or  
17 penalty or interest has been paid in error hereunder directly  
18 to the Department by a serviceman, whether such amount be paid  
19 through a mistake of fact or an error of law, such serviceman  
20 may file a claim for credit or refund with the Department. If  
21 it shall appear that an amount of tax or penalty or interest  
22 has been paid in error to the Department hereunder by a  
23 supplier who is required or authorized to collect and remit the  
24 Service Occupation Tax, whether such amount be paid through a  
25 mistake of fact or an error of law, such supplier may file a

1 claim for credit or refund with the Department, provided that  
2 no credit shall be allowed nor any refund made for any amount  
3 paid by any such supplier unless it shall appear that he bore  
4 the burden of such amount and did not shift the burden thereof  
5 to anyone else (as in the case of a duplicated tax payment  
6 which the supplier made to the Department and did not collect  
7 from anyone else), or unless it shall appear that he or his  
8 legal representative has unconditionally repaid such amount to  
9 his vendee (1) who bore the burden thereof and has not shifted  
10 such burden directly or indirectly in any manner whatsoever;  
11 (2) who, if he has shifted such burden, has repaid  
12 unconditionally such amount to his own vendee, and (3) who is  
13 not entitled to receive any reimbursement therefor from any  
14 other source than from his supplier, nor to be relieved of such  
15 burden in any other manner whatsoever.

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

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

25 A claim for credit or refund shall be considered to have  
26 been filed with the Department on the date upon which it is

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

21 In case the Department determines that the claimant is  
22 entitled to a refund, such refund shall be made only from the  
23 Aviation Fuel Sales Tax Refund Fund or from such appropriation  
24 as may be available for that purpose, as appropriate. If it  
25 appears unlikely that the amount available ~~appropriated~~ would  
26 permit everyone having a claim allowed during the period

1 covered by such appropriation or from the Aviation Fuel Sales  
2 Tax Refund Fund, as appropriate, to elect to receive a cash  
3 refund, the Department, by rule or regulation, shall provide  
4 for the payment of refunds in hardship cases and shall define  
5 what types of cases qualify as hardship cases.

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

7 Section 25. The Retailers' Occupation Tax Act is amended by  
8 changing Sections 3, 6, and 11 as follows:

9 (35 ILCS 120/3) (from Ch. 120, par. 442)

10 (Text of Section before amendment by P.A. 100-363)

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

16 1. The name of the seller;

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

22 3. Total amount of receipts received by him during the  
23 preceding calendar month or quarter, as the case may be,  
24 from sales of tangible personal property, and from services

1 furnished, by him during such preceding calendar month or  
2 quarter;

3 4. Total amount received by him during the preceding  
4 calendar month or quarter on charge and time sales of  
5 tangible personal property, and from services furnished,  
6 by him prior to the month or quarter for which the return  
7 is filed;

8 5. Deductions allowed by law;

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

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

14 8. The amount of tax due;

15 9. The signature of the taxpayer; and

16 10. Such other reasonable information as the  
17 Department may require.

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



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

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

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

1 satisfy any tax liability imposed under this Act, including any  
2 audit liability.

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

10 1. The name of the seller;

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

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

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

21 5. The amount of tax due; and

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

24 Beginning on January 1, 2018, every person engaged in the  
25 business of selling aviation fuel at retail in this State  
26 during the preceding calendar month shall, instead of reporting

1 and paying tax as otherwise required by this Section, file an  
2 aviation fuel tax return with the Department on or before the  
3 twentieth day of each calendar month. The requirements related  
4 to the return shall be as otherwise provided in this Section.  
5 Notwithstanding any other provisions of this Act to the  
6 contrary, retailers selling aviation fuel shall file all  
7 aviation fuel tax returns and shall make all aviation fuel tax  
8 payments by electronic means in the manner and form required by  
9 the Department. For purposes of this paragraph, "aviation fuel"  
10 means a product that is intended for use or offered for sale as  
11 fuel for an aircraft.

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

26       Beginning on October 1, 2003, every distributor, importing

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

1 or facsimile.

2 If a total amount of less than \$1 is payable, refundable or  
3 creditable, such amount shall be disregarded if it is less than  
4 50 cents and shall be increased to \$1 if it is 50 cents or more.

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

1 Section 2505-210 of the Department of Revenue Law shall make  
2 all payments required by rules of the Department by electronic  
3 funds transfer.

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

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

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

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

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

26 If the retailer is otherwise required to file a monthly

1 return and if the retailer's average monthly tax liability to  
2 the Department does not exceed \$200, the Department may  
3 authorize his returns to be filed on a quarter annual basis,  
4 with the return for January, February and March of a given year  
5 being due by April 20 of such year; with the return for April,  
6 May and June of a given year being due by July 20 of such year;  
7 with the return for July, August and September of a given year  
8 being 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 retailer is otherwise required to file a monthly or  
12 quarterly return and if the retailer's average monthly tax  
13 liability with the Department does not exceed \$50, the  
14 Department may authorize his returns to be filed on an annual  
15 basis, with the return for a given year being due by January 20  
16 of the following year.

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

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

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

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



1 and Safety Act, a personal watercraft, or any boat equipped  
2 with an inboard motor.

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

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

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

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

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

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

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

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

1 Department shall adopt appropriate rules to carry out the  
2 mandate of this paragraph.

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

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

1 return filed by him and had paid the tax imposed by this Act  
2 with respect to such receipts.

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

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

11 Except as provided in this Section, the retailer filing the  
12 return under this Section shall, at the time of filing such  
13 return, pay to the Department the amount of tax imposed by this  
14 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%  
15 on and after January 1, 1990, or \$5 per calendar year,  
16 whichever is greater, which is allowed to reimburse the  
17 retailer for the expenses incurred in keeping records,  
18 preparing and filing returns, remitting the tax and supplying  
19 data to the Department on request. The discount under this  
20 Section is not allowed for taxes paid on aviation fuel that are  
21 deposited into the State Aviation Program Fund under this Act.

22 Any prepayment made pursuant to Section 2d of this Act shall be  
23 included in the amount on which such 2.1% or 1.75% discount is  
24 computed. In the case of retailers who report and pay the tax  
25 on a transaction by transaction basis, as provided in this  
26 Section, such discount shall be taken with each such tax

1 remittance instead of when such retailer files his periodic  
2 return. The discount allowed under this Section is allowed only  
3 for returns that are filed in the manner required by this Act.  
4 The Department may disallow the discount for retailers whose  
5 certificate of registration is revoked at the time the return  
6 is filed, but only if the Department's decision to revoke the  
7 certificate of registration has become final.

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

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

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



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

1 The Department shall make reasonable rules and regulations to  
2 govern the quarter monthly payment amount and quarter monthly  
3 payment dates for taxpayers who file on other than a calendar  
4 monthly basis.

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

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

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

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

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

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

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

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

1 consumption) and prescription and nonprescription medicines,  
2 drugs, medical appliances, products classified as Class III  
3 medical devices by the United States Food and Drug  
4 Administration that are used for cancer treatment pursuant to a  
5 prescription, as well as any accessories and components related  
6 to those devices, and insulin, urine testing materials,  
7 syringes and needles used by diabetics.

8 Beginning January 1, 1990, each month the Department shall  
9 pay into the County and Mass Transit District Fund, a special  
10 fund in the State treasury which is hereby created, 4% of the  
11 net revenue realized for the preceding month from the 6.25%  
12 general rate other than aviation fuel sold on or after December  
13 1, 2017. This exception for aviation fuel only applies for so  
14 long as the revenue use requirements of 49 U.S.C. §47107(b) and  
15 49 U.S.C. §47133 are binding on the State.

16 For aviation fuel sold on or after December 1, 2017, each  
17 month the Department shall pay into the State Aviation Program  
18 Fund 4% of the net revenue realized for the preceding month  
19 from the 6.25% general rate on the selling price of aviation  
20 fuel, less an amount estimated by the Department to be required  
21 for refunds of the 4% portion of the tax on aviation fuel under  
22 this Act, which amount shall be deposited into the Aviation  
23 fuel Sales Tax Refund Fund. The Department shall only pay  
24 moneys into the State Aviation Program Fund and the Aviation  
25 Fuel Sales Tax Refund Fund under this Act for so long as the  
26 revenue use requirements of 49 U.S.C. §47107(b) and 49 U.S.C.

1 §47133 are binding on the State.

2 Beginning August 1, 2000, each month the Department shall  
3 pay into the County and Mass Transit District Fund 20% of the  
4 net revenue realized for the preceding month from the 1.25%  
5 rate on the selling price of motor fuel and gasohol. Beginning  
6 September 1, 2010, each month the Department shall pay into the  
7 County and Mass Transit District Fund 20% of the net revenue  
8 realized for the preceding month from the 1.25% rate on the  
9 selling price of sales tax holiday items.

10 Beginning January 1, 1990, each month the Department shall  
11 pay into the Local Government Tax Fund 16% of the net revenue  
12 realized for the preceding month from the 6.25% general rate on  
13 the selling price of tangible personal property other than  
14 aviation fuel sold on or after December 1, 2017. This exception  
15 for aviation fuel only applies for so long as the revenue use  
16 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are  
17 binding on the State.

18 For aviation fuel sold on or after December 1, 2017, each  
19 month the Department shall pay into the State Aviation Program  
20 Fund 16% of the net revenue realized for the preceding month  
21 from the 6.25% general rate on the selling price of aviation  
22 fuel, less an amount estimated by the Department to be required  
23 for refunds of the 16% portion of the tax on aviation fuel  
24 under this Act, which amount shall be deposited into the  
25 Aviation fuel Sales Tax Refund Fund. The Department shall only  
26 pay moneys into the State Aviation Program Fund and the

1 Aviation Fuel Sales Tax Refund Fund under this Act for so long  
2 as the revenue use requirements of 49 U.S.C. §47107(b) and 49  
3 U.S.C. §47133 are binding on the State.

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
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 Capital Projects  
19      Fund, the Clean Air Act (CAA) Permit Fund, the Build Illinois  
20      Fund, and the McCormick Place Expansion Project Fund pursuant  
21      to the preceding paragraphs or in any amendments thereto  
22      hereafter enacted, the Department shall each month deposit into  
23      the Aviation Fuel Sales Tax Refund Fund an amount estimated by  
24      the Department to be required for refunds of the 80% portion of  
25      the tax on aviation fuel under this Act.

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), each month, from the  
2 collections made under Section 9 of the Use Tax Act, Section 9  
3 of the Service Use Tax Act, Section 9 of the Service Occupation  
4 Tax Act, and Section 3 of the Retailers' Occupation Tax Act,  
5 the Department shall pay into the Tax Compliance and  
6 Administration Fund, to be used, subject to appropriation, to  
7 fund additional auditors and compliance personnel at the  
8 Department of Revenue, an amount equal to 1/12 of 5% of 80% of  
9 the cash receipts collected during the preceding fiscal year by  
10 the Audit Bureau of the Department under the Use Tax Act, the  
11 Service Use Tax Act, the Service Occupation Tax Act, the  
12 Retailers' Occupation Tax Act, and associated local occupation  
13 and use taxes administered by the Department (except the amount  
14 collected on aviation fuel sold on or after December 1, 2017).

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 The Department may, upon separate written notice to a  
22 taxpayer, require the taxpayer to prepare and file with the  
23 Department on a form prescribed by the Department within not  
24 less than 60 days after receipt of the notice an annual  
25 information return for the tax year specified in the notice.  
26 Such annual return to the Department shall include a statement

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

18 If the annual information return required by this Section  
19 is not filed when and as required, the taxpayer shall be liable  
20 as follows:

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

1 penalty provided for in this Act.

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

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

13 The provisions of this Section concerning the filing of an  
14 annual information return do not apply to a retailer who is not  
15 required to file an income tax return with the United States  
16 Government.

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

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

1 overpayment of liability.

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

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

26 Any person engaged in the business of selling tangible

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

20 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
21 99-933, eff. 1-27-17; 100-303, eff. 8-24-17.)

22 (Text of Section after amendment by P.A. 100-363)

23 Sec. 3. Except as provided in this Section, on or before  
24 the twentieth day of each calendar month, every person engaged  
25 in the business of selling tangible personal property at retail

1 in this State during the preceding calendar month shall file a  
2 return with the Department, stating:

3 1. The name of the seller;

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

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

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

19 5. Deductions allowed by law;

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

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

25 8. The amount of tax due;

26 9. The signature of the taxpayer; and

1           10. Such other reasonable information as the  
2           Department may require.

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

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

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

19          Prior to October 1, 2003, and on and after September 1,  
20          2004 a retailer may accept a Manufacturer's Purchase Credit  
21          certification from a purchaser in satisfaction of Use Tax as  
22          provided in Section 3-85 of the Use Tax Act if the purchaser  
23          provides the appropriate documentation as required by Section  
24          3-85 of the Use Tax Act. A Manufacturer's Purchase Credit  
25          certification, accepted by a retailer prior to October 1, 2003  
26          and on and after September 1, 2004 as provided in Section 3-85

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

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

21 1. The name of the seller;

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

25 3. The total amount of taxable receipts received by him  
26 during the preceding calendar month from sales of tangible



1 personal property by him during such preceding calendar  
2 month, including receipts from charge and time sales, but  
3 less all deductions allowed by law;

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

6 5. The amount of tax due; and

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

9 Beginning on January 1, 2018, every person engaged in the  
10 business of selling aviation fuel at retail in this State  
11 during the preceding calendar month shall, instead of reporting  
12 and paying tax as otherwise required by this Section, file an  
13 aviation fuel tax return with the Department on or before the  
14 twentieth day of each calendar month. The requirements related  
15 to the return shall be as otherwise provided in this Section.  
16 Notwithstanding any other provisions of this Act to the  
17 contrary, retailers selling aviation fuel shall file all  
18 aviation fuel tax returns and shall make all aviation fuel tax  
19 payments by electronic means in the manner and form required by  
20 the Department. For purposes of this paragraph, "aviation fuel"  
21 means a product that is intended for use or offered for sale as  
22 fuel for an aircraft.

23 Beginning on October 1, 2003, any person who is not a  
24 licensed distributor, importing distributor, or manufacturer,  
25 as defined in the Liquor Control Act of 1934, but is engaged in  
26 the business of selling, at retail, alcoholic liquor shall file

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

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

1 liquor to that retailer no later than the 10th day of the month  
2 for the preceding month during which the transaction occurred.  
3 The distributor, importing distributor, or manufacturer shall  
4 notify the retailer as to the method by which the distributor,  
5 importing distributor, or manufacturer will provide the sales  
6 information. If the retailer is unable to receive the sales  
7 information by electronic means, the distributor, importing  
8 distributor, or manufacturer shall furnish the sales  
9 information by personal delivery or by mail. For purposes of  
10 this paragraph, the term "electronic means" includes, but is  
11 not limited to, the use of a secure Internet website, e-mail,  
12 or facsimile.

13 If a total amount of less than \$1 is payable, refundable or  
14 creditable, such amount shall be disregarded if it is less than  
15 50 cents and shall be increased to \$1 if it is 50 cents or more.

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

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

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

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

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

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

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

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

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

1 of the following year.

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

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

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

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

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

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

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 1 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 or 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 1 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 day 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  
12 Illinois use tax may be transmitted to the Department by way of  
13 the State agency with which, or State officer with whom the  
14 tangible personal property must be titled or registered (if  
15 titling or registration is required) if the Department and such  
16 agency or State officer determine that this procedure will  
17 expedite the processing of applications for title or  
18 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 use tax  
24 receipt (or a certificate of exemption if the Department is  
25 satisfied that the particular sale is tax exempt) which such  
26 purchaser may submit to the agency with which, or State officer

1 with whom, he must title or register the tangible personal  
2 property that is involved (if titling or registration is  
3 required) in support of such purchaser's application for an  
4 Illinois certificate or other evidence of title or registration  
5 to such 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 the 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 Refunds made by the seller during the preceding return  
7 period to purchasers, on account of tangible personal property  
8 returned to the seller, shall be allowed as a deduction under  
9 subdivision 5 of his monthly or quarterly return, as the case  
10 may be, in case the seller had theretofore included the  
11 receipts from the sale of such tangible personal property in a  
12 return filed by him and had paid the tax imposed by this Act  
13 with respect to such receipts.

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

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

22 Except as provided in this Section, the retailer filing the  
23 return under this Section shall, at the time of filing such  
24 return, pay to the Department the amount of tax imposed by this  
25 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%  
26 on and after January 1, 1990, or \$5 per calendar year,

1     whichever is greater, which is allowed to reimburse the  
2     retailer for the expenses incurred in keeping records,  
3     preparing and filing returns, remitting the tax and supplying  
4     data to the Department on request. The discount under this  
5     Section is not allowed for taxes paid on aviation fuel that are  
6     deposited into the State Aviation Program Fund under this Act.

7     Any prepayment made pursuant to Section 2d of this Act shall be  
8     included in the amount on which such 2.1% or 1.75% discount is  
9     computed. In the case of retailers who report and pay the tax  
10    on a transaction by transaction basis, as provided in this  
11    Section, such discount shall be taken with each such tax  
12    remittance instead of when such retailer files his periodic  
13    return. The discount allowed under this Section is allowed only  
14    for returns that are filed in the manner required by this Act.  
15    The Department may disallow the discount for retailers whose  
16    certificate of registration is revoked at the time the return  
17    is filed, but only if the Department's decision to revoke the  
18    certificate of registration has become final.

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

1 liability is incurred and shall make payments to the Department  
2 on or before the 7th, 15th, 22nd and last day of the month  
3 during which such liability is incurred. On and after October  
4 1, 2000, if the taxpayer's average monthly tax liability to the  
5 Department under this Act, the Use Tax Act, the Service  
6 Occupation Tax Act, and the Service Use Tax Act, excluding any  
7 liability for prepaid sales tax to be remitted in accordance  
8 with Section 2d of this Act, was \$20,000 or more during the  
9 preceding 4 complete calendar quarters, he shall file a return  
10 with the Department each month by the 20th day of the month  
11 next following the month during which such tax liability is  
12 incurred and shall make payment to the Department on or before  
13 the 7th, 15th, 22nd and last day of the month during which such  
14 liability is incurred. If the month during which such tax  
15 liability is incurred began prior to January 1, 1985, each  
16 payment shall be in an amount equal to 1/4 of the taxpayer's  
17 actual liability for the month or an amount set by the  
18 Department not to exceed 1/4 of the average monthly liability  
19 of the taxpayer to the Department for the preceding 4 complete  
20 calendar quarters (excluding the month of highest liability and  
21 the month of lowest liability in such 4 quarter period). If the  
22 month during which such tax liability is incurred begins on or  
23 after January 1, 1985 and prior to January 1, 1987, each  
24 payment shall be in an amount equal to 22.5% of the taxpayer's  
25 actual liability for the month or 27.5% of the taxpayer's  
26 liability for the same calendar month of the preceding year. If

1 the month during which such tax liability is incurred begins on  
2 or after January 1, 1987 and prior to January 1, 1988, each  
3 payment shall be in an amount equal to 22.5% of the taxpayer's  
4 actual liability for the month or 26.25% of the taxpayer's  
5 liability for the same calendar month of the preceding year. If  
6 the month during which such tax liability is incurred begins on  
7 or after January 1, 1988, and prior to January 1, 1989, or  
8 begins on or after January 1, 1996, each payment shall be in an  
9 amount equal to 22.5% of the taxpayer's actual liability for  
10 the month or 25% of the taxpayer's liability for the same  
11 calendar month of the preceding year. If the month during which  
12 such tax liability is incurred begins on or after January 1,  
13 1989, and prior to January 1, 1996, each payment shall be in an  
14 amount equal to 22.5% of the taxpayer's actual liability for  
15 the month or 25% of the taxpayer's liability for the same  
16 calendar month of the preceding year or 100% of the taxpayer's  
17 actual liability for the quarter monthly reporting period. The  
18 amount of such quarter monthly payments shall be credited  
19 against the final tax liability of the taxpayer's return for  
20 that month. Before October 1, 2000, once applicable, the  
21 requirement of the making of quarter monthly payments to the  
22 Department by taxpayers having an average monthly tax liability  
23 of \$10,000 or more as determined in the manner provided above  
24 shall continue until such taxpayer's average monthly liability  
25 to the Department during the preceding 4 complete calendar  
26 quarters (excluding the month of highest liability and the

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

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

16 The provisions of this paragraph apply before October 1,  
17 2001. Without regard to whether a taxpayer is required to make  
18 quarter monthly payments as specified above, any taxpayer who  
19 is required by Section 2d of this Act to collect and remit  
20 prepaid taxes and has collected prepaid taxes which average in  
21 excess of \$25,000 per month during the preceding 2 complete  
22 calendar quarters, shall file a return with the Department as  
23 required by Section 2f and shall make payments to the  
24 Department on or before the 7th, 15th, 22nd and last day of the  
25 month during which such liability is incurred. If the month  
26 during which such tax liability is incurred began prior to



1 September 1, 1985 (the effective date of Public Act 84-221),  
2 each payment shall be in an amount not less than 22.5% of the  
3 taxpayer's actual liability under Section 2d. If the month  
4 during which such tax liability is incurred begins on or after  
5 January 1, 1986, each payment shall be in an amount equal to  
6 22.5% of the taxpayer's actual liability for the month or 27.5%  
7 of the taxpayer's liability for the same calendar month of the  
8 preceding calendar year. If the month during which such tax  
9 liability is incurred begins on or after January 1, 1987, each  
10 payment shall be in an amount equal to 22.5% of the taxpayer's  
11 actual liability for the month or 26.25% of the taxpayer's  
12 liability for the same calendar month of the preceding year.  
13 The amount of such quarter monthly payments shall be credited  
14 against the final tax liability of the taxpayer's return for  
15 that month filed under this Section or Section 2f, as the case  
16 may be. Once applicable, the requirement of the making of  
17 quarter monthly payments to the Department pursuant to this  
18 paragraph shall continue until such taxpayer's average monthly  
19 prepaid tax collections during the preceding 2 complete  
20 calendar quarters is \$25,000 or less. If any such quarter  
21 monthly payment is not paid at the time or in the amount  
22 required, the taxpayer shall be liable for penalties and  
23 interest on such difference, except insofar as the taxpayer has  
24 previously made payments for that month in excess of the  
25 minimum payments previously due.

26 The provisions of this paragraph apply on and after October

1 1, 2001. Without regard to whether a taxpayer is required to  
2 make quarter monthly payments as specified above, any taxpayer  
3 who is required by Section 2d of this Act to collect and remit  
4 prepaid taxes and has collected prepaid taxes that average in  
5 excess of \$20,000 per month during the preceding 4 complete  
6 calendar quarters shall file a return with the Department as  
7 required by Section 2f and shall make payments to the  
8 Department on or before the 7th, 15th, 22nd and last day of the  
9 month during which the liability is incurred. Each payment  
10 shall be in an amount equal to 22.5% of the taxpayer's actual  
11 liability for the month or 25% of the taxpayer's liability for  
12 the same calendar month of the preceding year. The amount of  
13 the quarter monthly payments shall be credited against the  
14 final tax liability of the taxpayer's return for that month  
15 filed under this Section or Section 2f, as the case may be.  
16 Once applicable, the requirement of the making of quarter  
17 monthly payments to the Department pursuant to this paragraph  
18 shall continue until the taxpayer's average monthly prepaid tax  
19 collections during the preceding 4 complete calendar quarters  
20 (excluding the month of highest liability and the month of  
21 lowest liability) is less than \$19,000 or until such taxpayer's  
22 average monthly liability to the Department as computed for  
23 each calendar quarter of the 4 preceding complete calendar  
24 quarters is less than \$20,000. If any such quarter monthly  
25 payment is not paid at the time or in the amount required, the  
26 taxpayer shall be liable for penalties and interest on such

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

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

26 If a retailer of motor fuel is entitled to a credit under

1 Section 2d of this Act which exceeds the taxpayer's liability  
2 to the Department under this Act for the month which the  
3 taxpayer is filing a return, the Department shall issue the  
4 taxpayer a credit memorandum for the excess.

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

19 Beginning January 1, 1990, each month the Department shall  
20 pay into the County and Mass Transit District Fund, a special  
21 fund in the State treasury which is hereby created, 4% of the  
22 net revenue realized for the preceding month from the 6.25%  
23 general rate other than aviation fuel sold on or after December  
24 1, 2017. This exception for aviation fuel only applies for so  
25 long as the revenue use requirements of 49 U.S.C. §47107(b) and  
26 49 U.S.C. §47133 are binding on the State.

1       For aviation fuel sold on or after December 1, 2017, each  
2 month the Department shall pay into the State Aviation Program  
3 Fund 4% of the net revenue realized for the preceding month  
4 from the 6.25% general rate on the selling price of aviation  
5 fuel, less an amount estimated by the Department to be required  
6 for refunds of the 4% portion of the tax on aviation fuel under  
7 this Act, which amount shall be deposited into the Aviation  
8 fuel Sales Tax Refund Fund. The Department shall only pay  
9 moneys into the State Aviation Program Fund and the Aviation  
10 Fuel Sales Tax Refund Fund under this Act for so long as the  
11 revenue use requirements of 49 U.S.C. §47107(b) and 49 U.S.C.  
12 §47133 are binding on the State.

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

21       Beginning January 1, 1990, each month the Department shall  
22 pay into the Local Government Tax Fund 16% of the net revenue  
23 realized for the preceding month from the 6.25% general rate on  
24 the selling price of tangible personal property other than  
25 aviation fuel sold on or after December 1, 2017. This exception  
26 for aviation fuel only applies for so long as the revenue use

1 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are  
2 binding on the State.

3 For aviation fuel sold on or after December 1, 2017, each  
4 month the Department shall pay into the State Aviation Program  
5 Fund 16% of the net revenue realized for the preceding month  
6 from the 6.25% general rate on the selling price of aviation  
7 fuel, less an amount estimated by the Department to be required  
8 for refunds of the 16% portion of the tax on aviation fuel  
9 under this Act, which amount shall be deposited into the  
10 Aviation fuel Sales Tax Refund Fund. The Department shall only  
11 pay moneys into the State Aviation Program Fund and the  
12 Aviation Fuel Sales Tax Refund Fund under this Act for so long  
13 as the revenue use requirements of 49 U.S.C. §47107(b) and 49  
14 U.S.C. §47133 are binding on the State.

15 Beginning August 1, 2000, each month the Department shall  
16 pay into the Local Government Tax Fund 80% of the net revenue  
17 realized for the preceding month from the 1.25% rate on the  
18 selling price of motor fuel and gasohol. Beginning September 1,  
19 2010, each month the Department shall pay into the Local  
20 Government Tax Fund 80% of the net revenue realized for the  
21 preceding month from the 1.25% rate on the selling price of  
22 sales tax holiday items.

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

1 candy, grooming and hygiene products, and soft drinks that had  
2 been taxed at a rate of 1% prior to September 1, 2009 but that  
3 are now taxed at 6.25%.

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

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





1	1986	\$54,800,000
2	1987	\$76,650,000
3	1988	\$80,480,000
4	1989	\$88,510,000
5	1990	\$115,330,000
6	1991	\$145,470,000
7	1992	\$182,730,000
8	1993	\$206,520,000;

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

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

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

	Fiscal Year	Total Deposit
18		
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 Capital Projects  
4 Fund, the Clean Air Act (CAA) Permit Fund, the Build Illinois  
5 Fund, and the McCormick Place Expansion Project Fund pursuant  
6 to the preceding paragraphs or in any amendments thereto  
7 hereafter enacted, the Department shall each month deposit into  
8 the Aviation Fuel Sales Tax Refund Fund an amount estimated by  
9 the Department to be required for refunds of the 80% portion of  
10 the tax on aviation fuel under this Act.

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 July 1, 1993 and ending on September 30,  
15 2013, the Department shall each month pay into the Illinois Tax  
16 Increment Fund 0.27% of 80% of the net revenue realized for the  
17 preceding month from the 6.25% general rate on the selling  
18 price of tangible personal property.

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

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

6 Subject to payment of amounts into the Build Illinois Fund,  
7 the McCormick Place Expansion Project Fund, the Illinois Tax  
8 Increment Fund, and the Energy Infrastructure Fund pursuant to  
9 the preceding paragraphs or in any amendments to this Section  
10 hereafter enacted, beginning on the first day of the first  
11 calendar month to occur on or after August 26, 2014 (the  
12 effective date of Public Act 98-1098), each month, from the  
13 collections made under Section 9 of the Use Tax Act, Section 9  
14 of the Service Use Tax Act, Section 9 of the Service Occupation  
15 Tax Act, and Section 3 of the Retailers' Occupation Tax Act,  
16 the Department shall pay into the Tax Compliance and  
17 Administration Fund, to be used, subject to appropriation, to  
18 fund additional auditors and compliance personnel at the  
19 Department of Revenue, an amount equal to 1/12 of 5% of 80% of  
20 the cash receipts collected during the preceding fiscal year by  
21 the Audit Bureau of the Department under the Use Tax Act, the  
22 Service Use Tax Act, the Service Occupation Tax Act, the  
23 Retailers' Occupation Tax Act, and associated local occupation  
24 and use taxes administered by the Department (except the amount  
25 collected on aviation fuel sold on or after December 1, 2017).

26 Subject to payments of amounts into the Build Illinois

1 Fund, the McCormick Place Expansion Project Fund, the Illinois  
2 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax  
3 Compliance and Administration Fund as provided in this Section,  
4 beginning on July 1, 2018 the Department shall pay each month  
5 into the Downstate Public Transportation Fund the moneys  
6 required to be so paid under Section 2-3 of the Downstate  
7 Public Transportation Act.

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

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



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

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

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

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

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

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

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

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

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

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

1 objection to the Department to this arrangement.

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

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

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

13 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
14 99-933, eff. 1-27-17; 100-303, eff. 8-24-17; 100-363, eff.  
15 7-1-18; revised 10-27-17.)

16 (35 ILCS 120/6) (from Ch. 120, par. 445)

17 Sec. 6. Credit memorandum or refund. If it appears, after  
18 claim therefor filed with the Department, that an amount of tax  
19 or penalty or interest has been paid which was not due under  
20 this Act, whether as the result of a mistake of fact or an  
21 error of law, except as hereinafter provided, then the  
22 Department shall issue a credit memorandum or refund to the  
23 person who made the erroneous payment or, if that person died  
24 or became a person under legal disability, to his or her legal  
25 representative, as such. For purposes of this Section, the tax

1 is deemed to be erroneously paid by a retailer when the  
2 manufacturer of a motor vehicle sold by the retailer accepts  
3 the return of that automobile and refunds to the purchaser the  
4 selling price of that vehicle as provided in the New Vehicle  
5 Buyer Protection Act. When a motor vehicle is returned for a  
6 refund of the purchase price under the New Vehicle Buyer  
7 Protection Act, the Department shall issue a credit memorandum  
8 or a refund for the amount of tax paid by the retailer under  
9 this Act attributable to the initial sale of that vehicle.  
10 Claims submitted by the retailer are subject to the same  
11 restrictions and procedures provided for in this Act. If it is  
12 determined that the Department should issue a credit memorandum  
13 or refund, the Department may first apply the amount thereof  
14 against any tax or penalty or interest due or to become due  
15 under this Act or under the Use Tax Act, the Service Occupation  
16 Tax Act, the Service Use Tax Act, any local occupation or use  
17 tax administered by the Department, Section 4 of the Water  
18 Commission Act of 1985, subsections (b), (c) and (d) of Section  
19 5.01 of the Local Mass Transit District Act, or subsections  
20 (e), (f) and (g) of Section 4.03 of the Regional Transportation  
21 Authority Act, from the person who made the erroneous payment.  
22 If no tax or penalty or interest is due and no proceeding is  
23 pending to determine whether such person is indebted to the  
24 Department for tax or penalty or interest, the credit  
25 memorandum or refund shall be issued to the claimant; or (in  
26 the case of a credit memorandum) the credit memorandum may be

1 assigned and set over by the lawful holder thereof, subject to  
2 reasonable rules of the Department, to any other person who is  
3 subject to this Act, the Use Tax Act, the Service Occupation  
4 Tax Act, the Service Use Tax Act, any local occupation or use  
5 tax administered by the Department, Section 4 of the Water  
6 Commission Act of 1985, subsections (b), (c) and (d) of Section  
7 5.01 of the Local Mass Transit District Act, or subsections  
8 (e), (f) and (g) of Section 4.03 of the Regional Transportation  
9 Authority Act, and the amount thereof applied by the Department  
10 against any tax or penalty or interest due or to become due  
11 under this Act or under the Use Tax Act, the Service Occupation  
12 Tax Act, the Service Use Tax Act, any local occupation or use  
13 tax administered by the Department, Section 4 of the Water  
14 Commission Act of 1985, subsections (b), (c) and (d) of Section  
15 5.01 of the Local Mass Transit District Act, or subsections  
16 (e), (f) and (g) of Section 4.03 of the Regional Transportation  
17 Authority Act, from such assignee. However, as to any claim for  
18 credit or refund filed with the Department on and after each  
19 January 1 and July 1 no amount of tax or penalty or interest  
20 erroneously paid (either in total or partial liquidation of a  
21 tax or penalty or amount of interest under this Act) more than  
22 3 years prior to such January 1 and July 1, respectively, shall  
23 be credited or refunded, except that if both the Department and  
24 the taxpayer have agreed to an extension of time to issue a  
25 notice of tax liability as provided in Section 4 of this Act,  
26 such claim may be filed at any time prior to the expiration of

1 the period agreed upon.

2 No claim may be allowed for any amount paid to the  
3 Department, whether paid voluntarily or involuntarily, if paid  
4 in total or partial liquidation of an assessment which had  
5 become final before the claim for credit or refund to recover  
6 the amount so paid is filed with the Department, or if paid in  
7 total or partial liquidation of a judgment or order of court.  
8 No credit may be allowed or refund made for any amount paid by  
9 or collected from any claimant unless it appears (a) that the  
10 claimant bore the burden of such amount and has not been  
11 relieved thereof nor reimbursed therefor and has not shifted  
12 such burden directly or indirectly through inclusion of such  
13 amount in the price of the tangible personal property sold by  
14 him or her or in any manner whatsoever; and that no  
15 understanding or agreement, written or oral, exists whereby he  
16 or she or his or her legal representative may be relieved of  
17 the burden of such amount, be reimbursed therefor or may shift  
18 the burden thereof; or (b) that he or she or his or her legal  
19 representative has repaid unconditionally such amount to his or  
20 her vendee (1) who bore the burden thereof and has not shifted  
21 such burden directly or indirectly, in any manner whatsoever;  
22 (2) who, if he or she has shifted such burden, has repaid  
23 unconditionally such amount to his own vendee; and (3) who is  
24 not entitled to receive any reimbursement therefor from any  
25 other source than from his or her vendor, nor to be relieved of  
26 such burden in any manner whatsoever. No credit may be allowed

1 or refund made for any amount paid by or collected from any  
2 claimant unless it appears that the claimant has  
3 unconditionally repaid, to the purchaser, any amount collected  
4 from the purchaser and retained by the claimant with respect to  
5 the same transaction under the Use Tax Act.

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

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

20 If a retailer who has failed to pay retailers' occupation  
21 tax on gross receipts from retail sales is required by the  
22 Department to pay such tax, such retailer, without filing any  
23 formal claim with the Department, shall be allowed to take  
24 credit against such retailers' occupation tax liability to the  
25 extent, if any, to which such retailer has paid an amount  
26 equivalent to retailers' occupation tax or has paid use tax in



1 error to his or her vendor or vendors of the same tangible  
2 personal property which such retailer bought for resale and did  
3 not first use before selling it, and no penalty or interest  
4 shall be charged to such retailer on the amount of such credit.  
5 However, when such credit is allowed to the retailer by the  
6 Department, the vendor is precluded from refunding any of that  
7 tax to the retailer and filing a claim for credit or refund  
8 with respect thereto with the Department. The provisions of  
9 this amendatory Act shall be applied retroactively, regardless  
10 of the date of the transaction.

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

12 (35 ILCS 120/11) (from Ch. 120, par. 450)

13 Sec. 11. All information received by the Department from  
14 returns filed under this Act, or from any investigation  
15 conducted under this Act, shall be confidential, except for  
16 official purposes, and any person who divulges any such  
17 information in any manner, except in accordance with a proper  
18 judicial order or as otherwise provided by law, shall be guilty  
19 of a Class B misdemeanor with a fine not to exceed \$7,500.

20 Nothing in this Act prevents the Director of Revenue from  
21 publishing or making available to the public the names and  
22 addresses of persons filing returns under this Act, or  
23 reasonable statistics concerning the operation of the tax by  
24 grouping the contents of returns so the information in any  
25 individual return is not disclosed.

1           Nothing in this Act prevents the Director of Revenue from  
2           divulging to the United States Government or the government of  
3           any other state, or any officer or agency thereof, for  
4           exclusively official purposes, information received by the  
5           Department in administering this Act, provided that such other  
6           governmental agency agrees to divulge requested tax  
7           information to the Department.

8           The Department's furnishing of information derived from a  
9           taxpayer's return or from an investigation conducted under this  
10          Act to the surety on a taxpayer's bond that has been furnished  
11          to the Department under this Act, either to provide notice to  
12          such surety of its potential liability under the bond or, in  
13          order to support the Department's demand for payment from such  
14          surety under the bond, is an official purpose within the  
15          meaning of this Section.

16          The furnishing upon request of information obtained by the  
17          Department from returns filed under this Act or investigations  
18          conducted under this Act to the Illinois Liquor Control  
19          Commission for official use is deemed to be an official purpose  
20          within the meaning of this Section.

21          Notice to a surety of potential liability shall not be  
22          given unless the taxpayer has first been notified, not less  
23          than 10 days prior thereto, of the Department's intent to so  
24          notify the surety.

25          The furnishing upon request of the Auditor General, or his  
26          authorized agents, for official use, of returns filed and

1 information related thereto under this Act is deemed to be an  
2 official purpose within the meaning of this Section.

3 Where an appeal or a protest has been filed on behalf of a  
4 taxpayer, the furnishing upon request of the attorney for the  
5 taxpayer of returns filed by the taxpayer and information  
6 related thereto under this Act is deemed to be an official  
7 purpose within the meaning of this Section.

8 The furnishing of financial information to a municipality  
9 or county, upon request of the chief executive officer thereof,  
10 is an official purpose within the meaning of this Section,  
11 provided the municipality or county agrees in writing to the  
12 requirements of this Section. Information provided to  
13 municipalities and counties under this paragraph shall be  
14 limited to: (1) the business name; (2) the business address;  
15 (3) the standard classification number assigned to the  
16 business; (4) net revenue distributed to the requesting  
17 municipality or county that is directly related to the  
18 requesting municipality's or county's local share of the  
19 proceeds under the Use Tax Act, the Service Use Tax Act, the  
20 Service Occupation Tax Act, and the Retailers' Occupation Tax  
21 Act distributed from the Local Government Tax Fund, and, if  
22 applicable, any locally imposed retailers' occupation tax or  
23 service occupation tax; and (5) a listing of all businesses  
24 within the requesting municipality or county by account  
25 identification number and address. On and after July 1, 2015,  
26 the furnishing of financial information to municipalities and

1 counties under this paragraph may be by electronic means.

2 Information so provided shall be subject to all  
3 confidentiality provisions of this Section. The written  
4 agreement shall provide for reciprocity, limitations on  
5 access, disclosure, and procedures for requesting information.

6 The Department may make available to the Board of Trustees  
7 of any Metro East Mass Transit District information contained  
8 on transaction reporting returns required to be filed under  
9 Section 3 of this Act that report sales made within the  
10 boundary of the taxing authority of that Metro East Mass  
11 Transit District, as provided in Section 5.01 of the Local Mass  
12 Transit District Act. The disclosure shall be made pursuant to  
13 a written agreement between the Department and the Board of  
14 Trustees of a Metro East Mass Transit District, which is an  
15 official purpose within the meaning of this Section. The  
16 written agreement between the Department and the Board of  
17 Trustees of a Metro East Mass Transit District shall provide  
18 for reciprocity, limitations on access, disclosure, and  
19 procedures for requesting information. Information so provided  
20 shall be subject to all confidentiality provisions of this  
21 Section.

22 The Director may make available to any State agency,  
23 including the Illinois Supreme Court, which licenses persons to  
24 engage in any occupation, information that a person licensed by  
25 such agency has failed to file returns under this Act or pay  
26 the tax, penalty and interest shown therein, or has failed to

1 pay any final assessment of tax, penalty or interest due under  
2 this Act. The Director may make available to any State agency,  
3 including the Illinois Supreme Court, information regarding  
4 whether a bidder, contractor, or an affiliate of a bidder or  
5 contractor has failed to collect and remit Illinois Use tax on  
6 sales into Illinois, or any tax under this Act or pay the tax,  
7 penalty, and interest shown therein, or has failed to pay any  
8 final assessment of tax, penalty, or interest due under this  
9 Act, for the limited purpose of enforcing bidder and contractor  
10 certifications. The Director may make available to units of  
11 local government and school districts that require bidder and  
12 contractor certifications, as set forth in Sections 50-11 and  
13 50-12 of the Illinois Procurement Code, information regarding  
14 whether a bidder, contractor, or an affiliate of a bidder or  
15 contractor has failed to collect and remit Illinois Use tax on  
16 sales into Illinois, file returns under this Act, or pay the  
17 tax, penalty, and interest shown therein, or has failed to pay  
18 any final assessment of tax, penalty, or interest due under  
19 this Act, for the limited purpose of enforcing bidder and  
20 contractor certifications. For purposes of this Section, the  
21 term "affiliate" means any entity that (1) directly,  
22 indirectly, or constructively controls another entity, (2) is  
23 directly, indirectly, or constructively controlled by another  
24 entity, or (3) is subject to the control of a common entity.  
25 For purposes of this Section, an entity controls another entity  
26 if it owns, directly or individually, more than 10% of the

1 voting securities of that entity. As used in this Section, the  
2 term "voting security" means a security that (1) confers upon  
3 the holder the right to vote for the election of members of the  
4 board of directors or similar governing body of the business or  
5 (2) is convertible into, or entitles the holder to receive upon  
6 its exercise, a security that confers such a right to vote. A  
7 general partnership interest is a voting security.

8 The Director may make available to any State agency,  
9 including the Illinois Supreme Court, units of local  
10 government, and school districts, information regarding  
11 whether a bidder or contractor is an affiliate of a person who  
12 is not collecting and remitting Illinois Use taxes for the  
13 limited purpose of enforcing bidder and contractor  
14 certifications.

15 The Director may also make available to the Secretary of  
16 State information that a limited liability company, which has  
17 filed articles of organization with the Secretary of State, or  
18 corporation which has been issued a certificate of  
19 incorporation by the Secretary of State has failed to file  
20 returns under this Act or pay the tax, penalty and interest  
21 shown therein, or has failed to pay any final assessment of  
22 tax, penalty or interest due under this Act. An assessment is  
23 final when all proceedings in court for review of such  
24 assessment have terminated or the time for the taking thereof  
25 has expired without such proceedings being instituted.

26 The Director shall make available for public inspection in

1 the Department's principal office and for publication, at cost,  
2 administrative decisions issued on or after January 1, 1995.  
3 These decisions are to be made available in a manner so that  
4 the following taxpayer information is not disclosed:

5 (1) The names, addresses, and identification numbers  
6 of the taxpayer, related entities, and employees.

7 (2) At the sole discretion of the Director, trade  
8 secrets or other confidential information identified as  
9 such by the taxpayer, no later than 30 days after receipt  
10 of an administrative decision, by such means as the  
11 Department shall provide by rule.

12 The Director shall determine the appropriate extent of the  
13 deletions allowed in paragraph (2). In the event the taxpayer  
14 does not submit deletions, the Director shall make only the  
15 deletions specified in paragraph (1).

16 The Director shall make available for public inspection and  
17 publication an administrative decision within 180 days after  
18 the issuance of the administrative decision. The term  
19 "administrative decision" has the same meaning as defined in  
20 Section 3-101 of Article III of the Code of Civil Procedure.  
21 Costs collected under this Section shall be paid into the Tax  
22 Compliance and Administration Fund.

23 Nothing contained in this Act shall prevent the Director  
24 from divulging information to any person pursuant to a request  
25 or authorization made by the taxpayer or by an authorized  
26 representative of the taxpayer.

1       The furnishing of information obtained by the Department  
2 from returns filed under this amendatory Act of the 100th  
3 General Assembly to the Department of Transportation for  
4 purposes of compliance with this amendatory Act of the 100th  
5 General Assembly regarding aviation fuel is deemed to be an  
6 official purpose within the meaning of this Section.

7       (Source: P.A. 98-1058, eff. 1-1-15; 99-517, eff. 6-30-16.)

8       Section 30. The Motor Fuel Tax Law is amended by changing  
9 Sections 2, 2b, and 8a as follows:

10       (35 ILCS 505/2) (from Ch. 120, par. 418)

11       Sec. 2. A tax is imposed on the privilege of operating  
12 motor vehicles upon the public highways and recreational-type  
13 watercraft upon the waters of this State.

14       (a) Prior to August 1, 1989, the tax is imposed at the rate  
15 of 13 cents per gallon on all motor fuel used in motor vehicles  
16 operating on the public highways and recreational type  
17 watercraft operating upon the waters of this State. Beginning  
18 on August 1, 1989 and until January 1, 1990, the rate of the  
19 tax imposed in this paragraph shall be 16 cents per gallon.  
20 Beginning January 1, 1990, the rate of tax imposed in this  
21 paragraph, including the tax on compressed natural gas, shall  
22 be 19 cents per gallon.

23       (b) The tax on the privilege of operating motor vehicles  
24 which use diesel fuel, liquefied natural gas, or propane shall



1 be the rate according to paragraph (a) plus an additional 2 1/2  
2 cents per gallon. "Diesel fuel" is defined as any product  
3 intended for use or offered for sale as a fuel for engines in  
4 which the fuel is injected into the combustion chamber and  
5 ignited by pressure without electric spark.

6 (c) A tax is imposed upon the privilege of engaging in the  
7 business of selling motor fuel as a retailer or reseller on all  
8 motor fuel used in motor vehicles operating on the public  
9 highways and recreational type watercraft operating upon the  
10 waters of this State: (1) at the rate of 3 cents per gallon on  
11 motor fuel owned or possessed by such retailer or reseller at  
12 12:01 a.m. on August 1, 1989; and (2) at the rate of 3 cents per  
13 gallon on motor fuel owned or possessed by such retailer or  
14 reseller at 12:01 A.M. on January 1, 1990.

15 Retailers and resellers who are subject to this additional  
16 tax shall be required to inventory such motor fuel and pay this  
17 additional tax in a manner prescribed by the Department of  
18 Revenue.

19 The tax imposed in this paragraph (c) shall be in addition  
20 to all other taxes imposed by the State of Illinois or any unit  
21 of local government in this State.

22 (d) Except as provided in Section 2a, the collection of a  
23 tax based on gallonage of gasoline used for the propulsion of  
24 any aircraft is prohibited on and after October 1, 1979, and  
25 the collection of a tax based on gallonage of special fuel used  
26 for the propulsion of any aircraft is prohibited on and after

1 December 1, 2017.

2 (e) The collection of a tax, based on gallonage of all  
3 products commonly or commercially known or sold as 1-K  
4 kerosene, regardless of its classification or uses, is  
5 prohibited (i) on and after July 1, 1992 until December 31,  
6 1999, except when the 1-K kerosene is either: (1) delivered  
7 into bulk storage facilities of a bulk user, or (2) delivered  
8 directly into the fuel supply tanks of motor vehicles and (ii)  
9 on and after January 1, 2000. Beginning on January 1, 2000, the  
10 collection of a tax, based on gallonage of all products  
11 commonly or commercially known or sold as 1-K kerosene,  
12 regardless of its classification or uses, is prohibited except  
13 when the 1-K kerosene is delivered directly into a storage tank  
14 that is located at a facility that has withdrawal facilities  
15 that are readily accessible to and are capable of dispensing  
16 1-K kerosene into the fuel supply tanks of motor vehicles. For  
17 purposes of this subsection (e), a facility is considered to  
18 have withdrawal facilities that are not "readily accessible to  
19 and capable of dispensing 1-K kerosene into the fuel supply  
20 tanks of motor vehicles" only if the 1-K kerosene is delivered  
21 from: (i) a dispenser hose that is short enough so that it will  
22 not reach the fuel supply tank of a motor vehicle or (ii) a  
23 dispenser that is enclosed by a fence or other physical barrier  
24 so that a vehicle cannot pull alongside the dispenser to permit  
25 fueling.

26 Any person who sells or uses 1-K kerosene for use in motor

1 vehicles upon which the tax imposed by this Law has not been  
2 paid shall be liable for any tax due on the sales or use of 1-K  
3 kerosene.

4 (Source: P.A. 100-9, eff. 7-1-17.)

5 (35 ILCS 505/2b) (from Ch. 120, par. 418b)

6 Sec. 2b. In addition to the tax collection and reporting  
7 responsibilities imposed elsewhere in this Act, a person who is  
8 required to pay the tax imposed by Section 2a of this Act shall  
9 pay the tax to the Department by return showing all fuel  
10 purchased, acquired or received and sold, distributed or used  
11 during the preceding calendar month including losses of fuel as  
12 the result of evaporation or shrinkage due to temperature  
13 variations, and such other reasonable information as the  
14 Department may require. Losses of fuel as the result of  
15 evaporation or shrinkage due to temperature variations may not  
16 exceed 1% of the total gallons in storage at the beginning of  
17 the month, plus the receipts of gallonage during the month,  
18 minus the gallonage remaining in storage at the end of the  
19 month. Any loss reported that is in excess of this amount shall  
20 be subject to the tax imposed by Section 2a of this Law. On and  
21 after July 1, 2001, for each 6-month period January through  
22 June, net losses of fuel (for each category of fuel that is  
23 required to be reported on a return) as the result of  
24 evaporation or shrinkage due to temperature variations may not  
25 exceed 1% of the total gallons in storage at the beginning of

1 each January, plus the receipts of gallonage each January  
2 through June, minus the gallonage remaining in storage at the  
3 end of each June. On and after July 1, 2001, for each 6-month  
4 period July through December, net losses of fuel (for each  
5 category of fuel that is required to be reported on a return)  
6 as the result of evaporation or shrinkage due to temperature  
7 variations may not exceed 1% of the total gallons in storage at  
8 the beginning of each July, plus the receipts of gallonage each  
9 July through December, minus the gallonage remaining in storage  
10 at the end of each December. Any net loss reported that is in  
11 excess of this amount shall be subject to the tax imposed by  
12 Section 2a of this Law. For purposes of this Section, "net  
13 loss" means the number of gallons gained through temperature  
14 variations minus the number of gallons lost through temperature  
15 variations or evaporation for each of the respective 6-month  
16 periods.

17 The return shall be prescribed by the Department and shall  
18 be filed between the 1st and 20th days of each calendar month.  
19 The Department may, in its discretion, combine the returns  
20 filed under this Section, Section 5, and Section 5a of this  
21 Act. The return must be accompanied by appropriate  
22 computer-generated magnetic media supporting schedule data in  
23 the format required by the Department, unless, as provided by  
24 rule, the Department grants an exception upon petition of a  
25 taxpayer. If the return is filed timely, the seller shall take  
26 a discount of 2% through June 30, 2003 and 1.75% thereafter

1 which is allowed to reimburse the seller for the expenses  
2 incurred in keeping records, preparing and filing returns,  
3 collecting and remitting the tax and supplying data to the  
4 Department on request. The discount, however, shall be  
5 applicable only to the amount of payment which accompanies a  
6 return that is filed timely in accordance with this Section.  
7 The discount under this Section is not allowed for taxes paid  
8 on aviation fuel that are deposited into the State Aviation  
9 Program Fund under this Act.

10 Beginning on January 1, 2018, each person who is required  
11 to pay the tax imposed under Section 2a of this Act on aviation  
12 fuel sold or used in this State during the preceding calendar  
13 month shall, instead of reporting and paying tax on aviation  
14 fuel as otherwise required by this Section, report and pay such  
15 tax on a separate aviation fuel tax return, on or before the  
16 twentieth day of each calendar month. The requirements related  
17 to the return shall be as otherwise provided in this Section.  
18 Notwithstanding any other provisions of this Act to the  
19 contrary, a person required to pay the tax imposed by Section  
20 2a of this Act on aviation fuel shall file all aviation fuel  
21 tax returns and shall make all aviation fuel tax payments by  
22 electronic means in the manner and form required by the  
23 Department. For purposes of this paragraph, "aviation fuel"  
24 means a product that is intended for use or offered for sale as  
25 fuel for an aircraft.

26 (Source: P.A. 92-30, eff. 7-1-01; 93-32, eff. 6-20-03.)

1 (35 ILCS 505/8a) (from Ch. 120, par. 424a)

2 Sec. 8a. All money received by the Department under Section  
3 2a of this Act, except money received from taxes on aviation  
4 fuel sold or used on or after December 1, 2017, shall be  
5 deposited in the Underground Storage Tank Fund created by  
6 Section 57.11 of the Environmental Protection Act, as now or  
7 hereafter amended. All money received by the Department under  
8 Section 2a of this Act for aviation fuel sold or used on or  
9 after December 1, 2017, shall be deposited into the State  
10 Aviation Program Fund. This exception for aviation fuel only  
11 applies for so long as the revenue use requirements of 49  
12 U.S.C. §47107(b) and 49 U.S.C. §47133 are binding on the State.  
13 For purposes of this section, "aviation fuel" means a product  
14 that is intended for use or offered for sale as fuel for an  
15 aircraft.

16 (Source: P.A. 88-496.)

17 Section 35. The Innovation Development and Economy Act is  
18 amended by changing Sections 10 and 31 as follows:

19 (50 ILCS 470/10)

20 Sec. 10. Definitions. As used in this Act, the following  
21 words and phrases shall have the following meanings unless a  
22 different meaning clearly appears from the context:

23 "Base year" means the calendar year immediately prior to

1 the calendar year in which the STAR bond district is  
2 established.

3 "Commence work" means the manifest commencement of actual  
4 operations on the development site, such as, erecting a  
5 building, general on-site and off-site grading and utility  
6 installations, commencing design and construction  
7 documentation, ordering lead-time materials, excavating the  
8 ground to lay a foundation or a basement, or work of like  
9 description which a reasonable person would recognize as being  
10 done with the intention and purpose to continue work until the  
11 project is completed.

12 "County" means the county in which a proposed STAR bond  
13 district is located.

14 "De minimis" means an amount less than 15% of the land area  
15 within a STAR bond district.

16 "Department of Revenue" means the Department of Revenue of  
17 the State of Illinois.

18 "Destination user" means an owner, operator, licensee,  
19 co-developer, subdeveloper, or tenant (i) that operates a  
20 business within a STAR bond district that is a retail store  
21 having at least 150,000 square feet of sales floor area; (ii)  
22 that at the time of opening does not have another Illinois  
23 location within a 70 mile radius; (iii) that has an annual  
24 average of not less than 30% of customers who travel from at  
25 least 75 miles away or from out-of-state, as demonstrated by  
26 data from a comparable existing store or stores, or, if there

1 is no comparable existing store, as demonstrated by an economic  
2 analysis that shows that the proposed retailer will have an  
3 annual average of not less than 30% of customers who travel  
4 from at least 75 miles away or from out-of-state; and (iv) that  
5 makes an initial capital investment, including project costs  
6 and other direct costs, of not less than \$30,000,000 for such  
7 retail store.

8 "Destination hotel" means a hotel (as that term is defined  
9 in Section 2 of the Hotel Operators' Occupation Tax Act)  
10 complex having at least 150 guest rooms and which also includes  
11 a venue for entertainment attractions, rides, or other  
12 activities oriented toward the entertainment and amusement of  
13 its guests and other patrons.

14 "Developer" means any individual, corporation, trust,  
15 estate, partnership, limited liability partnership, limited  
16 liability company, or other entity. The term does not include a  
17 not-for-profit entity, political subdivision, or other agency  
18 or instrumentality of the State.

19 "Director" means the Director of Revenue, who shall consult  
20 with the Director of Commerce and Economic Opportunity in any  
21 approvals or decisions required by the Director under this Act.

22 "Economic impact study" means a study conducted by an  
23 independent economist to project the financial benefit of the  
24 proposed STAR bond project to the local, regional, and State  
25 economies, consider the proposed adverse impacts on similar  
26 projects and businesses, as well as municipalities within the



1 projected market area, and draw conclusions about the net  
2 effect of the proposed STAR bond project on the local,  
3 regional, and State economies. A copy of the economic impact  
4 study shall be provided to the Director for review.

5 "Eligible area" means any improved or vacant area that (i)  
6 is contiguous and is not, in the aggregate, less than 250 acres  
7 nor more than 500 acres which must include only parcels of real  
8 property directly and substantially benefited by the proposed  
9 STAR bond district plan, (ii) is adjacent to a federal  
10 interstate highway, (iii) is within one mile of 2 State  
11 highways, (iv) is within one mile of an entertainment user, or  
12 a major or minor league sports stadium or other similar  
13 entertainment venue that had an initial capital investment of  
14 at least \$20,000,000, and (v) includes land that was previously  
15 surface or strip mined. The area may be bisected by streets,  
16 highways, roads, alleys, railways, bike paths, streams,  
17 rivers, and other waterways and still be deemed contiguous. In  
18 addition, in order to constitute an eligible area one of the  
19 following requirements must be satisfied and all of which are  
20 subject to the review and approval of the Director as provided  
21 in subsection (d) of Section 15:

22 (a) the governing body of the political subdivision  
23 shall have determined that the area meets the requirements  
24 of a "blighted area" as defined under the Tax Increment  
25 Allocation Redevelopment Act; or

26 (b) the governing body of the political subdivision

1 shall have determined that the area is a blighted area as  
2 determined under the provisions of Section 11-74.3-5 of the  
3 Illinois Municipal Code; or

4 (c) the governing body of the political subdivision  
5 shall make the following findings:

6 (i) that the vacant portions of the area have  
7 remained vacant for at least one year, or that any  
8 building located on a vacant portion of the property  
9 was demolished within the last year and that the  
10 building would have qualified under item (ii) of this  
11 subsection;

12 (ii) if portions of the area are currently  
13 developed, that the use, condition, and character of  
14 the buildings on the property are not consistent with  
15 the purposes set forth in Section 5;

16 (iii) that the STAR bond district is expected to  
17 create or retain job opportunities within the  
18 political subdivision;

19 (iv) that the STAR bond district will serve to  
20 further the development of adjacent areas;

21 (v) that without the availability of STAR bonds,  
22 the projects described in the STAR bond district plan  
23 would not be possible;

24 (vi) that the master developer meets high  
25 standards of creditworthiness and financial strength  
26 as demonstrated by one or more of the following: (i)

1 corporate debenture ratings of BBB or higher by  
2 Standard & Poor's Corporation or Baa or higher by  
3 Moody's Investors Service, Inc.; (ii) a letter from a  
4 financial institution with assets of \$10,000,000 or  
5 more attesting to the financial strength of the master  
6 developer; or (iii) specific evidence of equity  
7 financing for not less than 10% of the estimated total  
8 STAR bond project costs;

9 (vii) that the STAR bond district will strengthen  
10 the commercial sector of the political subdivision;

11 (viii) that the STAR bond district will enhance the  
12 tax base of the political subdivision; and

13 (ix) that the formation of a STAR bond district is  
14 in the best interest of the political subdivision.

15 "Entertainment user" means an owner, operator, licensee,  
16 co-developer, subdeveloper, or tenant that operates a business  
17 within a STAR bond district that has a primary use of providing  
18 a venue for entertainment attractions, rides, or other  
19 activities oriented toward the entertainment and amusement of  
20 its patrons, occupies at least 20 acres of land in the STAR  
21 bond district, and makes an initial capital investment,  
22 including project costs and other direct and indirect costs, of  
23 not less than \$25,000,000 for that venue.

24 "Feasibility study" means a feasibility study as defined in  
25 subsection (b) of Section 20.

26 "Infrastructure" means the public improvements and private

1 improvements that serve the public purposes set forth in  
2 Section 5 of this Act and that benefit the STAR bond district  
3 or any STAR bond projects, including, but not limited to,  
4 streets, drives and driveways, traffic and directional signs  
5 and signals, parking lots and parking facilities,  
6 interchanges, highways, sidewalks, bridges, underpasses and  
7 overpasses, bike and walking trails, sanitary storm sewers and  
8 lift stations, drainage conduits, channels, levees, canals,  
9 storm water detention and retention facilities, utilities and  
10 utility connections, water mains and extensions, and street and  
11 parking lot lighting and connections.

12 "Local sales taxes" means any locally imposed taxes  
13 received by a municipality, county, or other local governmental  
14 entity arising from sales by retailers and servicemen within a  
15 STAR bond district, including business district sales taxes and  
16 STAR bond occupation taxes, and that portion of the net revenue  
17 realized under the Retailers' Occupation Tax Act, the Use Tax  
18 Act, the Service Use Tax Act, and the Service Occupation Tax  
19 Act from transactions at places of business located within a  
20 STAR bond district that is deposited into the Local Government  
21 Tax Fund and the County and Mass Transit District Fund. For the  
22 purpose of this Act, "local sales taxes" does not include (i)  
23 any taxes authorized pursuant to the Local Mass Transit  
24 District Act or the Metro-East Park and Recreation District Act  
25 for so long as the applicable taxing district does not impose a  
26 tax on real property, (ii) county school facility occupation

1 taxes imposed pursuant to Section 5-1006.7 of the Counties  
2 Code, or (iii) any taxes authorized under the Flood Prevention  
3 District Act.

4 "Local sales tax increment" means, except as otherwise  
5 provided in this Section, with respect to local sales taxes  
6 administered by the Illinois Department of Revenue, (i) all of  
7 the local sales tax paid by destination users, destination  
8 hotels, and entertainment users that is in excess of the local  
9 sales tax paid by destination users, destination hotels, and  
10 entertainment users for the same month in the base year, as  
11 determined by the Illinois Department of Revenue, (ii) in the  
12 case of a municipality forming a STAR bond district that is  
13 wholly within the corporate boundaries of the municipality and  
14 in the case of a municipality and county forming a STAR bond  
15 district that is only partially within such municipality, that  
16 portion of the local sales tax paid by taxpayers that are not  
17 destination users, destination hotels, or entertainment users  
18 that is in excess of the local sales tax paid by taxpayers that  
19 are not destination users, destination hotels, or  
20 entertainment users for the same month in the base year, as  
21 determined by the Illinois Department of Revenue, and (iii) in  
22 the case of a county in which a STAR bond district is formed  
23 that is wholly within a municipality, that portion of the local  
24 sales tax paid by taxpayers that are not destination users,  
25 destination hotels, or entertainment users that is in excess of  
26 the local sales tax paid by taxpayers that are not destination

1 users, destination hotels, or entertainment users for the same  
2 month in the base year, as determined by the Illinois  
3 Department of Revenue, but only if the corporate authorities of  
4 the county adopts an ordinance, and files a copy with the  
5 Department within the same time frames as required for STAR  
6 bond occupation taxes under Section 31, that designates the  
7 taxes referenced in this clause (iii) as part of the local  
8 sales tax increment under this Act. "Local sales tax increment"  
9 means, with respect to local sales taxes administered by a  
10 municipality, county, or other unit of local government, that  
11 portion of the local sales tax that is in excess of the local  
12 sales tax for the same month in the base year, as determined by  
13 the respective municipality, county, or other unit of local  
14 government. If any portion of local sales taxes are, at the  
15 time of formation of a STAR bond district, already subject to  
16 tax increment financing under the Tax Increment Allocation  
17 Redevelopment Act, then the local sales tax increment for such  
18 portion shall be frozen at the base year established in  
19 accordance with this Act, and all future incremental increases  
20 shall be included in the "local sales tax increment" under this  
21 Act. Any party otherwise entitled to receipt of incremental  
22 local sales tax revenues through an existing tax increment  
23 financing district shall be entitled to continue to receive  
24 such revenues up to the amount frozen in the base year. Nothing  
25 in this Act shall affect the prior qualification of existing  
26 redevelopment project costs incurred that are eligible for

1 reimbursement under the Tax Increment Allocation Redevelopment  
2 Act. In such event, prior to approving a STAR bond district,  
3 the political subdivision forming the STAR bond district shall  
4 take such action as is necessary, including amending the  
5 existing tax increment financing district redevelopment plan,  
6 to carry out the provisions of this Act. The Illinois  
7 Department of Revenue shall allocate the local sales tax  
8 increment only if the local sales tax is administered by the  
9 Department. "Local sales tax increment" does not include taxes  
10 and penalties collected on aviation fuel, as defined in Section  
11 3 of the Retailers' Occupation Tax, sold on or after December  
12 1, 2017.

13 "Market study" means a study to determine the ability of  
14 the proposed STAR bond project to gain market share locally and  
15 regionally and to remain profitable past the term of repayment  
16 of STAR bonds.

17 "Master developer" means a developer cooperating with a  
18 political subdivision to plan, develop, and implement a STAR  
19 bond project plan for a STAR bond district. Subject to the  
20 limitations of Section 25, the master developer may work with  
21 and transfer certain development rights to other developers for  
22 the purpose of implementing STAR bond project plans and  
23 achieving the purposes of this Act. A master developer for a  
24 STAR bond district shall be appointed by a political  
25 subdivision in the resolution establishing the STAR bond  
26 district, and the master developer must, at the time of

1 appointment, own or have control of, through purchase  
2 agreements, option contracts, or other means, not less than 50%  
3 of the acreage within the STAR bond district and the master  
4 developer or its affiliate must have ownership or control on  
5 June 1, 2010.

6 "Master development agreement" means an agreement between  
7 the master developer and the political subdivision to govern a  
8 STAR bond district and any STAR bond projects.

9 "Municipality" means the city, village, or incorporated  
10 town in which a proposed STAR bond district is located.

11 "Pledged STAR revenues" means those sales tax and revenues  
12 and other sources of funds pledged to pay debt service on STAR  
13 bonds or to pay project costs pursuant to Section 30.  
14 Notwithstanding any provision to the contrary, the following  
15 revenues shall not constitute pledged STAR revenues or be  
16 available to pay principal and interest on STAR bonds: any  
17 State sales tax increment or local sales tax increment from a  
18 retail entity initiating operations in a STAR bond district  
19 while terminating operations at another Illinois location  
20 within 25 miles of the STAR bond district. For purposes of this  
21 paragraph, "terminating operations" means a closing of a retail  
22 operation that is directly related to the opening of the same  
23 operation or like retail entity owned or operated by more than  
24 50% of the original ownership in a STAR bond district within  
25 one year before or after initiating operations in the STAR bond  
26 district, but it does not mean closing an operation for reasons



1 beyond the control of the retail entity, as documented by the  
2 retail entity, subject to a reasonable finding by the  
3 municipality (or county if such retail operation is not located  
4 within a municipality) in which the terminated operations were  
5 located that the closed location contained inadequate space,  
6 had become economically obsolete, or was no longer a viable  
7 location for the retailer or serviceman.

8 "Political subdivision" means a municipality or county  
9 which undertakes to establish a STAR bond district pursuant to  
10 the provisions of this Act.

11 "Project costs" means and includes the sum total of all  
12 costs incurred or estimated to be incurred on or following the  
13 date of establishment of a STAR bond district that are  
14 reasonable or necessary to implement a STAR bond district plan  
15 or any STAR bond project plans, or both, including costs  
16 incurred for public improvements and private improvements that  
17 serve the public purposes set forth in Section 5 of this Act.  
18 Such costs include without limitation the following:

19 (a) costs of studies, surveys, development of plans and  
20 specifications, formation, implementation, and  
21 administration of a STAR bond district, STAR bond district  
22 plan, any STAR bond projects, or any STAR bond project  
23 plans, including, but not limited to, staff and  
24 professional service costs for architectural, engineering,  
25 legal, financial, planning, or other services, provided  
26 however that no charges for professional services may be

1 based on a percentage of the tax increment collected and no  
2 contracts for professional services, excluding  
3 architectural and engineering services, may be entered  
4 into if the terms of the contract extend beyond a period of  
5 3 years;

6 (b) property assembly costs, including, but not  
7 limited to, acquisition of land and other real property or  
8 rights or interests therein, located within the boundaries  
9 of a STAR bond district, demolition of buildings, site  
10 preparation, site improvements that serve as an engineered  
11 barrier addressing ground level or below ground  
12 environmental contamination, including, but not limited  
13 to, parking lots and other concrete or asphalt barriers,  
14 the clearing and grading of land, and importing additional  
15 soil and fill materials, or removal of soil and fill  
16 materials from the site;

17 (c) subject to paragraph (d), costs of buildings and  
18 other vertical improvements that are located within the  
19 boundaries of a STAR bond district and owned by a political  
20 subdivision or other public entity, including without  
21 limitation police and fire stations, educational  
22 facilities, and public restrooms and rest areas;

23 (c-1) costs of buildings and other vertical  
24 improvements that are located within the boundaries of a  
25 STAR bond district and owned by a destination user or  
26 destination hotel; except that only 2 destination users in

1 a STAR bond district and one destination hotel are eligible  
2 to include the cost of those vertical improvements as  
3 project costs;

4 (c-5) costs of buildings; rides and attractions, which  
5 include carousels, slides, roller coasters, displays,  
6 models, towers, works of art, and similar theme and  
7 amusement park improvements; and other vertical  
8 improvements that are located within the boundaries of a  
9 STAR bond district and owned by an entertainment user;  
10 except that only one entertainment user in a STAR bond  
11 district is eligible to include the cost of those vertical  
12 improvements as project costs;

13 (d) costs of the design and construction of  
14 infrastructure and public works located within the  
15 boundaries of a STAR bond district that are reasonable or  
16 necessary to implement a STAR bond district plan or any  
17 STAR bond project plans, or both, except that project costs  
18 shall not include the cost of constructing a new municipal  
19 public building principally used to provide offices,  
20 storage space, or conference facilities or vehicle  
21 storage, maintenance, or repair for administrative, public  
22 safety, or public works personnel and that is not intended  
23 to replace an existing public building unless the political  
24 subdivision makes a reasonable determination in a STAR bond  
25 district plan or any STAR bond project plans, supported by  
26 information that provides the basis for that

1 determination, that the new municipal building is required  
2 to meet an increase in the need for public safety purposes  
3 anticipated to result from the implementation of the STAR  
4 bond district plan or any STAR bond project plans;

5 (e) costs of the design and construction of the  
6 following improvements located outside the boundaries of a  
7 STAR bond district, provided that the costs are essential  
8 to further the purpose and development of a STAR bond  
9 district plan and either (i) part of and connected to  
10 sewer, water, or utility service lines that physically  
11 connect to the STAR bond district or (ii) significant  
12 improvements for adjacent offsite highways, streets,  
13 roadways, and interchanges that are approved by the  
14 Illinois Department of Transportation. No other cost of  
15 infrastructure and public works improvements located  
16 outside the boundaries of a STAR bond district may be  
17 deemed project costs;

18 (f) costs of job training and retraining projects,  
19 including the cost of "welfare to work" programs  
20 implemented by businesses located within a STAR bond  
21 district;

22 (g) financing costs, including, but not limited to, all  
23 necessary and incidental expenses related to the issuance  
24 of obligations and which may include payment of interest on  
25 any obligations issued hereunder including interest  
26 accruing during the estimated period of construction of any

1 improvements in a STAR bond district or any STAR bond  
2 projects for which such obligations are issued and for not  
3 exceeding 36 months thereafter and including reasonable  
4 reserves related thereto;

5 (h) to the extent the political subdivision by written  
6 agreement accepts and approves the same, all or a portion  
7 of a taxing district's capital costs resulting from a STAR  
8 bond district or STAR bond projects necessarily incurred or  
9 to be incurred within a taxing district in furtherance of  
10 the objectives of a STAR bond district plan or STAR bond  
11 project plans;

12 (i) interest cost incurred by a developer for project  
13 costs related to the acquisition, formation,  
14 implementation, development, construction, and  
15 administration of a STAR bond district, STAR bond district  
16 plan, STAR bond projects, or any STAR bond project plans  
17 provided that:

18 (i) payment of such costs in any one year may not  
19 exceed 30% of the annual interest costs incurred by the  
20 developer with regard to the STAR bond district or any  
21 STAR bond projects during that year; and

22 (ii) the total of such interest payments paid  
23 pursuant to this Act may not exceed 30% of the total  
24 cost paid or incurred by the developer for a STAR bond  
25 district or STAR bond projects, plus project costs,  
26 excluding any property assembly costs incurred by a

1 political subdivision pursuant to this Act;

2 (j) costs of common areas located within the boundaries  
3 of a STAR bond district;

4 (k) costs of landscaping and plantings, retaining  
5 walls and fences, man-made lakes and ponds, shelters,  
6 benches, lighting, and similar amenities located within  
7 the boundaries of a STAR bond district;

8 (l) costs of mounted building signs, site monument, and  
9 pylon signs located within the boundaries of a STAR bond  
10 district; or

11 (m) if included in the STAR bond district plan and  
12 approved in writing by the Director, salaries or a portion  
13 of salaries for local government employees to the extent  
14 the same are directly attributable to the work of such  
15 employees on the establishment and management of a STAR  
16 bond district or any STAR bond projects.

17 Except as specified in items (a) through (m), "project  
18 costs" shall not include:

19 (i) the cost of construction of buildings that are  
20 privately owned or owned by a municipality and leased to a  
21 developer or retail user for non-entertainment retail  
22 uses;

23 (ii) moving expenses for employees of the businesses  
24 locating within the STAR bond district;

25 (iii) property taxes for property located in the STAR  
26 bond district;

1 (iv) lobbying costs; and

2 (v) general overhead or administrative costs of the  
3 political subdivision that would still have been incurred  
4 by the political subdivision if the political subdivision  
5 had not established a STAR bond district.

6 "Project development agreement" means any one or more  
7 agreements, including any amendments thereto, between a master  
8 developer and any co-developer or subdeveloper in connection  
9 with a STAR bond project, which project development agreement  
10 may include the political subdivision as a party.

11 "Projected market area" means any area within the State in  
12 which a STAR bond district or STAR bond project is projected to  
13 have a significant fiscal or market impact as determined by the  
14 Director.

15 "Resolution" means a resolution, order, ordinance, or  
16 other appropriate form of legislative action of a political  
17 subdivision or other applicable public entity approved by a  
18 vote of a majority of a quorum at a meeting of the governing  
19 body of the political subdivision or applicable public entity.

20 "STAR bond" means a sales tax and revenue bond, note, or  
21 other obligation payable from pledged STAR revenues and issued  
22 by a political subdivision, the proceeds of which shall be used  
23 only to pay project costs as defined in this Act.

24 "STAR bond district" means the specific area declared to be  
25 an eligible area as determined by the political subdivision,  
26 and approved by the Director, in which the political

1 subdivision may develop one or more STAR bond projects.

2 "STAR bond district plan" means the preliminary or  
3 conceptual plan that generally identifies the proposed STAR  
4 bond project areas and identifies in a general manner the  
5 buildings, facilities, and improvements to be constructed or  
6 improved in each STAR bond project area.

7 "STAR bond project" means a project within a STAR bond  
8 district which is approved pursuant to Section 20.

9 "STAR bond project area" means the geographic area within a  
10 STAR bond district in which there may be one or more STAR bond  
11 projects.

12 "STAR bond project plan" means the written plan adopted by  
13 a political subdivision for the development of a STAR bond  
14 project in a STAR bond district; the plan may include, but is  
15 not limited to, (i) project costs incurred prior to the date of  
16 the STAR bond project plan and estimated future STAR bond  
17 project costs, (ii) proposed sources of funds to pay those  
18 costs, (iii) the nature and estimated term of any obligations  
19 to be issued by the political subdivision to pay those costs,  
20 (iv) the most recent equalized assessed valuation of the STAR  
21 bond project area, (v) an estimate of the equalized assessed  
22 valuation of the STAR bond district or applicable project area  
23 after completion of a STAR bond project, (vi) a general  
24 description of the types of any known or proposed developers,  
25 users, or tenants of the STAR bond project or projects included  
26 in the plan, (vii) a general description of the type,



1 structure, and character of the property or facilities to be  
2 developed or improved, (viii) a description of the general land  
3 uses to apply to the STAR bond project, and (ix) a general  
4 description or an estimate of the type, class, and number of  
5 employees to be employed in the operation of the STAR bond  
6 project.

7 "State sales tax" means all of the net revenue realized  
8 under the Retailers' Occupation Tax Act, the Use Tax Act, the  
9 Service Use Tax Act, and the Service Occupation Tax Act from  
10 transactions at places of business located within a STAR bond  
11 district, excluding that portion of the net revenue realized  
12 under the Retailers' Occupation Tax Act, the Use Tax Act, the  
13 Service Use Tax Act, and the Service Occupation Tax Act from  
14 transactions at places of business located within a STAR bond  
15 district that is deposited into the Local Government Tax Fund  
16 and the County and Mass Transit District Fund.

17 "State sales tax increment" means (i) 100% of that portion  
18 of the State sales tax that is in excess of the State sales tax  
19 for the same month in the base year, as determined by the  
20 Department of Revenue, from transactions at up to 2 destination  
21 users, one destination hotel, and one entertainment user  
22 located within a STAR bond district, which destination users,  
23 destination hotel, and entertainment user shall be designated  
24 by the master developer and approved by the political  
25 subdivision and the Director in conjunction with the applicable  
26 STAR bond project approval, and (ii) 25% of that portion of the

1 State sales tax that is in excess of the State sales tax for  
2 the same month in the base year, as determined by the  
3 Department of Revenue, from all other transactions within a  
4 STAR bond district. If any portion of State sales taxes are, at  
5 the time of formation of a STAR bond district, already subject  
6 to tax increment financing under the Tax Increment Allocation  
7 Redevelopment Act, then the State sales tax increment for such  
8 portion shall be frozen at the base year established in  
9 accordance with this Act, and all future incremental increases  
10 shall be included in the State sales tax increment under this  
11 Act. Any party otherwise entitled to receipt of incremental  
12 State sales tax revenues through an existing tax increment  
13 financing district shall be entitled to continue to receive  
14 such revenues up to the amount frozen in the base year. Nothing  
15 in this Act shall affect the prior qualification of existing  
16 redevelopment project costs incurred that are eligible for  
17 reimbursement under the Tax Increment Allocation Redevelopment  
18 Act. In such event, prior to approving a STAR bond district,  
19 the political subdivision forming the STAR bond district shall  
20 take such action as is necessary, including amending the  
21 existing tax increment financing district redevelopment plan,  
22 to carry out the provisions of this Act.

23 "Substantial change" means a change wherein the proposed  
24 STAR bond project plan differs substantially in size, scope, or  
25 use from the approved STAR bond district plan or STAR bond  
26 project plan.

1 "Taxpayer" means an individual, partnership, corporation,  
2 limited liability company, trust, estate, or other entity that  
3 is subject to the Illinois Income Tax Act.

4 "Total development costs" means the aggregate public and  
5 private investment in a STAR bond district, including project  
6 costs and other direct and indirect costs related to the  
7 development of the STAR bond district.

8 "Traditional retail use" means the operation of a business  
9 that derives at least 90% of its annual gross revenue from  
10 sales at retail, as that phrase is defined by Section 1 of the  
11 Retailers' Occupation Tax Act, but does not include the  
12 operations of destination users, entertainment users,  
13 restaurants, hotels, retail uses within hotels, or any other  
14 non-retail uses.

15 "Vacant" means that portion of the land in a proposed STAR  
16 bond district that is not occupied by a building, facility, or  
17 other vertical improvement.

18 (Source: P.A. 99-642, eff. 7-28-16.)

19 (50 ILCS 470/31)

20 Sec. 31. STAR bond occupation taxes.

21 (a) If the corporate authorities of a political subdivision  
22 have established a STAR bond district and have elected to  
23 impose a tax by ordinance pursuant to subsection (b) or (c) of  
24 this Section, each year after the date of the adoption of the  
25 ordinance and until all STAR bond project costs and all

1 political subdivision obligations financing the STAR bond  
2 project costs, if any, have been paid in accordance with the  
3 STAR bond project plans, but in no event longer than the  
4 maximum maturity date of the last of the STAR bonds issued for  
5 projects in the STAR bond district, all amounts generated by  
6 the retailers' occupation tax and service occupation tax shall  
7 be collected and the tax shall be enforced by the Department of  
8 Revenue in the same manner as all retailers' occupation taxes  
9 and service occupation taxes imposed in the political  
10 subdivision imposing the tax. The corporate authorities of the  
11 political subdivision shall deposit the proceeds of the taxes  
12 imposed under subsections (b) and (c) into either (i) a special  
13 fund held by the corporate authorities of the political  
14 subdivision called the STAR Bonds Tax Allocation Fund for the  
15 purpose of paying STAR bond project costs and obligations  
16 incurred in the payment of those costs if such taxes are  
17 designated as pledged STAR revenues by resolution or ordinance  
18 of the political subdivision or (ii) the political  
19 subdivision's general corporate fund if such taxes are not  
20 designated as pledged STAR revenues by resolution or ordinance.

21 The tax imposed under this Section by a municipality may be  
22 imposed only on the portion of a STAR bond district that is  
23 within the boundaries of the municipality. For any part of a  
24 STAR bond district that lies outside of the boundaries of that  
25 municipality, the municipality in which the other part of the  
26 STAR bond district lies (or the county, in cases where a

1 portion of the STAR bond district lies in the unincorporated  
2 area of a county) is authorized to impose the tax under this  
3 Section on that part of the STAR bond district.

4 (b) The corporate authorities of a political subdivision  
5 that has established a STAR bond district under this Act may,  
6 by ordinance or resolution, impose a STAR Bond Retailers'  
7 Occupation Tax upon all persons engaged in the business of  
8 selling tangible personal property, other than an item of  
9 tangible personal property titled or registered with an agency  
10 of this State's government, at retail in the STAR bond district  
11 at a rate not to exceed 1% of the gross receipts from the sales  
12 made in the course of that business, to be imposed only in  
13 0.25% increments. The tax may not be imposed on food for human  
14 consumption that is to be consumed off the premises where it is  
15 sold (other than alcoholic beverages, soft drinks, and food  
16 that has been prepared for immediate consumption),  
17 prescription and nonprescription medicines, drugs, medical  
18 appliances, modifications to a motor vehicle for the purpose of  
19 rendering it usable by a person with a disability, and insulin,  
20 urine testing materials, syringes, and needles used by  
21 diabetics, for human use. Beginning December 1, 2017, this tax  
22 is not imposed on sales of aviation fuel unless the tax revenue  
23 is expended for airport-related purposes. If the District does  
24 not have an airport-related purpose to which aviation fuel tax  
25 revenue is dedicated, then aviation fuel is excluded from the  
26 tax. The municipality must comply with the certification

1 requirements for airport-related purposes under Section  
2 8-11-22 of the Illinois Municipal Code. For purposes of this  
3 Act, "airport-related purposes" has the meaning ascribed in  
4 Section 6z-20.2 of the State Finance Act. This exclusion for  
5 aviation fuel only applies for so long as the revenue use  
6 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are  
7 binding on the District.

8       The tax imposed under this subsection and all civil  
9 penalties that may be assessed as an incident thereof shall be  
10 collected and enforced by the Department of Revenue. The  
11 certificate of registration that is issued by the Department to  
12 a retailer under the Retailers' Occupation Tax Act shall permit  
13 the retailer to engage in a business that is taxable under any  
14 ordinance or resolution enacted pursuant to this subsection  
15 without registering separately with the Department under such  
16 ordinance or resolution or under this subsection. The  
17 Department of Revenue shall have full power to administer and  
18 enforce this subsection, to collect all taxes and penalties due  
19 under this subsection in the manner hereinafter provided, and  
20 to determine all rights to credit memoranda arising on account  
21 of the erroneous payment of tax or penalty under this  
22 subsection. In the administration of, and compliance with, this  
23 subsection, the Department and persons who are subject to this  
24 subsection shall have the same rights, remedies, privileges,  
25 immunities, powers, and duties, and be subject to the same  
26 conditions, restrictions, limitations, penalties, exclusions,

1 exemptions, and definitions of terms and employ the same modes  
2 of procedure, as are prescribed in Sections 1, 1a through 1o, 2  
3 through 2-65 (in respect to all provisions therein other than  
4 the State rate of tax), 2c through 2h, 3 (except as to the  
5 disposition of taxes and penalties collected, and except that  
6 the retailer's discount is not allowed for taxes paid on  
7 aviation fuel that are deposited into the Local Government  
8 Aviation Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j,  
9 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and 14 of the  
10 Retailers' Occupation Tax Act and all provisions of the Uniform  
11 Penalty and Interest Act, as fully as if those provisions were  
12 set forth herein.

13 If a tax is imposed under this subsection (b), a tax shall  
14 also be imposed under subsection (c) of this Section.

15 (c) If a tax has been imposed under subsection (b), a STAR  
16 Bond Service Occupation Tax shall also be imposed upon all  
17 persons engaged, in the STAR bond district, in the business of  
18 making sales of service, who, as an incident to making those  
19 sales of service, transfer tangible personal property within  
20 the STAR bond district, either in the form of tangible personal  
21 property or in the form of real estate as an incident to a sale  
22 of service. The tax shall be imposed at the same rate as the  
23 tax imposed in subsection (b) and shall not exceed 1% of the  
24 selling price of tangible personal property so transferred  
25 within the STAR bond district, to be imposed only in 0.25%  
26 increments. The tax may not be imposed on food for human

1 consumption that is to be consumed off the premises where it is  
2 sold (other than alcoholic beverages, soft drinks, and food  
3 that has been prepared for immediate consumption),  
4 prescription and nonprescription medicines, drugs, medical  
5 appliances, modifications to a motor vehicle for the purpose of  
6 rendering it usable by a person with a disability, and insulin,  
7 urine testing materials, syringes, and needles used by  
8 diabetics, for human use. Beginning December 1, 2017, this tax  
9 is not imposed on sales of aviation fuel unless the tax revenue  
10 is expended for airport-related purposes. If the District does  
11 not have an airport-related purpose to which aviation fuel tax  
12 revenue is dedicated, then aviation fuel is excluded from the  
13 tax. The municipality must comply with the certification  
14 requirements for airport-related purposes under Section  
15 8-11-22 of the Illinois Municipal Code. For purposes of this  
16 Act, "airport-related purposes" has the meaning ascribed in  
17 Section 6z-20.2 of the State Finance Act. This exclusion for  
18 aviation fuel only applies for so long as the revenue use  
19 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are  
20 binding on the District.

21 The tax imposed under this subsection and all civil  
22 penalties that may be assessed as an incident thereof shall be  
23 collected and enforced by the Department of Revenue. The  
24 certificate of registration that is issued by the Department to  
25 a retailer under the Retailers' Occupation Tax Act or under the  
26 Service Occupation Tax Act shall permit the registrant to



1 engage in a business that is taxable under any ordinance or  
2 resolution enacted pursuant to this subsection without  
3 registering separately with the Department under that  
4 ordinance or resolution or under this subsection. The  
5 Department of Revenue shall have full power to administer and  
6 enforce this subsection, to collect all taxes and penalties due  
7 under this subsection, to dispose of taxes and penalties so  
8 collected in the manner hereinafter provided, and to determine  
9 all rights to credit memoranda arising on account of the  
10 erroneous payment of tax or penalty under this subsection. In  
11 the administration of, and compliance with this subsection, the  
12 Department and persons who are subject to this subsection shall  
13 have the same rights, remedies, privileges, immunities,  
14 powers, and duties, and be subject to the same conditions,  
15 restrictions, limitations, penalties, exclusions, exemptions,  
16 and definitions of terms and employ the same modes of procedure  
17 as are prescribed in Sections 2, 2a through 2d, 3 through 3-50  
18 (in respect to all provisions therein other than the State rate  
19 of tax), 4 (except that the reference to the State shall be to  
20 the STAR bond district), 5, 7, 8 (except that the jurisdiction  
21 to which the tax shall be a debt to the extent indicated in  
22 that Section 8 shall be the political subdivision), 9 (except  
23 as to the disposition of taxes and penalties collected, and  
24 except that the returned merchandise credit for this tax may  
25 not be taken against any State tax, and except that the  
26 retailer's discount is not allowed for taxes paid on aviation

1 fuel that are deposited into the Local Government Aviation  
2 Trust Fund), 10, 11, 12 (except the reference therein to  
3 Section 2b of the Retailers' Occupation Tax Act), 13 (except  
4 that any reference to the State shall mean the political  
5 subdivision), the first paragraph of Section 15, and Sections  
6 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and all  
7 provisions of the Uniform Penalty and Interest Act, as fully as  
8 if those provisions were set forth herein.

9 If a tax is imposed under this subsection (c), a tax shall  
10 also be imposed under subsection (b) of this Section.

11 (d) Persons subject to any tax imposed under this Section  
12 may reimburse themselves for their seller's tax liability under  
13 this Section by separately stating the tax as an additional  
14 charge, which charge may be stated in combination, in a single  
15 amount, with State taxes that sellers are required to collect  
16 under the Use Tax Act, in accordance with such bracket  
17 schedules as the Department may prescribe.

18 Whenever the Department determines that a refund should be  
19 made under this Section to a claimant instead of issuing a  
20 credit memorandum, the Department shall notify the State  
21 Comptroller, who shall cause the order to be drawn for the  
22 amount specified and to the person named in the notification  
23 from the Department. The refund shall be paid by the State  
24 Treasurer out of the STAR Bond Retailers' Occupation Tax Fund.

25 Except as otherwise provided in this paragraph, the ~~The~~  
26 Department shall immediately pay over to the State Treasurer,

1 ex officio, as trustee, all taxes, penalties, and interest  
2 collected under this Section for deposit into the STAR Bond  
3 Retailers' Occupation Tax Fund. Taxes and penalties collected  
4 on aviation fuel sold on or after December 1, 2017, shall be  
5 immediately paid over by the Department to the State Treasurer,  
6 ex officio, as trustee, for deposit into the Local Government  
7 Aviation Trust Fund. The Department shall only pay moneys into  
8 the State Aviation Program Fund under this Act for so long as  
9 the revenue use requirements of 49 U.S.C. §47107(b) and 49  
10 U.S.C. §47133 are binding on the District. On or before the  
11 25th day of each calendar month, the Department shall prepare  
12 and certify to the Comptroller the disbursement of stated sums  
13 of money to named political subdivisions from the STAR Bond  
14 Retailers' Occupation Tax Fund, the political subdivisions to  
15 be those from which retailers have paid taxes or penalties  
16 under this Section to the Department during the second  
17 preceding calendar month. The amount to be paid to each  
18 political subdivision shall be the amount (not including credit  
19 memoranda and not including taxes and penalties collected on  
20 aviation fuel sold on or after December 1, 2017) collected  
21 under this Section during the second preceding calendar month  
22 by the Department plus an amount the Department determines is  
23 necessary to offset any amounts that were erroneously paid to a  
24 different taxing body, and not including an amount equal to the  
25 amount of refunds made during the second preceding calendar  
26 month by the Department, less 3% of that amount, which shall be

1 deposited into the Tax Compliance and Administration Fund and  
2 shall be used by the Department, subject to appropriation, to  
3 cover the costs of the Department in administering and  
4 enforcing the provisions of this Section, on behalf of such  
5 political subdivision, and not including any amount that the  
6 Department determines is necessary to offset any amounts that  
7 were payable to a different taxing body but were erroneously  
8 paid to the political subdivision. Within 10 days after receipt  
9 by the Comptroller of the disbursement certification to the  
10 political subdivisions provided for in this Section to be given  
11 to the Comptroller by the Department, the Comptroller shall  
12 cause the orders to be drawn for the respective amounts in  
13 accordance with the directions contained in the certification.  
14 The proceeds of the tax paid to political subdivisions under  
15 this Section shall be deposited into either (i) the STAR Bonds  
16 Tax Allocation Fund by the political subdivision if the  
17 political subdivision has designated them as pledged STAR  
18 revenues by resolution or ordinance or (ii) the political  
19 subdivision's general corporate fund if the political  
20 subdivision has not designated them as pledged STAR revenues.

21 An ordinance or resolution imposing or discontinuing the  
22 tax under this Section or effecting a change in the rate  
23 thereof shall either (i) be adopted and a certified copy  
24 thereof filed with the Department on or before the first day of  
25 April, whereupon the Department, if all other requirements of  
26 this Section are met, shall proceed to administer and enforce

1 this Section as of the first day of July next following the  
2 adoption and filing; or (ii) be adopted and a certified copy  
3 thereof filed with the Department on or before the first day of  
4 October, whereupon, if all other requirements of this Section  
5 are met, the Department shall proceed to administer and enforce  
6 this Section as of the first day of January next following the  
7 adoption and filing.

8 The Department of Revenue shall not administer or enforce  
9 an ordinance imposing, discontinuing, or changing the rate of  
10 the tax under this Section until the political subdivision also  
11 provides, in the manner prescribed by the Department, the  
12 boundaries of the STAR bond district and each address in the  
13 STAR bond district in such a way that the Department can  
14 determine by its address whether a business is located in the  
15 STAR bond district. The political subdivision must provide this  
16 boundary and address information to the Department on or before  
17 April 1 for administration and enforcement of the tax under  
18 this Section by the Department beginning on the following July  
19 1 and on or before October 1 for administration and enforcement  
20 of the tax under this Section by the Department beginning on  
21 the following January 1. The Department of Revenue shall not  
22 administer or enforce any change made to the boundaries of a  
23 STAR bond district or any address change, addition, or deletion  
24 until the political subdivision reports the boundary change or  
25 address change, addition, or deletion to the Department in the  
26 manner prescribed by the Department. The political subdivision

1 must provide this boundary change or address change, addition,  
2 or deletion information to the Department on or before April 1  
3 for administration and enforcement by the Department of the  
4 change, addition, or deletion beginning on the following July 1  
5 and on or before October 1 for administration and enforcement  
6 by the Department of the change, addition, or deletion  
7 beginning on the following January 1. The retailers in the STAR  
8 bond district shall be responsible for charging the tax imposed  
9 under this Section. If a retailer is incorrectly included or  
10 excluded from the list of those required to collect the tax  
11 under this Section, both the Department of Revenue and the  
12 retailer shall be held harmless if they reasonably relied on  
13 information provided by the political subdivision.

14 A political subdivision that imposes the tax under this  
15 Section must submit to the Department of Revenue any other  
16 information as the Department may require that is necessary for  
17 the administration and enforcement of the tax.

18 When certifying the amount of a monthly disbursement to a  
19 political subdivision under this Section, the Department shall  
20 increase or decrease the amount by an amount necessary to  
21 offset any misallocation of previous disbursements. The offset  
22 amount shall be the amount erroneously disbursed within the  
23 previous 6 months from the time a misallocation is discovered.

24 Nothing in this Section shall be construed to authorize the  
25 political subdivision to impose a tax upon the privilege of  
26 engaging in any business which under the Constitution of the

1 United States may not be made the subject of taxation by this  
2 State.

3 (e) When STAR bond project costs, including, without  
4 limitation, all political subdivision obligations financing  
5 STAR bond project costs, have been paid, any surplus funds then  
6 remaining in the STAR Bonds Tax Allocation Fund shall be  
7 distributed to the treasurer of the political subdivision for  
8 deposit into the political subdivision's general corporate  
9 fund. Upon payment of all STAR bond project costs and  
10 retirement of obligations, but in no event later than the  
11 maximum maturity date of the last of the STAR bonds issued in  
12 the STAR bond district, the political subdivision shall adopt  
13 an ordinance immediately rescinding the taxes imposed pursuant  
14 to this Section and file a certified copy of the ordinance with  
15 the Department in the form and manner as described in this  
16 Section.

17 (Source: P.A. 99-143, eff. 7-27-15.)

18 Section 40. The Counties Code is amended by changing  
19 Sections 5-1006, 5-1006.5, 5-1006.7, 5-1007, 5-1008.5, 5-1009,  
20 and 5-1035.1 and by adding Section 5-1184 as follows:

21 (55 ILCS 5/5-1006) (from Ch. 34, par. 5-1006)

22 Sec. 5-1006. Home Rule County Retailers' Occupation Tax  
23 Law. Any county that is a home rule unit may impose a tax upon  
24 all persons engaged in the business of selling tangible

1 personal property, other than an item of tangible personal  
2 property titled or registered with an agency of this State's  
3 government, at retail in the county on the gross receipts from  
4 such sales made in the course of their business. If imposed,  
5 this tax shall only be imposed in 1/4% increments. On and after  
6 September 1, 1991, this additional tax may not be imposed on  
7 the sales of food for human consumption which is to be consumed  
8 off the premises where it is sold (other than alcoholic  
9 beverages, soft drinks and food which has been prepared for  
10 immediate consumption) and prescription and nonprescription  
11 medicines, drugs, medical appliances and insulin, urine  
12 testing materials, syringes and needles used by diabetics.  
13 Beginning December 1, 2017, this tax is not imposed on sales of  
14 aviation fuel unless the tax revenue is expended for  
15 airport-related purposes. If the county does not have an  
16 airport-related purpose to which it dedicates aviation fuel tax  
17 revenue, then aviation fuel is excluded from the tax. The  
18 county must comply with the certification requirements for  
19 airport-related purposes under Section 5-1184. For purposes of  
20 this Act, "airport-related purposes" has the meaning ascribed  
21 in Section 6z-20.2 of the State Finance Act. This exclusion for  
22 aviation fuel only applies for so long as the revenue use  
23 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are  
24 binding on the county. The changes made to this Section by this  
25 amendatory Act of the 100th General Assembly are a denial and  
26 limitation of home rule powers and functions under subsection



1 (g) of Section 6 of Article VII of the Illinois Constitution.

2 The tax imposed by a home rule county pursuant to this Section  
3 and all civil penalties that may be assessed as an incident  
4 thereof shall be collected and enforced by the State Department  
5 of Revenue. The certificate of registration that is issued by  
6 the Department to a retailer under the Retailers' Occupation  
7 Tax Act shall permit the retailer to engage in a business that  
8 is taxable under any ordinance or resolution enacted pursuant  
9 to this Section without registering separately with the  
10 Department under such ordinance or resolution or under this  
11 Section. The Department shall have full power to administer and  
12 enforce this Section; to collect all taxes and penalties due  
13 hereunder; to dispose of taxes and penalties so collected in  
14 the manner hereinafter provided; and to determine all rights to  
15 credit memoranda arising on account of the erroneous payment of  
16 tax or penalty hereunder. In the administration of, and  
17 compliance with, this Section, the Department and persons who  
18 are subject to this Section shall have the same rights,  
19 remedies, privileges, immunities, powers and duties, and be  
20 subject to the same conditions, restrictions, limitations,  
21 penalties and definitions of terms, and employ the same modes  
22 of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1d,  
23 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect to all  
24 provisions therein other than the State rate of tax), 4, 5, 5a,  
25 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,  
26 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act

1 and Section 3-7 of the Uniform Penalty and Interest Act, as  
2 fully as if those provisions were set forth herein.

3 No tax may be imposed by a home rule county pursuant to  
4 this Section unless the county also imposes a tax at the same  
5 rate pursuant to Section 5-1007.

6 Persons subject to any tax imposed pursuant to the  
7 authority granted in this Section may reimburse themselves for  
8 their seller's tax liability hereunder by separately stating  
9 such tax as an additional charge, which charge may be stated in  
10 combination, in a single amount, with State tax which sellers  
11 are required to collect under the Use Tax Act, pursuant to such  
12 bracket schedules as the Department may prescribe.

13 Whenever the Department determines that a refund should be  
14 made under this Section to a claimant instead of issuing a  
15 credit memorandum, the Department shall notify the State  
16 Comptroller, who shall cause the order to be drawn for the  
17 amount specified and to the person named in the notification  
18 from the Department. The refund shall be paid by the State  
19 Treasurer out of the home rule county retailers' occupation tax  
20 fund.

21 Except as otherwise provided in this paragraph, the ~~The~~  
22 Department shall forthwith pay over to the State Treasurer, ex  
23 officio, as trustee, all taxes and penalties collected  
24 hereunder for deposit into the Home Rule County Retailers'  
25 Occupation Tax Fund. Taxes and penalties collected on aviation  
26 fuel sold on or after December 1, 2017, shall be immediately

1 paid over by the Department to the State Treasurer, ex officio,  
2 as trustee, for deposit into the Local Government Aviation  
3 Trust Fund. The Department shall only pay moneys into the Local  
4 Government Aviation Trust Fund under this Act for so long as  
5 the revenue use requirements of 49 U.S.C. §47107(b) and 49  
6 U.S.C. §47133 are binding on the county.

7 As soon as possible after the first day of each month,  
8 beginning January 1, 2011, upon certification of the Department  
9 of Revenue, the Comptroller shall order transferred, and the  
10 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
11 local sales tax increment, as defined in the Innovation  
12 Development and Economy Act, collected under this Section  
13 during the second preceding calendar month for sales within a  
14 STAR bond district.

15 After the monthly transfer to the STAR Bonds Revenue Fund,  
16 on or before the 25th day of each calendar month, the  
17 Department shall prepare and certify to the Comptroller the  
18 disbursement of stated sums of money to named counties, the  
19 counties to be those from which retailers have paid taxes or  
20 penalties hereunder to the Department during the second  
21 preceding calendar month. The amount to be paid to each county  
22 shall be the amount (not including credit memoranda and not  
23 including taxes and penalties collected on aviation fuel sold  
24 on or after December 1, 2017) collected hereunder during the  
25 second preceding calendar month by the Department plus an  
26 amount the Department determines is necessary to offset any

1 amounts that were erroneously paid to a different taxing body,  
2 and not including an amount equal to the amount of refunds made  
3 during the second preceding calendar month by the Department on  
4 behalf of such county, and not including any amount which the  
5 Department determines is necessary to offset any amounts which  
6 were payable to a different taxing body but were erroneously  
7 paid to the county, and not including any amounts that are  
8 transferred to the STAR Bonds Revenue Fund, less 2% of the  
9 remainder, which the Department shall transfer into the Tax  
10 Compliance and Administration Fund. The Department, at the time  
11 of each monthly disbursement to the counties, shall prepare and  
12 certify to the State Comptroller the amount to be transferred  
13 into the Tax Compliance and Administration Fund under this  
14 Section. Within 10 days after receipt, by the Comptroller, of  
15 the disbursement certification to the counties and the Tax  
16 Compliance and Administration Fund provided for in this Section  
17 to be given to the Comptroller by the Department, the  
18 Comptroller shall cause the orders to be drawn for the  
19 respective amounts in accordance with the directions contained  
20 in the certification.

21 In addition to the disbursement required by the preceding  
22 paragraph, an allocation shall be made in March of each year to  
23 each county that received more than \$500,000 in disbursements  
24 under the preceding paragraph in the preceding calendar year.  
25 The allocation shall be in an amount equal to the average  
26 monthly distribution made to each such county under the

1 preceding paragraph during the preceding calendar year  
2 (excluding the 2 months of highest receipts). The distribution  
3 made in March of each year subsequent to the year in which an  
4 allocation was made pursuant to this paragraph and the  
5 preceding paragraph shall be reduced by the amount allocated  
6 and disbursed under this paragraph in the preceding calendar  
7 year. The Department shall prepare and certify to the  
8 Comptroller for disbursement the allocations made in  
9 accordance with this paragraph.

10 For the purpose of determining the local governmental unit  
11 whose tax is applicable, a retail sale by a producer of coal or  
12 other mineral mined in Illinois is a sale at retail at the  
13 place where the coal or other mineral mined in Illinois is  
14 extracted from the earth. This paragraph does not apply to coal  
15 or other mineral when it is delivered or shipped by the seller  
16 to the purchaser at a point outside Illinois so that the sale  
17 is exempt under the United States Constitution as a sale in  
18 interstate or foreign commerce.

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

23 An ordinance or resolution imposing or discontinuing a tax  
24 hereunder or effecting a change in the rate thereof shall be  
25 adopted and a certified copy thereof filed with the Department  
26 on or before the first day of June, whereupon the Department

1 shall proceed to administer and enforce this Section as of the  
2 first day of September next following such adoption and filing.  
3 Beginning January 1, 1992, an ordinance or resolution imposing  
4 or discontinuing the tax hereunder or effecting a change in the  
5 rate thereof shall be adopted and a certified copy thereof  
6 filed with the Department on or before the first day of July,  
7 whereupon the Department shall proceed to administer and  
8 enforce this Section as of the first day of October next  
9 following such adoption and filing. Beginning January 1, 1993,  
10 an ordinance or resolution imposing or discontinuing the tax  
11 hereunder or effecting a change in the rate thereof shall be  
12 adopted and a certified copy thereof filed with the Department  
13 on or before the first day of October, whereupon the Department  
14 shall proceed to administer and enforce this Section as of the  
15 first day of January next following such adoption and filing.  
16 Beginning April 1, 1998, an ordinance or resolution imposing or  
17 discontinuing the tax hereunder or effecting a change in the  
18 rate thereof shall either (i) be adopted and a certified copy  
19 thereof filed with the Department on or before the first day of  
20 April, whereupon the Department shall proceed to administer and  
21 enforce this Section as of the first day of July next following  
22 the adoption and filing; or (ii) be adopted and a certified  
23 copy thereof filed with the Department on or before the first  
24 day of October, whereupon the Department shall proceed to  
25 administer and enforce this Section as of the first day of  
26 January next following the adoption and filing.

1           When certifying the amount of a monthly disbursement to a  
2 county under this Section, the Department shall increase or  
3 decrease such amount by an amount necessary to offset any  
4 misallocation of previous disbursements. The offset amount  
5 shall be the amount erroneously disbursed within the previous 6  
6 months from the time a misallocation is discovered.

7           This Section shall be known and may be cited as the Home  
8 Rule County Retailers' Occupation Tax Law.

9           (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17.)

10           (55 ILCS 5/5-1006.5)

11           Sec. 5-1006.5. Special County Retailers' Occupation Tax  
12 For Public Safety, Public Facilities, or Transportation.

13           (a) The county board of any county may impose a tax upon  
14 all persons engaged in the business of selling tangible  
15 personal property, other than personal property titled or  
16 registered with an agency of this State's government, at retail  
17 in the county on the gross receipts from the sales made in the  
18 course of business to provide revenue to be used exclusively  
19 for public safety, public facility, or transportation purposes  
20 in that county (except as otherwise provided in this Section),  
21 if a proposition for the tax has been submitted to the electors  
22 of that county and approved by a majority of those voting on  
23 the question. If imposed, this tax shall be imposed only in  
24 one-quarter percent increments. By resolution, the county  
25 board may order the proposition to be submitted at any

1 election. If the tax is imposed for transportation purposes for  
2 expenditures for public highways or as authorized under the  
3 Illinois Highway Code, the county board must publish notice of  
4 the existence of its long-range highway transportation plan as  
5 required or described in Section 5-301 of the Illinois Highway  
6 Code and must make the plan publicly available prior to  
7 approval of the ordinance or resolution imposing the tax. If  
8 the tax is imposed for transportation purposes for expenditures  
9 for passenger rail transportation, the county board must  
10 publish notice of the existence of its long-range passenger  
11 rail transportation plan and must make the plan publicly  
12 available prior to approval of the ordinance or resolution  
13 imposing the tax.

14 If a tax is imposed for public facilities purposes, then  
15 the name of the project may be included in the proposition at  
16 the discretion of the county board as determined in the  
17 enabling resolution. For example, the "XXX Nursing Home" or the  
18 "YYY Museum".

19 The county clerk shall certify the question to the proper  
20 election authority, who shall submit the proposition at an  
21 election in accordance with the general election law.

22 (1) The proposition for public safety purposes shall be  
23 in substantially the following form:

24 "To pay for public safety purposes, shall (name of  
25 county) be authorized to impose an increase on its share of  
26 local sales taxes by (insert rate)?"



1           As additional information on the ballot below the  
2 question shall appear the following:

3           "This would mean that a consumer would pay an  
4 additional (insert amount) in sales tax for every \$100 of  
5 tangible personal property bought at retail."

6           The county board may also opt to establish a sunset  
7 provision at which time the additional sales tax would  
8 cease being collected, if not terminated earlier by a vote  
9 of the county board. If the county board votes to include a  
10 sunset provision, the proposition for public safety  
11 purposes shall be in substantially the following form:

12           "To pay for public safety purposes, shall (name of  
13 county) be authorized to impose an increase on its share of  
14 local sales taxes by (insert rate) for a period not to  
15 exceed (insert number of years)?"

16           As additional information on the ballot below the  
17 question shall appear the following:

18           "This would mean that a consumer would pay an  
19 additional (insert amount) in sales tax for every \$100 of  
20 tangible personal property bought at retail. If imposed,  
21 the additional tax would cease being collected at the end  
22 of (insert number of years), if not terminated earlier by a  
23 vote of the county board."

24           For the purposes of the paragraph, "public safety  
25 purposes" means crime prevention, detention, fire  
26 fighting, police, medical, ambulance, or other emergency

1 services.

2 Votes shall be recorded as "Yes" or "No".

3 Beginning on the January 1 or July 1, whichever is  
4 first, that occurs not less than 30 days after May 31, 2015  
5 (the effective date of Public Act 99-4), Adams County may  
6 impose a public safety retailers' occupation tax and  
7 service occupation tax at the rate of 0.25%, as provided in  
8 the referendum approved by the voters on April 7, 2015,  
9 notwithstanding the omission of the additional information  
10 that is otherwise required to be printed on the ballot  
11 below the question pursuant to this item (1).

12 (2) The proposition for transportation purposes shall  
13 be in substantially the following form:

14 "To pay for improvements to roads and other  
15 transportation purposes, shall (name of county) be  
16 authorized to impose an increase on its share of local  
17 sales taxes by (insert rate)?"

18 As additional information on the ballot below the  
19 question shall appear the following:

20 "This would mean that a consumer would pay an  
21 additional (insert amount) in sales tax for every \$100 of  
22 tangible personal property bought at retail."

23 The county board may also opt to establish a sunset  
24 provision at which time the additional sales tax would  
25 cease being collected, if not terminated earlier by a vote  
26 of the county board. If the county board votes to include a

1 sunset provision, the proposition for transportation  
2 purposes shall be in substantially the following form:

3 "To pay for road improvements and other transportation  
4 purposes, shall (name of county) be authorized to impose an  
5 increase on its share of local sales taxes by (insert rate)  
6 for a period not to exceed (insert number of years)?"

7 As additional information on the ballot below the  
8 question shall appear the following:

9 "This would mean that a consumer would pay an  
10 additional (insert amount) in sales tax for every \$100 of  
11 tangible personal property bought at retail. If imposed,  
12 the additional tax would cease being collected at the end  
13 of (insert number of years), if not terminated earlier by a  
14 vote of the county board."

15 For the purposes of this paragraph, transportation  
16 purposes means construction, maintenance, operation, and  
17 improvement of public highways, any other purpose for which  
18 a county may expend funds under the Illinois Highway Code,  
19 and passenger rail transportation.

20 The votes shall be recorded as "Yes" or "No".

21 (3) The proposition for public facilities purposes  
22 shall be in substantially the following form:

23 "To pay for public facilities purposes, shall (name of  
24 county) be authorized to impose an increase on its share of  
25 local sales taxes by (insert rate)?"

26 As additional information on the ballot below the

1 question shall appear the following:

2 "This would mean that a consumer would pay an  
3 additional (insert amount) in sales tax for every \$100 of  
4 tangible personal property bought at retail."

5 The county board may also opt to establish a sunset  
6 provision at which time the additional sales tax would  
7 cease being collected, if not terminated earlier by a vote  
8 of the county board. If the county board votes to include a  
9 sunset provision, the proposition for public facilities  
10 purposes shall be in substantially the following form:

11 "To pay for public facilities purposes, shall (name of  
12 county) be authorized to impose an increase on its share of  
13 local sales taxes by (insert rate) for a period not to  
14 exceed (insert number of years)?"

15 As additional information on the ballot below the  
16 question shall appear the following:

17 "This would mean that a consumer would pay an  
18 additional (insert amount) in sales tax for every \$100 of  
19 tangible personal property bought at retail. If imposed,  
20 the additional tax would cease being collected at the end  
21 of (insert number of years), if not terminated earlier by a  
22 vote of the county board."

23 For purposes of this Section, "public facilities  
24 purposes" means the acquisition, development,  
25 construction, reconstruction, rehabilitation, improvement,  
26 financing, architectural planning, and installation of

1 capital facilities consisting of buildings, structures,  
2 and durable equipment and for the acquisition and  
3 improvement of real property and interest in real property  
4 required, or expected to be required, in connection with  
5 the public facilities, for use by the county for the  
6 furnishing of governmental services to its citizens,  
7 including but not limited to museums and nursing homes.

8 The votes shall be recorded as "Yes" or "No".

9 If a majority of the electors voting on the proposition  
10 vote in favor of it, the county may impose the tax. A county  
11 may not submit more than one proposition authorized by this  
12 Section to the electors at any one time.

13 This additional tax may not be imposed on the sales of food  
14 for human consumption that is to be consumed off the premises  
15 where it is sold (other than alcoholic beverages, soft drinks,  
16 and food which has been prepared for immediate consumption) and  
17 prescription and non-prescription medicines, drugs, medical  
18 appliances and insulin, urine testing materials, syringes, and  
19 needles used by diabetics. Beginning December 1, 2017, this tax  
20 is not imposed on sales of aviation fuel unless the tax revenue  
21 is expended for airport-related purposes. If the county does  
22 not have an airport-related purpose to which it dedicates  
23 aviation fuel tax revenue, then aviation fuel is excluded from  
24 the tax. The county must comply with the certification  
25 requirements for airport-related purposes under Section  
26 5-1184. For purposes of this Act, "airport-related purposes"

1 has the meaning ascribed in Section 6z-20.2 of the State  
2 Finance Act. This exclusion for aviation fuel only applies for  
3 so long as the revenue use requirements of 49 U.S.C. §47107(b)  
4 and 49 U.S.C. §47133 are binding on the county. The tax imposed  
5 by a county under this Section and all civil penalties that may  
6 be assessed as an incident of the tax shall be collected and  
7 enforced by the Illinois Department of Revenue and deposited  
8 into a special fund created for that purpose. The certificate  
9 of registration that is issued by the Department to a retailer  
10 under the Retailers' Occupation Tax Act shall permit the  
11 retailer to engage in a business that is taxable without  
12 registering separately with the Department under an ordinance  
13 or resolution under this Section. The Department has full power  
14 to administer and enforce this Section, to collect all taxes  
15 and penalties due under this Section, to dispose of taxes and  
16 penalties so collected in the manner provided in this Section,  
17 and to determine all rights to credit memoranda arising on  
18 account of the erroneous payment of a tax or penalty under this  
19 Section. In the administration of and compliance with this  
20 Section, the Department and persons who are subject to this  
21 Section shall (i) have the same rights, remedies, privileges,  
22 immunities, powers, and duties, (ii) be subject to the same  
23 conditions, restrictions, limitations, penalties, and  
24 definitions of terms, and (iii) employ the same modes of  
25 procedure as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e,  
26 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-70 (in respect to all

1 provisions contained in those Sections other than the State  
2 rate of tax), 2a, 2b, 2c, 3 (except provisions relating to  
3 transaction returns and quarter monthly payments, and except  
4 that the retailer's discount is not allowed for taxes paid on  
5 aviation fuel that are deposited into the Local Government  
6 Aviation Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,  
7 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13  
8 of the Retailers' Occupation Tax Act and Section 3-7 of the  
9 Uniform Penalty and Interest Act as if those provisions were  
10 set forth in this Section.

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

18 Whenever the Department determines that a refund should be  
19 made under this Section to a claimant instead of issuing a  
20 credit memorandum, the Department shall notify the State  
21 Comptroller, who shall cause the order to be drawn for the  
22 amount specified and to the person named in the notification  
23 from the Department. The refund shall be paid by the State  
24 Treasurer out of the County Public Safety or Transportation  
25 Retailers' Occupation Tax Fund.

26 (b) If a tax has been imposed under subsection (a), a

1 service occupation tax shall also be imposed at the same rate  
2 upon all persons engaged, in the county, in the business of  
3 making sales of service, who, as an incident to making those  
4 sales of service, transfer tangible personal property within  
5 the county as an incident to a sale of service. This tax may  
6 not be imposed on sales of food for human consumption that is  
7 to be consumed off the premises where it is sold (other than  
8 alcoholic beverages, soft drinks, and food prepared for  
9 immediate consumption) and prescription and non-prescription  
10 medicines, drugs, medical appliances and insulin, urine  
11 testing materials, syringes, and needles used by diabetics.  
12 Beginning December 1, 2017, this tax is not imposed on sales of  
13 aviation fuel unless the tax revenue is expended for  
14 airport-related purposes. If the county does not have an  
15 airport-related purpose to which it dedicates aviation fuel tax  
16 revenue, then aviation fuel is excluded from the tax. The  
17 county must comply with the certification requirements for  
18 airport-related purposes under Section 5-1184. For purposes of  
19 this Act, "airport-related purposes" has the meaning ascribed  
20 in Section 6z-20.2 of the State Finance Act. This exclusion for  
21 aviation fuel only applies for so long as the revenue use  
22 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are  
23 binding on the county. The tax imposed under this subsection  
24 and all civil penalties that may be assessed as an incident  
25 thereof shall be collected and enforced by the Department of  
26 Revenue. The Department has full power to administer and



1 enforce this subsection; to collect all taxes and penalties due  
2 hereunder; to dispose of taxes and penalties so collected in  
3 the manner hereinafter provided; and to determine all rights to  
4 credit memoranda arising on account of the erroneous payment of  
5 tax or penalty hereunder. In the administration of, and  
6 compliance with this subsection, the Department and persons who  
7 are subject to this paragraph shall (i) have the same rights,  
8 remedies, privileges, immunities, powers, and duties, (ii) be  
9 subject to the same conditions, restrictions, limitations,  
10 penalties, exclusions, exemptions, and definitions of terms,  
11 and (iii) employ the same modes of procedure as are prescribed  
12 in Sections 2 (except that the reference to State in the  
13 definition of supplier maintaining a place of business in this  
14 State shall mean the county), 2a, 2b, 2c, 3 through 3-50 (in  
15 respect to all provisions therein other than the State rate of  
16 tax), 4 (except that the reference to the State shall be to the  
17 county), 5, 7, 8 (except that the jurisdiction to which the tax  
18 shall be a debt to the extent indicated in that Section 8 shall  
19 be the county), 9 (except as to the disposition of taxes and  
20 penalties collected, and except that the retailer's discount is  
21 not allowed for taxes paid on aviation fuel that are deposited  
22 into the Local Government Aviation Trust Fund), 10, 11, 12  
23 (except the reference therein to Section 2b of the Retailers'  
24 Occupation Tax Act), 13 (except that any reference to the State  
25 shall mean the county), Section 15, 16, 17, 18, 19 and 20 of  
26 the Service Occupation Tax Act and Section 3-7 of the Uniform

1 Penalty and Interest Act, as fully as if those provisions were  
2 set forth herein.

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

11 Whenever the Department determines that a refund should be  
12 made under this subsection to a claimant instead of issuing a  
13 credit memorandum, the Department shall notify the State  
14 Comptroller, who shall cause the warrant to be drawn for the  
15 amount specified, and to the person named, in the notification  
16 from the Department. The refund shall be paid by the State  
17 Treasurer out of the County Public Safety or Transportation  
18 Retailers' Occupation Fund.

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

23 (c) Except as otherwise provided in this paragraph, the ~~The~~  
24 Department shall immediately pay over to the State Treasurer,  
25 ex officio, as trustee, all taxes and penalties collected under  
26 this Section to be deposited into the County Public Safety or

1 Transportation Retailers' Occupation Tax Fund, which shall be  
2 an unappropriated trust fund held outside of the State  
3 treasury. Taxes and penalties collected on aviation fuel sold  
4 on or after December 1, 2017, shall be immediately paid over by  
5 the Department to the State Treasurer, ex officio, as trustee,  
6 for deposit into the Local Government Aviation Trust Fund. The  
7 Department shall only pay moneys into the Local Government  
8 Aviation Trust Fund under this Act for so long as the revenue  
9 use requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133  
10 are binding on the county.

11 As soon as possible after the first day of each month,  
12 beginning January 1, 2011, upon certification of the Department  
13 of Revenue, the Comptroller shall order transferred, and the  
14 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
15 local sales tax increment, as defined in the Innovation  
16 Development and Economy Act, collected under this Section  
17 during the second preceding calendar month for sales within a  
18 STAR bond district.

19 After the monthly transfer to the STAR Bonds Revenue Fund,  
20 on or before the 25th day of each calendar month, the  
21 Department shall prepare and certify to the Comptroller the  
22 disbursement of stated sums of money to the counties from which  
23 retailers have paid taxes or penalties to the Department during  
24 the second preceding calendar month. The amount to be paid to  
25 each county, and deposited by the county into its special fund  
26 created for the purposes of this Section, shall be the amount

1 (not including credit memoranda and not including taxes and  
2 penalties collected on aviation fuel sold on or after December  
3 1, 2017) collected under this Section during the second  
4 preceding calendar month by the Department plus an amount the  
5 Department determines is necessary to offset any amounts that  
6 were erroneously paid to a different taxing body, and not  
7 including (i) an amount equal to the amount of refunds made  
8 during the second preceding calendar month by the Department on  
9 behalf of the county, (ii) any amount that the Department  
10 determines is necessary to offset any amounts that were payable  
11 to a different taxing body but were erroneously paid to the  
12 county, (iii) any amounts that are transferred to the STAR  
13 Bonds Revenue Fund, and (iv) 2% of the remainder, which shall  
14 be transferred into the Tax Compliance and Administration Fund.  
15 The Department, at the time of each monthly disbursement to the  
16 counties, shall prepare and certify to the State Comptroller  
17 the amount to be transferred into the Tax Compliance and  
18 Administration Fund under this subsection. Within 10 days after  
19 receipt by the Comptroller of the disbursement certification to  
20 the counties and the Tax Compliance and Administration Fund  
21 provided for in this Section to be given to the Comptroller by  
22 the Department, the Comptroller shall cause the orders to be  
23 drawn for the respective amounts in accordance with directions  
24 contained in the certification.

25 In addition to the disbursement required by the preceding  
26 paragraph, an allocation shall be made in March of each year to

1 each county that received more than \$500,000 in disbursements  
2 under the preceding paragraph in the preceding calendar year.  
3 The allocation shall be in an amount equal to the average  
4 monthly distribution made to each such county under the  
5 preceding paragraph during the preceding calendar year  
6 (excluding the 2 months of highest receipts). The distribution  
7 made in March of each year subsequent to the year in which an  
8 allocation was made pursuant to this paragraph and the  
9 preceding paragraph shall be reduced by the amount allocated  
10 and disbursed under this paragraph in the preceding calendar  
11 year. The Department shall prepare and certify to the  
12 Comptroller for disbursement the allocations made in  
13 accordance with this paragraph.

14 A county may direct, by ordinance, that all or a portion of  
15 the taxes and penalties collected under the Special County  
16 Retailers' Occupation Tax For Public Safety or Transportation  
17 be deposited into the Transportation Development Partnership  
18 Trust Fund.

19 (d) For the purpose of determining the local governmental  
20 unit whose tax is applicable, a retail sale by a producer of  
21 coal or another mineral mined in Illinois is a sale at retail  
22 at the place where the coal or other mineral mined in Illinois  
23 is extracted from the earth. This paragraph does not apply to  
24 coal or another mineral when it is delivered or shipped by the  
25 seller to the purchaser at a point outside Illinois so that the  
26 sale is exempt under the United States Constitution as a sale

1 in interstate or foreign commerce.

2 (e) Nothing in this Section shall be construed to authorize  
3 a county to impose a tax upon the privilege of engaging in any  
4 business that under the Constitution of the United States may  
5 not be made the subject of taxation by this State.

6 (e-5) If a county imposes a tax under this Section, the  
7 county board may, by ordinance, discontinue or lower the rate  
8 of the tax. If the county board lowers the tax rate or  
9 discontinues the tax, a referendum must be held in accordance  
10 with subsection (a) of this Section in order to increase the  
11 rate of the tax or to reimpose the discontinued tax.

12 (f) Beginning April 1, 1998 and through December 31, 2013,  
13 the results of any election authorizing a proposition to impose  
14 a tax under this Section or effecting a change in the rate of  
15 tax, or any ordinance lowering the rate or discontinuing the  
16 tax, shall be certified by the county clerk and filed with the  
17 Illinois Department of Revenue either (i) on or before the  
18 first day of April, whereupon the Department shall proceed to  
19 administer and enforce the tax as of the first day of July next  
20 following the filing; or (ii) on or before the first day of  
21 October, whereupon the Department shall proceed to administer  
22 and enforce the tax as of the first day of January next  
23 following the filing.

24 Beginning January 1, 2014, the results of any election  
25 authorizing a proposition to impose a tax under this Section or  
26 effecting an increase in the rate of tax, along with the

1 ordinance adopted to impose the tax or increase the rate of the  
2 tax, or any ordinance adopted to lower the rate or discontinue  
3 the tax, shall be certified by the county clerk and filed with  
4 the Illinois Department of Revenue either (i) on or before the  
5 first day of May, whereupon the Department shall proceed to  
6 administer and enforce the tax as of the first day of July next  
7 following the adoption and filing; or (ii) on or before the  
8 first day of October, whereupon the Department shall proceed to  
9 administer and enforce the tax as of the first day of January  
10 next following the adoption and filing.

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

17 (h) This Section may be cited as the "Special County  
18 Occupation Tax For Public Safety, Public Facilities, or  
19 Transportation Law".

20 (i) For purposes of this Section, "public safety" includes,  
21 but is not limited to, crime prevention, detention, fire  
22 fighting, police, medical, ambulance, or other emergency  
23 services. The county may share tax proceeds received under this  
24 Section for public safety purposes, including proceeds  
25 received before August 4, 2009 (the effective date of Public  
26 Act 96-124), with any fire protection district located in the

1 county. For the purposes of this Section, "transportation"  
2 includes, but is not limited to, the construction, maintenance,  
3 operation, and improvement of public highways, any other  
4 purpose for which a county may expend funds under the Illinois  
5 Highway Code, and passenger rail transportation. For the  
6 purposes of this Section, "public facilities purposes"  
7 includes, but is not limited to, the acquisition, development,  
8 construction, reconstruction, rehabilitation, improvement,  
9 financing, architectural planning, and installation of capital  
10 facilities consisting of buildings, structures, and durable  
11 equipment and for the acquisition and improvement of real  
12 property and interest in real property required, or expected to  
13 be required, in connection with the public facilities, for use  
14 by the county for the furnishing of governmental services to  
15 its citizens, including but not limited to museums and nursing  
16 homes.

17 (j) The Department may promulgate rules to implement Public  
18 Act 95-1002 only to the extent necessary to apply the existing  
19 rules for the Special County Retailers' Occupation Tax for  
20 Public Safety to this new purpose for public facilities.

21 (Source: P.A. 99-4, eff. 5-31-15; 99-217, eff. 7-31-15; 99-642,  
22 eff. 7-28-16; 100-23, eff. 7-6-17.)

23 (55 ILCS 5/5-1006.7)

24 Sec. 5-1006.7. School facility occupation taxes.

25 (a) In any county, a tax shall be imposed upon all persons



1 engaged in the business of selling tangible personal property,  
2 other than personal property titled or registered with an  
3 agency of this State's government, at retail in the county on  
4 the gross receipts from the sales made in the course of  
5 business to provide revenue to be used exclusively for school  
6 facility purposes (except as otherwise provided in this  
7 Section) if a proposition for the tax has been submitted to the  
8 electors of that county and approved by a majority of those  
9 voting on the question as provided in subsection (c). The tax  
10 under this Section shall be imposed only in one-quarter percent  
11 increments and may not exceed 1%.

12 This additional tax may not be imposed on the sale of food  
13 for human consumption that is to be consumed off the premises  
14 where it is sold (other than alcoholic beverages, soft drinks,  
15 and food that has been prepared for immediate consumption) and  
16 prescription and non-prescription medicines, drugs, medical  
17 appliances and insulin, urine testing materials, syringes and  
18 needles used by diabetics. Beginning December 1, 2017, this tax  
19 is not imposed on sales of aviation fuel unless the tax revenue  
20 is expended for airport-related purposes. If the county does  
21 not have an airport-related purpose to which it dedicates  
22 aviation fuel tax revenue, then aviation fuel is excluded from  
23 the tax. The county must comply with the certification  
24 requirements for airport-related purposes under Section  
25 5-1184. For purposes of this Act, "airport-related purposes"  
26 has the meaning ascribed in Section 6z-20.2 of the State

1 Finance Act. This exclusion for aviation fuel only applies for  
2 so long as the revenue use requirements of 49 U.S.C. §47107(b)  
3 and 49 U.S.C. §47133 are binding on the county. The Department  
4 of Revenue has full power to administer and enforce this  
5 subsection, to collect all taxes and penalties due under this  
6 subsection, to dispose of taxes and penalties so collected in  
7 the manner provided in this subsection, and to determine all  
8 rights to credit memoranda arising on account of the erroneous  
9 payment of a tax or penalty under this subsection. The  
10 Department shall deposit all taxes and penalties collected  
11 under this subsection into a special fund created for that  
12 purpose.

13 In the administration of and compliance with this  
14 subsection, the Department and persons who are subject to this  
15 subsection (i) have the same rights, remedies, privileges,  
16 immunities, powers, and duties, (ii) are subject to the same  
17 conditions, restrictions, limitations, penalties, and  
18 definitions of terms, and (iii) shall employ the same modes of  
19 procedure as are set forth in Sections 1 through 1o, 2 through  
20 2-70 (in respect to all provisions contained in those Sections  
21 other than the State rate of tax), 2a through 2h, 3 (except as  
22 to the disposition of taxes and penalties collected, and except  
23 that the retailer's discount is not allowed for taxes paid on  
24 aviation fuel that are deposited into the Local Government  
25 Aviation Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,  
26 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13

1 of the Retailers' Occupation Tax Act and all provisions of the  
2 Uniform Penalty and Interest Act as if those provisions were  
3 set forth in this subsection.

4 The certificate of registration that is issued by the  
5 Department to a retailer under the Retailers' Occupation Tax  
6 Act permits the retailer to engage in a business that is  
7 taxable without registering separately with the Department  
8 under an ordinance or resolution under this subsection.

9 Persons subject to any tax imposed under the authority  
10 granted in this subsection may reimburse themselves for their  
11 seller's tax liability by separately stating that tax as an  
12 additional charge, which may be stated in combination, in a  
13 single amount, with State tax that sellers are required to  
14 collect under the Use Tax Act, pursuant to any bracketed  
15 schedules set forth by the Department.

16 (b) If a tax has been imposed under subsection (a), then a  
17 service occupation tax must also be imposed at the same rate  
18 upon all persons engaged, in the county, in the business of  
19 making sales of service, who, as an incident to making those  
20 sales of service, transfer tangible personal property within  
21 the county as an incident to a sale of service.

22 This tax may not be imposed on sales of food for human  
23 consumption that is to be consumed off the premises where it is  
24 sold (other than alcoholic beverages, soft drinks, and food  
25 prepared for immediate consumption) and prescription and  
26 non-prescription medicines, drugs, medical appliances and

1 insulin, urine testing materials, syringes, and needles used by  
2 diabetics. Beginning December 1, 2017, this tax is not imposed  
3 on sales of aviation fuel unless the tax revenue is expended  
4 for airport-related purposes. If the county does not have an  
5 airport-related purpose to which it dedicates aviation fuel tax  
6 revenue, then aviation fuel is excluded from the tax. The  
7 county must comply with the certification requirements for  
8 airport-related purposes under Section 5-1184. For purposes of  
9 this Act, "airport-related purposes" has the meaning ascribed  
10 in Section 6z-20.2 of the State Finance Act. This exclusion for  
11 aviation fuel only applies for so long as the revenue use  
12 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are  
13 binding on the county.

14 The tax imposed under this subsection and all civil  
15 penalties that may be assessed as an incident thereof shall be  
16 collected and enforced by the Department and deposited into a  
17 special fund created for that purpose. The Department has full  
18 power to administer and enforce this subsection, to collect all  
19 taxes and penalties due under this subsection, to dispose of  
20 taxes and penalties so collected in the manner provided in this  
21 subsection, and to determine all rights to credit memoranda  
22 arising on account of the erroneous payment of a tax or penalty  
23 under this subsection.

24 In the administration of and compliance with this  
25 subsection, the Department and persons who are subject to this  
26 subsection shall (i) have the same rights, remedies,

1 privileges, immunities, powers and duties, (ii) be subject to  
2 the same conditions, restrictions, limitations, penalties and  
3 definition of terms, and (iii) employ the same modes of  
4 procedure as are set forth in Sections 2 (except that that  
5 reference to State in the definition of supplier maintaining a  
6 place of business in this State means the county), 2a through  
7 2d, 3 through 3-50 (in respect to all provisions contained in  
8 those Sections other than the State rate of tax), 4 (except  
9 that the reference to the State shall be to the county), 5, 7,  
10 8 (except that the jurisdiction to which the tax is a debt to  
11 the extent indicated in that Section 8 is the county), 9  
12 (except as to the disposition of taxes and penalties collected,  
13 and except that the retailer's discount is not allowed for  
14 taxes paid on aviation fuel that are deposited into the Local  
15 Government Aviation Trust Fund), 10, 11, 12 (except the  
16 reference therein to Section 2b of the Retailers' Occupation  
17 Tax Act), 13 (except that any reference to the State means the  
18 county), Section 15, 16, 17, 18, 19, and 20 of the Service  
19 Occupation Tax Act and all provisions of the Uniform Penalty  
20 and Interest Act, as fully as if those provisions were set  
21 forth herein.

22 Persons subject to any tax imposed under the authority  
23 granted in this subsection may reimburse themselves for their  
24 serviceman's tax liability by separately stating the tax as an  
25 additional charge, which may be stated in combination, in a  
26 single amount, with State tax that servicemen are authorized to

1 collect under the Service Use Tax Act, pursuant to any  
2 bracketed schedules set forth by the Department.

3 (c) The tax under this Section may not be imposed until the  
4 question of imposing the tax has been submitted to the electors  
5 of the county at a regular election and approved by a majority  
6 of the electors voting on the question. For all regular  
7 elections held prior to August 23, 2011 (the effective date of  
8 Public Act 97-542), upon a resolution by the county board or a  
9 resolution by school district boards that represent at least  
10 51% of the student enrollment within the county, the county  
11 board must certify the question to the proper election  
12 authority in accordance with the Election Code.

13 For all regular elections held prior to August 23, 2011  
14 (the effective date of Public Act 97-542), the election  
15 authority must submit the question in substantially the  
16 following form:

17 Shall (name of county) be authorized to impose a  
18 retailers' occupation tax and a service occupation tax  
19 (commonly referred to as a "sales tax") at a rate of  
20 (insert rate) to be used exclusively for school facility  
21 purposes?

22 The election authority must record the votes as "Yes" or "No".

23 If a majority of the electors voting on the question vote  
24 in the affirmative, then the county may, thereafter, impose the  
25 tax.

26 For all regular elections held on or after August 23, 2011

1 (the effective date of Public Act 97-542), the regional  
2 superintendent of schools for the county must, upon receipt of  
3 a resolution or resolutions of school district boards that  
4 represent more than 50% of the student enrollment within the  
5 county, certify the question to the proper election authority  
6 for submission to the electors of the county at the next  
7 regular election at which the question lawfully may be  
8 submitted to the electors, all in accordance with the Election  
9 Code.

10 For all regular elections held on or after August 23, 2011  
11 (the effective date of Public Act 97-542), the election  
12 authority must submit the question in substantially the  
13 following form:

14 Shall a retailers' occupation tax and a service  
15 occupation tax (commonly referred to as a "sales tax") be  
16 imposed in (name of county) at a rate of (insert rate) to  
17 be used exclusively for school facility purposes?

18 The election authority must record the votes as "Yes" or "No".

19 If a majority of the electors voting on the question vote  
20 in the affirmative, then the tax shall be imposed at the rate  
21 set forth in the question.

22 For the purposes of this subsection (c), "enrollment" means  
23 the head count of the students residing in the county on the  
24 last school day of September of each year, which must be  
25 reported on the Illinois State Board of Education Public School  
26 Fall Enrollment/Housing Report.

1           (d) Except as otherwise provided, the ~~The~~ Department shall  
2 immediately pay over to the State Treasurer, ex officio, as  
3 trustee, all taxes and penalties collected under this Section  
4 to be deposited into the School Facility Occupation Tax Fund,  
5 which shall be an unappropriated trust fund held outside the  
6 State treasury. Taxes and penalties collected on aviation fuel  
7 sold on or after December 1, 2017, shall be immediately paid  
8 over by the Department to the State Treasurer, ex officio, as  
9 trustee, for deposit into the Local Government Aviation Trust  
10 Fund. The Department shall only pay moneys into the Local  
11 Government Aviation Trust Fund under this Act for so long as  
12 the revenue use requirements of 49 U.S.C. §47107(b) and 49  
13 U.S.C. §47133 are binding on the county.

14           On or before the 25th day of each calendar month, the  
15 Department shall prepare and certify to the Comptroller the  
16 disbursement of stated sums of money to the regional  
17 superintendents of schools in counties from which retailers or  
18 servicemen have paid taxes or penalties to the Department  
19 during the second preceding calendar month. The amount to be  
20 paid to each regional superintendent of schools and disbursed  
21 to him or her in accordance with Section 3-14.31 of the School  
22 Code, is equal to the amount (not including credit memoranda  
23 and not including taxes and penalties collected on aviation  
24 fuel sold on or after December 1, 2017) collected from the  
25 county under this Section during the second preceding calendar  
26 month by the Department, (i) less 2% of that amount (except the



1 amount collected on aviation fuel sold on or after December 1,  
2 2017), which shall be deposited into the Tax Compliance and  
3 Administration Fund and shall be used by the Department,  
4 subject to appropriation, to cover the costs of the Department  
5 in administering and enforcing the provisions of this Section,  
6 on behalf of the county, (ii) plus an amount that the  
7 Department determines is necessary to offset any amounts that  
8 were erroneously paid to a different taxing body; (iii) less an  
9 amount equal to the amount of refunds made during the second  
10 preceding calendar month by the Department on behalf of the  
11 county; and (iv) less any amount that the Department determines  
12 is necessary to offset any amounts that were payable to a  
13 different taxing body but were erroneously paid to the county.  
14 When certifying the amount of a monthly disbursement to a  
15 regional superintendent of schools under this Section, the  
16 Department shall increase or decrease the amounts by an amount  
17 necessary to offset any miscalculation of previous  
18 disbursements within the previous 6 months from the time a  
19 miscalculation is discovered.

20       Within 10 days after receipt by the Comptroller from the  
21 Department of the disbursement certification to the regional  
22 superintendents of the schools provided for in this Section,  
23 the Comptroller shall cause the orders to be drawn for the  
24 respective amounts in accordance with directions contained in  
25 the certification.

26       If the Department determines that a refund should be made

1 under this Section to a claimant instead of issuing a credit  
2 memorandum, then the Department shall notify the Comptroller,  
3 who shall cause the order to be drawn for the amount specified  
4 and to the person named in the notification from the  
5 Department. The refund shall be paid by the Treasurer out of  
6 the School Facility Occupation Tax Fund.

7 (e) For the purposes of determining the local governmental  
8 unit whose tax is applicable, a retail sale by a producer of  
9 coal or another mineral mined in Illinois is a sale at retail  
10 at the place where the coal or other mineral mined in Illinois  
11 is extracted from the earth. This subsection does not apply to  
12 coal or another mineral when it is delivered or shipped by the  
13 seller to the purchaser at a point outside Illinois so that the  
14 sale is exempt under the United States Constitution as a sale  
15 in interstate or foreign commerce.

16 (f) Nothing in this Section may be construed to authorize a  
17 tax to be imposed upon the privilege of engaging in any  
18 business that under the Constitution of the United States may  
19 not be made the subject of taxation by this State.

20 (g) If a county board imposes a tax under this Section  
21 pursuant to a referendum held before August 23, 2011 (the  
22 effective date of Public Act 97-542) at a rate below the rate  
23 set forth in the question approved by a majority of electors of  
24 that county voting on the question as provided in subsection  
25 (c), then the county board may, by ordinance, increase the rate  
26 of the tax up to the rate set forth in the question approved by

1 a majority of electors of that county voting on the question as  
2 provided in subsection (c). If a county board imposes a tax  
3 under this Section pursuant to a referendum held before August  
4 23, 2011 (the effective date of Public Act 97-542), then the  
5 board may, by ordinance, discontinue or reduce the rate of the  
6 tax. If a tax is imposed under this Section pursuant to a  
7 referendum held on or after August 23, 2011 (the effective date  
8 of Public Act 97-542), then the county board may reduce or  
9 discontinue the tax, but only in accordance with subsection  
10 (h-5) of this Section. If, however, a school board issues bonds  
11 that are secured by the proceeds of the tax under this Section,  
12 then the county board may not reduce the tax rate or  
13 discontinue the tax if that rate reduction or discontinuance  
14 would adversely affect the school board's ability to pay the  
15 principal and interest on those bonds as they become due or  
16 necessitate the extension of additional property taxes to pay  
17 the principal and interest on those bonds. If the county board  
18 reduces the tax rate or discontinues the tax, then a referendum  
19 must be held in accordance with subsection (c) of this Section  
20 in order to increase the rate of the tax or to reimpose the  
21 discontinued tax.

22       Until January 1, 2014, the results of any election that  
23 imposes, reduces, or discontinues a tax under this Section must  
24 be certified by the election authority, and any ordinance that  
25 increases or lowers the rate or discontinues the tax must be  
26 certified by the county clerk and, in each case, filed with the

1 Illinois Department of Revenue either (i) on or before the  
2 first day of April, whereupon the Department shall proceed to  
3 administer and enforce the tax or change in the rate as of the  
4 first day of July next following the filing; or (ii) on or  
5 before the first day of October, whereupon the Department shall  
6 proceed to administer and enforce the tax or change in the rate  
7 as of the first day of January next following the filing.

8 Beginning January 1, 2014, the results of any election that  
9 imposes, reduces, or discontinues a tax under this Section must  
10 be certified by the election authority, and any ordinance that  
11 increases or lowers the rate or discontinues the tax must be  
12 certified by the county clerk and, in each case, filed with the  
13 Illinois Department of Revenue either (i) on or before the  
14 first day of May, whereupon the Department shall proceed to  
15 administer and enforce the tax or change in the rate as of the  
16 first day of July next following the filing; or (ii) on or  
17 before the first day of October, whereupon the Department shall  
18 proceed to administer and enforce the tax or change in the rate  
19 as of the first day of January next following the filing.

20 (h) For purposes of this Section, "school facility  
21 purposes" means (i) the acquisition, development,  
22 construction, reconstruction, rehabilitation, improvement,  
23 financing, architectural planning, and installation of capital  
24 facilities consisting of buildings, structures, and durable  
25 equipment and for the acquisition and improvement of real  
26 property and interest in real property required, or expected to

1 be required, in connection with the capital facilities and (ii)  
2 the payment of bonds or other obligations heretofore or  
3 hereafter issued, including bonds or other obligations  
4 heretofore or hereafter issued to refund or to continue to  
5 refund bonds or other obligations issued, for school facility  
6 purposes, provided that the taxes levied to pay those bonds are  
7 abated by the amount of the taxes imposed under this Section  
8 that are used to pay those bonds. "School-facility purposes"  
9 also includes fire prevention, safety, energy conservation,  
10 accessibility, school security, and specified repair purposes  
11 set forth under Section 17-2.11 of the School Code.

12 (h-5) A county board in a county where a tax has been  
13 imposed under this Section pursuant to a referendum held on or  
14 after August 23, 2011 (the effective date of Public Act 97-542)  
15 may, by ordinance or resolution, submit to the voters of the  
16 county the question of reducing or discontinuing the tax. In  
17 the ordinance or resolution, the county board shall certify the  
18 question to the proper election authority in accordance with  
19 the Election Code. The election authority must submit the  
20 question in substantially the following form:

21 Shall the school facility retailers' occupation tax  
22 and service occupation tax (commonly referred to as the  
23 "school facility sales tax") currently imposed in (name of  
24 county) at a rate of (insert rate) be (reduced to (insert  
25 rate)) (discontinued)?

26 If a majority of the electors voting on the question vote in

1 the affirmative, then, subject to the provisions of subsection  
2 (g) of this Section, the tax shall be reduced or discontinued  
3 as set forth in the question.

4 (i) This Section does not apply to Cook County.

5 (j) This Section may be cited as the County School Facility  
6 Occupation Tax Law.

7 (Source: P.A. 98-584, eff. 8-27-13; 99-143, eff. 7-27-15;  
8 99-217, eff. 7-31-15; 99-642, eff. 7-28-16.)

9 (55 ILCS 5/5-1007) (from Ch. 34, par. 5-1007)

10 Sec. 5-1007. Home Rule County Service Occupation Tax Law.  
11 The corporate authorities of a home rule county may impose a  
12 tax upon all persons engaged, in such county, in the business  
13 of making sales of service at the same rate of tax imposed  
14 pursuant to Section 5-1006 of the selling price of all tangible  
15 personal property transferred by such servicemen either in the  
16 form of tangible personal property or in the form of real  
17 estate as an incident to a sale of service. If imposed, such  
18 tax shall only be imposed in 1/4% increments. On and after  
19 September 1, 1991, this additional tax may not be imposed on  
20 the sales of food for human consumption which is to be consumed  
21 off the premises where it is sold (other than alcoholic  
22 beverages, soft drinks and food which has been prepared for  
23 immediate consumption) and prescription and nonprescription  
24 medicines, drugs, medical appliances and insulin, urine  
25 testing materials, syringes and needles used by diabetics.

1 Beginning December 1, 2017, this tax is not imposed on sales of  
2 aviation fuel unless the tax revenue is expended for  
3 airport-related purposes. If the county does not have an  
4 airport-related purpose to which it dedicates aviation fuel tax  
5 revenue, then aviation fuel is excluded from the tax. The  
6 county must comply with the certification requirements for  
7 airport-related purposes under Section 5-1184. For purposes of  
8 this Act, "airport-related purposes" has the meaning ascribed  
9 in Section 6z-20.2 of the State Finance Act. This exclusion for  
10 aviation fuel only applies for so long as the revenue use  
11 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are  
12 binding on the county. The changes made to this Section by this  
13 amendatory Act of the 100th General Assembly are a denial and  
14 limitation of home rule powers and functions under subsection  
15 (g) of Section 6 of Article VII of the Illinois Constitution.  
16 The tax imposed by a home rule county pursuant to this Section  
17 and all civil penalties that may be assessed as an incident  
18 thereof shall be collected and enforced by the State Department  
19 of Revenue. The certificate of registration which is issued by  
20 the Department to a retailer under the Retailers' Occupation  
21 Tax Act or under the Service Occupation Tax Act shall permit  
22 such registrant to engage in a business which is taxable under  
23 any ordinance or resolution enacted pursuant to this Section  
24 without registering separately with the Department under such  
25 ordinance or resolution or under this Section. The Department  
26 shall have full power to administer and enforce this Section;

1 to collect all taxes and penalties due hereunder; to dispose of  
2 taxes and penalties so collected in the manner hereinafter  
3 provided; and to determine all rights to credit memoranda  
4 arising on account of the erroneous payment of tax or penalty  
5 hereunder. In the administration of, and compliance with, this  
6 Section the Department and persons who are subject to this  
7 Section shall have the same rights, remedies, privileges,  
8 immunities, powers and duties, and be subject to the same  
9 conditions, restrictions, limitations, penalties and  
10 definitions of terms, and employ the same modes of procedure,  
11 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in  
12 respect to all provisions therein other than the State rate of  
13 tax), 4 (except that the reference to the State shall be to the  
14 taxing county), 5, 7, 8 (except that the jurisdiction to which  
15 the tax shall be a debt to the extent indicated in that Section  
16 8 shall be the taxing county), 9 (except as to the disposition  
17 of taxes and penalties collected, and except that the returned  
18 merchandise credit for this county tax may not be taken against  
19 any State tax, and except that the retailer's discount is not  
20 allowed for taxes paid on aviation fuel that are deposited into  
21 the Local Government Aviation Trust Fund), 10, 11, 12 (except  
22 the reference therein to Section 2b of the Retailers'  
23 Occupation Tax Act), 13 (except that any reference to the State  
24 shall mean the taxing county), the first paragraph of Section  
25 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and  
26 Section 3-7 of the Uniform Penalty and Interest Act, as fully



1 as if those provisions were set forth herein.

2 No tax may be imposed by a home rule county pursuant to  
3 this Section unless such county also imposes a tax at the same  
4 rate pursuant to Section 5-1006.

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

13 Whenever the Department determines that a refund should be  
14 made under this Section to a claimant instead of issuing credit  
15 memorandum, the Department shall notify the State Comptroller,  
16 who shall cause the order to be drawn for the amount specified,  
17 and to the person named, in such notification from the  
18 Department. Such refund shall be paid by the State Treasurer  
19 out of the home rule county retailers' occupation tax fund.

20 Except as otherwise provided in this paragraph, the ~~The~~  
21 Department shall forthwith pay over to the State Treasurer,  
22 ex-officio, as trustee, all taxes and penalties collected  
23 hereunder for deposit into the Home Rule County Retailers'  
24 Occupation Tax Fund. Taxes and penalties collected on aviation  
25 fuel sold on or after December 1, 2017, shall be immediately  
26 paid over by the Department to the State Treasurer, ex officio,

1 as trustee, for deposit into the Local Government Aviation  
2 Trust Fund. The Department shall only pay moneys into the Local  
3 Government Aviation Trust Fund under this Act for so long as  
4 the revenue use requirements of 49 U.S.C. §47107(b) and 49  
5 U.S.C. §47133 are binding on the county.

6 As soon as possible after the first day of each month,  
7 beginning January 1, 2011, upon certification of the Department  
8 of Revenue, the Comptroller shall order transferred, and the  
9 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
10 local sales tax increment, as defined in the Innovation  
11 Development and Economy Act, collected under this Section  
12 during the second preceding calendar month for sales within a  
13 STAR bond district.

14 After the monthly transfer to the STAR Bonds Revenue Fund,  
15 on or before the 25th day of each calendar month, the  
16 Department shall prepare and certify to the Comptroller the  
17 disbursement of stated sums of money to named counties, the  
18 counties to be those from which suppliers and servicemen have  
19 paid taxes or penalties hereunder to the Department during the  
20 second preceding calendar month. The amount to be paid to each  
21 county shall be the amount (not including credit memoranda and  
22 not including taxes and penalties collected on aviation fuel  
23 sold on or after December 1, 2017) collected hereunder during  
24 the second preceding calendar month by the Department, and not  
25 including an amount equal to the amount of refunds made during  
26 the second preceding calendar month by the Department on behalf

1 of such county, and not including any amounts that are  
2 transferred to the STAR Bonds Revenue Fund, less 2% of the  
3 remainder, which the Department shall transfer into the Tax  
4 Compliance and Administration Fund. The Department, at the time  
5 of each monthly disbursement to the counties, shall prepare and  
6 certify to the State Comptroller the amount to be transferred  
7 into the Tax Compliance and Administration Fund under this  
8 Section. Within 10 days after receipt, by the Comptroller, of  
9 the disbursement certification to the counties and the Tax  
10 Compliance and Administration Fund provided for in this Section  
11 to be given to the Comptroller by the Department, the  
12 Comptroller shall cause the orders to be drawn for the  
13 respective amounts in accordance with the directions contained  
14 in such certification.

15 In addition to the disbursement required by the preceding  
16 paragraph, an allocation shall be made in each year to each  
17 county which received more than \$500,000 in disbursements under  
18 the preceding paragraph in the preceding calendar year. The  
19 allocation shall be in an amount equal to the average monthly  
20 distribution made to each such county under the preceding  
21 paragraph during the preceding calendar year (excluding the 2  
22 months of highest receipts). The distribution made in March of  
23 each year subsequent to the year in which an allocation was  
24 made pursuant to this paragraph and the preceding paragraph  
25 shall be reduced by the amount allocated and disbursed under  
26 this paragraph in the preceding calendar year. The Department

1 shall prepare and certify to the Comptroller for disbursement  
2 the allocations made in accordance with this paragraph.

3 Nothing in this Section shall be construed to authorize a  
4 county to impose a tax upon the privilege of engaging in any  
5 business which under the Constitution of the United States may  
6 not be made the subject of taxation by this State.

7 An ordinance or resolution imposing or discontinuing a tax  
8 hereunder or effecting a change in the rate thereof shall be  
9 adopted and a certified copy thereof filed with the Department  
10 on or before the first day of June, whereupon the Department  
11 shall proceed to administer and enforce this Section as of the  
12 first day of September next following such adoption and filing.  
13 Beginning January 1, 1992, an ordinance or resolution imposing  
14 or discontinuing the tax hereunder or effecting a change in the  
15 rate thereof shall be adopted and a certified copy thereof  
16 filed with the Department on or before the first day of July,  
17 whereupon the Department shall proceed to administer and  
18 enforce this Section as of the first day of October next  
19 following such adoption and filing. Beginning January 1, 1993,  
20 an ordinance or resolution imposing or discontinuing the tax  
21 hereunder or effecting a change in the rate thereof shall be  
22 adopted and a certified copy thereof filed with the Department  
23 on or before the first day of October, whereupon the Department  
24 shall proceed to administer and enforce this Section as of the  
25 first day of January next following such adoption and filing.  
26 Beginning April 1, 1998, an ordinance or resolution imposing or

1 discontinuing the tax hereunder or effecting a change in the  
2 rate thereof shall either (i) be adopted and a certified copy  
3 thereof filed with the Department on or before the first day of  
4 April, whereupon the Department shall proceed to administer and  
5 enforce this Section as of the first day of July next following  
6 the adoption and filing; or (ii) be adopted and a certified  
7 copy thereof filed with the Department on or before the first  
8 day of October, whereupon the Department shall proceed to  
9 administer and enforce this Section as of the first day of  
10 January next following the adoption and filing.

11 This Section shall be known and may be cited as the Home  
12 Rule County Service Occupation Tax Law.

13 (Source: P.A. 100-23, eff. 7-6-17.)

14 (55 ILCS 5/5-1008.5)

15 Sec. 5-1008.5. Use and occupation taxes.

16 (a) The Rock Island County Board may adopt a resolution  
17 that authorizes a referendum on the question of whether the  
18 county shall be authorized to impose a retailers' occupation  
19 tax, a service occupation tax, and a use tax at a rate of 1/4 of  
20 1% on behalf of the economic development activities of Rock  
21 Island County and communities located within the county. The  
22 county board shall certify the question to the proper election  
23 authorities who shall submit the question to the voters of the  
24 county at the next regularly scheduled election in accordance  
25 with the general election law. The question shall be in

1 substantially the following form:

2           Shall Rock Island County be authorized to impose a  
3           retailers' occupation tax, a service occupation tax, and a  
4           use tax at the rate of 1/4 of 1% for the sole purpose of  
5           economic development activities, including creation and  
6           retention of job opportunities, support of affordable  
7           housing opportunities, and enhancement of quality of life  
8           improvements?

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

12          (b) The county shall impose the retailers' occupation tax  
13          upon all persons engaged in the business of selling tangible  
14          personal property at retail in the county, at the rate approved  
15          by referendum, on the gross receipts from the sales made in the  
16          course of those businesses within the county. This additional  
17          tax may not be imposed on the sale of food for human  
18          consumption that is to be consumed off the premises where it is  
19          sold (other than alcoholic beverages, soft drinks, and food  
20          that has been prepared for immediate consumption) and  
21          prescription and non-prescription medicines, drugs, medical  
22          appliances and insulin, urine testing materials, syringes, and  
23          needles used by diabetics. Beginning December 1, 2017, this tax  
24          is not imposed on sales of aviation fuel unless the tax revenue  
25          is expended for airport-related purposes. If the county does  
26          not have an airport-related purpose to which it dedicates

1 aviation fuel tax revenue, then aviation fuel is excluded from  
2 the tax. The county must comply with the certification  
3 requirements for airport-related purposes under Section  
4 5-1184. For purposes of this Act, "airport-related purposes"  
5 has the meaning ascribed in Section 6z-20.2 of the State  
6 Finance Act. This exclusion for aviation fuel only applies for  
7 so long as the revenue use requirements of 49 U.S.C. §47107(b)  
8 and 49 U.S.C. §47133 are binding on the county. The tax imposed  
9 under this Section and all civil penalties that may be assessed  
10 as an incident of the tax shall be collected and enforced by  
11 the Department of Revenue. The Department has full power to  
12 administer and enforce this Section; to collect all taxes and  
13 penalties so collected in the manner provided in this Section;  
14 and to determine all rights to credit memoranda arising on  
15 account of the erroneous payment of tax or penalty under this  
16 Section. In the administration of, and compliance with, this  
17 Section, the Department and persons who are subject to this  
18 Section shall (i) have the same rights, remedies, privileges,  
19 immunities, powers and duties, (ii) be subject to the same  
20 conditions, restrictions, limitations, penalties, exclusions,  
21 exemptions, and definitions of terms, and (iii) employ the same  
22 modes of procedure as are prescribed in Sections 1, 1a, 1a-1,  
23 1c, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2, 2-5, 2-5.5, 2-10 (in  
24 respect to all provisions other than the State rate of tax),  
25 2-15 through 2-70, 2a, 2b, 2c, 3 (except as to the disposition  
26 of taxes and penalties collected and provisions related to

1 quarter monthly payments, and except that the retailer's  
2 discount is not allowed for taxes paid on aviation fuel that  
3 are deposited into the Local Government Aviation Trust Fund),  
4 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c,  
5 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation  
6 Tax Act and Section 3-7 of the Uniform Penalty and Interest  
7 Act, as fully as if those provisions were set forth in this  
8 subsection.

9 Persons subject to any tax imposed under this subsection  
10 may reimburse themselves for their seller's tax liability by  
11 separately stating the tax as an additional charge, which  
12 charge may be stated in combination, in a single amount, with  
13 State taxes that sellers are required to collect, in accordance  
14 with bracket schedules prescribed by the Department.

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

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

26 For the purpose of determining whether a tax authorized



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

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

13 (c) If a tax has been imposed under subsection (b), a  
14 service occupation tax shall also be imposed at the same rate  
15 upon all persons engaged, in the county, in the business of  
16 making sales of service, who, as an incident to making those  
17 sales of service, transfer tangible personal property within  
18 the county as an incident to a sale of service. This additional  
19 tax may not be imposed on the sale of food for human  
20 consumption that is to be consumed off the premises where it is  
21 sold (other than alcoholic beverages, soft drinks, and food  
22 that has been prepared for immediate consumption) and  
23 prescription and non-prescription medicines, drugs, medical  
24 appliances and insulin, urine testing materials, syringes, and  
25 needles used by diabetics. Beginning December 1, 2017, this tax  
26 is not imposed on sales of aviation fuel unless the tax revenue

1 is expended for airport-related purposes. If the county does  
2 not have an airport-related purpose to which it dedicates  
3 aviation fuel tax revenue, then aviation fuel is excluded from  
4 the tax. The county must comply with the certification  
5 requirements for airport-related purposes under Section  
6 5-1184. For purposes of this Act, "airport-related purposes"  
7 has the meaning ascribed in Section 6z-20.2 of the State  
8 Finance Act. This exclusion for aviation fuel only applies for  
9 so long as the revenue use requirements of 49 U.S.C. §47107(b)  
10 and 49 U.S.C. §47133 are binding on the county. The tax imposed  
11 under this subsection and all civil penalties that may be  
12 assessed as an incident of the tax shall be collected and  
13 enforced by the Department of Revenue. The Department has full  
14 power to administer and enforce this paragraph; to collect all  
15 taxes and penalties due under this Section; to dispose of taxes  
16 and penalties so collected in the manner provided in this  
17 Section; and to determine all rights to credit memoranda  
18 arising on account of the erroneous payment of tax or penalty  
19 under this Section. In the administration of, and compliance  
20 with this paragraph, the Department and persons who are subject  
21 to this paragraph shall (i) have the same rights, remedies,  
22 privileges, immunities, powers, and duties, (ii) be subject to  
23 the same conditions, restrictions, limitations, penalties,  
24 exclusions, exemptions, and definitions of terms, and (iii)  
25 employ the same modes of procedure as are prescribed in  
26 Sections 2 (except that the reference to State in the

1 definition of supplier maintaining a place of business in this  
2 State shall mean the county), 2a, 2b, 3 through 3-55 (in  
3 respect to all provisions other than the State rate of tax), 4  
4 (except that the reference to the State shall be to the  
5 county), 5, 7, 8 (except that the jurisdiction to which the tax  
6 shall be a debt to the extent indicated in that Section 8 shall  
7 be the county), 9 (except as to the disposition of taxes and  
8 penalties collected, and except that the returned merchandise  
9 credit for this tax may not be taken against any State tax, and  
10 except that the retailer's discount is not allowed for taxes  
11 paid on aviation fuel that are deposited into the Local  
12 Government Aviation Trust Fund), 11, 12 (except the reference  
13 to Section 2b of the Retailers' Occupation Tax Act), 13 (except  
14 that any reference to the State shall mean the county), 15, 16,  
15 17, 18, 19 and 20 of the Service Occupation Tax Act and Section  
16 3-7 of the Uniform Penalty and Interest Act, as fully as if  
17 those provisions were set forth in this subsection.

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

26 Whenever the Department determines that a refund should be

1 made under this subsection to a claimant instead of issuing a  
2 credit memorandum, the Department shall notify the State  
3 Comptroller, who shall cause the warrant to be drawn for the  
4 amount specified, and to the person named, in the notification  
5 from the Department. The refund shall be paid by the State  
6 Treasurer out of the tax fund referenced under paragraph (g) of  
7 this Section.

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

12 (d) If a tax has been imposed under subsection (b), a use  
13 tax shall also be imposed at the same rate upon the privilege  
14 of using, in the county, any item of tangible personal property  
15 that is purchased outside the county at retail from a retailer,  
16 and that is titled or registered at a location within the  
17 county with an agency of this State's government. This  
18 additional tax may not be imposed on the sale of food for human  
19 consumption that is to be consumed off the premises where it is  
20 sold (other than alcoholic beverages, soft drinks, and food  
21 that has been prepared for immediate consumption) and  
22 prescription and non-prescription medicines, drugs, medical  
23 appliances and insulin, urine testing materials, syringes, and  
24 needles used by diabetics. "Selling price" is defined as in the  
25 Use Tax Act. The tax shall be collected from persons whose  
26 Illinois address for titling or registration purposes is given

1 as being in the county. The tax shall be collected by the  
2 Department of Revenue for the county. The tax must be paid to  
3 the State, or an exemption determination must be obtained from  
4 the Department of Revenue, before the title or certificate of  
5 registration for the property may be issued. The tax or proof  
6 of exemption may be transmitted to the Department by way of the  
7 State agency with which, or the State officer with whom, the  
8 tangible personal property must be titled or registered if the  
9 Department and the State agency or State officer determine that  
10 this procedure will expedite the processing of applications for  
11 title or registration.

12 The Department has full power to administer and enforce  
13 this paragraph; to collect all taxes, penalties, and interest  
14 due under this Section; to dispose of taxes, penalties, and  
15 interest so collected in the manner provided in this Section;  
16 and to determine all rights to credit memoranda or refunds  
17 arising on account of the erroneous payment of tax, penalty, or  
18 interest under this Section. In the administration of, and  
19 compliance with, this subsection, the Department and persons  
20 who are subject to this paragraph shall (i) have the same  
21 rights, remedies, privileges, immunities, powers, and duties,  
22 (ii) be subject to the same conditions, restrictions,  
23 limitations, penalties, exclusions, exemptions, and  
24 definitions of terms, and (iii) employ the same modes of  
25 procedure as are prescribed in Sections 2 (except the  
26 definition of "retailer maintaining a place of business in this

1 State"), 3, 3-5, 3-10, 3-45, 3-55, 3-65, 3-70, 3-85, 3a, 4, 6,  
2 7, 8 (except that the jurisdiction to which the tax shall be a  
3 debt to the extent indicated in that Section 8 shall be the  
4 county), 9 (except provisions relating to quarter monthly  
5 payments), 10, 11, 12, 12a, 12b, 13, 14, 15, 19, 20, 21, and 22  
6 of the Use Tax Act and Section 3-7 of the Uniform Penalty and  
7 Interest Act, that are not inconsistent with this paragraph, as  
8 fully as if those provisions were set forth in this subsection.

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

17 (e) A certificate of registration issued by the State  
18 Department of Revenue to a retailer under the Retailers'  
19 Occupation Tax Act or under the Service Occupation Tax Act  
20 shall permit the registrant to engage in a business that is  
21 taxed under the tax imposed under paragraphs (b), (c), or (d)  
22 of this Section and no additional registration shall be  
23 required. A certificate issued under the Use Tax Act or the  
24 Service Use Tax Act shall be applicable with regard to any tax  
25 imposed under paragraph (c) of this Section.

26 (f) The results of any election authorizing a proposition

1 to impose a tax under this Section or effecting a change in the  
2 rate of tax shall be certified by the proper election  
3 authorities and filed with the Illinois Department on or before  
4 the first day of October. In addition, an ordinance imposing,  
5 discontinuing, or effecting a change in the rate of tax under  
6 this Section shall be adopted and a certified copy of the  
7 ordinance filed with the Department on or before the first day  
8 of October. After proper receipt of the certifications, the  
9 Department shall proceed to administer and enforce this Section  
10 as of the first day of January next following the adoption and  
11 filing.

12 (g) Except as otherwise provided in paragraph (g-2), the  
13 ~~The~~ Department of Revenue shall, upon collecting any taxes and  
14 penalties as provided in this Section, pay the taxes and  
15 penalties over to the State Treasurer as trustee for the  
16 county. The taxes and penalties shall be held in a trust fund  
17 outside the State Treasury. On or before the 25th day of each  
18 calendar month, the Department of Revenue shall prepare and  
19 certify to the Comptroller of the State of Illinois the amount  
20 to be paid to the county, which shall be the balance in the  
21 fund, less any amount determined by the Department to be  
22 necessary for the payment of refunds. Within 10 days after  
23 receipt by the Comptroller of the certification of the amount  
24 to be paid to the county, the Comptroller shall cause an order  
25 to be drawn for payment for the amount in accordance with the  
26 directions contained in the certification. Amounts received

1 from the tax imposed under this Section shall be used only for  
2 the economic development activities of the county and  
3 communities located within the county.

4 (g-2) Taxes and penalties collected on aviation fuel sold  
5 on or after December 1, 2017, shall be immediately paid over by  
6 the Department to the State Treasurer, ex officio, as trustee,  
7 for deposit into the Local Government Aviation Trust Fund. The  
8 Department shall only pay moneys into the Local Government  
9 Aviation Trust Fund under this Act for so long as the revenue  
10 use requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133  
11 are binding on the county.

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

18 (i) This Section may be cited as the Rock Island County Use  
19 and Occupation Tax Law.

20 (Source: P.A. 90-415, eff. 8-15-97.)

21 (55 ILCS 5/5-1009) (from Ch. 34, par. 5-1009)

22 Sec. 5-1009. Limitation on home rule powers. Except as  
23 provided in Sections 5-1006, 5-1006.5, 5-1007 and 5-1008, on  
24 and after September 1, 1990, no home rule county has the  
25 authority to impose, pursuant to its home rule authority, a



1 retailer's occupation tax, service occupation tax, use tax,  
2 sales tax or other tax on the use, sale or purchase of tangible  
3 personal property based on the gross receipts from such sales  
4 or the selling or purchase price of said tangible personal  
5 property. Notwithstanding the foregoing, this Section does not  
6 preempt any home rule imposed tax such as the following: (1) a  
7 tax on alcoholic beverages, whether based on gross receipts,  
8 volume sold or any other measurement; (2) a tax based on the  
9 number of units of cigarettes or tobacco products; (3) a tax,  
10 however measured, based on the use of a hotel or motel room or  
11 similar facility; (4) a tax, however measured, on the sale or  
12 transfer of real property; (5) a tax, however measured, on  
13 lease receipts; (6) a tax on food prepared for immediate  
14 consumption and on alcoholic beverages sold by a business which  
15 provides for on premise consumption of said food or alcoholic  
16 beverages; or (7) other taxes not based on the selling or  
17 purchase price or gross receipts from the use, sale or purchase  
18 of tangible personal property. This Section does not preempt a  
19 home rule county from imposing a tax, however measured, on the  
20 use, for consideration, of a parking lot, garage, or other  
21 parking facility.

22 On and after December 1, 2017, no home rule county has the  
23 authority to impose, pursuant to its home rule authority, a  
24 tax, however measured, on sales of aviation fuel, as defined in  
25 Section 3 of the Retailers' Occupation Tax Act, unless the tax  
26 revenue is expended for airport-related purposes. For purposes

1 of this Section, "airport-related purposes" has the meaning  
2 ascribed in Section 6z-20.2 of the State Finance Act. Aviation  
3 fuel shall be excluded from tax only for so long as the revenue  
4 use requirements of 49 U.S.C. §47017 (b) and 49 U.S.C. §47133  
5 are binding on the county.

6 This Section is a limitation, pursuant to subsection (g) of  
7 Section 6 of Article VII of the Illinois Constitution, on the  
8 power of home rule units to tax. The changes made to this  
9 Section by this amendatory Act of the 100th General Assembly  
10 are a denial and limitation of home rule powers and functions  
11 under subsection (g) of Section 6 of Article VII of the  
12 Illinois Constitution.

13 (Source: P.A. 97-1168, eff. 3-8-13; 97-1169, eff. 3-8-13.)

14 (55 ILCS 5/5-1035.1) (from Ch. 34, par. 5-1035.1)

15 Sec. 5-1035.1. County Motor Fuel Tax Law. The county board  
16 of the counties of DuPage, Kane and McHenry may, by an  
17 ordinance or resolution adopted by an affirmative vote of a  
18 majority of the members elected or appointed to the county  
19 board, impose a tax upon all persons engaged in the county in  
20 the business of selling motor fuel, as now or hereafter defined  
21 in the Motor Fuel Tax Law, at retail for the operation of motor  
22 vehicles upon public highways or for the operation of  
23 recreational watercraft upon waterways. The collection of a tax  
24 under this Section based on gallonage of gasoline used for the  
25 propulsion of any aircraft is prohibited, and the collection of

1 a tax based on gallonage of special fuel used for the  
2 propulsion of any aircraft is prohibited on and after December  
3 1, 2017. Kane County may exempt diesel fuel from the tax  
4 imposed pursuant to this Section. The tax may be imposed, in  
5 half-cent increments, at a rate not exceeding 4 cents per  
6 gallon of motor fuel sold at retail within the county for the  
7 purpose of use or consumption and not for the purpose of  
8 resale. The proceeds from the tax shall be used by the county  
9 solely for the purpose of operating, constructing and improving  
10 public highways and waterways, and acquiring real property and  
11 right-of-ways for public highways and waterways within the  
12 county imposing the tax.

13 A tax imposed pursuant to this Section, and all civil  
14 penalties that may be assessed as an incident thereof, shall be  
15 administered, collected and enforced by the Illinois  
16 Department of Revenue in the same manner as the tax imposed  
17 under the Retailers' Occupation Tax Act, as now or hereafter  
18 amended, insofar as may be practicable; except that in the  
19 event of a conflict with the provisions of this Section, this  
20 Section shall control. The Department of Revenue shall have  
21 full power: to administer and enforce this Section; to collect  
22 all taxes and penalties due hereunder; to dispose of taxes and  
23 penalties so collected in the manner hereinafter provided; and  
24 to determine all rights to credit memoranda arising on account  
25 of the erroneous payment of tax or penalty hereunder.

26 Whenever the Department determines that a refund shall be

1 made under this Section to a claimant instead of issuing a  
2 credit memorandum, the Department shall notify the State  
3 Comptroller, who shall cause the order to be drawn for the  
4 amount specified, and to the person named, in the notification  
5 from the Department. The refund shall be paid by the State  
6 Treasurer out of the County Option Motor Fuel Tax Fund.

7 The Department shall forthwith pay over to the State  
8 Treasurer, ex-officio, as trustee, all taxes and penalties  
9 collected hereunder, which shall be deposited into the County  
10 Option Motor Fuel Tax Fund, a special fund in the State  
11 Treasury which is hereby created. On or before the 25th day of  
12 each calendar month, the Department shall prepare and certify  
13 to the State Comptroller the disbursement of stated sums of  
14 money to named counties for which taxpayers have paid taxes or  
15 penalties hereunder to the Department during the second  
16 preceding calendar month. The amount to be paid to each county  
17 shall be the amount (not including credit memoranda) collected  
18 hereunder from retailers within the county during the second  
19 preceding calendar month by the Department, but not including  
20 an amount equal to the amount of refunds made during the second  
21 preceding calendar month by the Department on behalf of the  
22 county; less 2% of the balance, which sum shall be retained by  
23 the State Treasurer to cover the costs incurred by the  
24 Department in administering and enforcing the provisions of  
25 this Section. The Department, at the time of each monthly  
26 disbursement to the counties, shall prepare and certify to the

1 Comptroller the amount so retained by the State Treasurer,  
2 which shall be transferred into the Tax Compliance and  
3 Administration Fund.

4 A county may direct, by ordinance, that all or a portion of  
5 the taxes and penalties collected under the County Option Motor  
6 Fuel Tax shall be deposited into the Transportation Development  
7 Partnership Trust Fund.

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

12 An ordinance or resolution imposing a tax hereunder or  
13 effecting a change in the rate thereof shall be effective on  
14 the first day of the second calendar month next following the  
15 month in which the ordinance or resolution is adopted and a  
16 certified copy thereof is filed with the Department of Revenue,  
17 whereupon the Department of Revenue shall proceed to administer  
18 and enforce this Section on behalf of the county as of the  
19 effective date of the ordinance or resolution. Upon a change in  
20 rate of a tax levied hereunder, or upon the discontinuance of  
21 the tax, the county board of the county shall, on or not later  
22 than 5 days after the effective date of the ordinance or  
23 resolution discontinuing the tax or effecting a change in rate,  
24 transmit to the Department of Revenue a certified copy of the  
25 ordinance or resolution effecting the change or  
26 discontinuance.

1           This Section shall be known and may be cited as the County  
2 Motor Fuel Tax Law.

3           (Source: P.A. 98-1049, eff. 8-25-14.)

4           (55 ILCS 5/5-1184 new)

5           Sec. 5-1184. Certification for airport-related purposes.  
6 On or before September 1, 2017, and on or before each April 1  
7 and October 1 thereafter, each county must certify to the  
8 Illinois Department of Transportation, in the form and manner  
9 required by the Department, whether the county has an  
10 airport-related purpose, which would allow any Retailers'  
11 Occupation Tax and Service Occupation Tax imposed by the county  
12 to include tax on aviation fuel. On or before October 1, 2017,  
13 and on or before each May 1 and November 1 thereafter, the  
14 Department of Transportation shall provide to the Department of  
15 Revenue, a list of units of local government which have  
16 certified to the Department of Transportation that they have  
17 airport-related purposes, which would allow any Retailers'  
18 Occupation Tax and Service Occupation Tax imposed by the units  
19 of local government to include tax on aviation fuel. All  
20 disputes regarding whether or not a unit of local government  
21 has an airport-related purpose shall be resolved by the  
22 Illinois Department of Transportation.

23           Section 45. The Illinois Municipal Code is amended by  
24 changing Sections 8-11-1, 8-11-1.3, 8-11-1.4, 8-11-1.6,

1 8-11-1.7, 8-11-5, 8-11-6a, and 11-74.3-6 and by adding Sections  
2 8-11-22 and 11-101-3 as follows:

3 (65 ILCS 5/8-11-1) (from Ch. 24, par. 8-11-1)

4 Sec. 8-11-1. Home Rule Municipal Retailers' Occupation Tax  
5 Act. The corporate authorities of a home rule municipality may  
6 impose a tax upon all persons engaged in the business of  
7 selling tangible personal property, other than an item of  
8 tangible personal property titled or registered with an agency  
9 of this State's government, at retail in the municipality on  
10 the gross receipts from these sales made in the course of such  
11 business. If imposed, the tax shall only be imposed in 1/4%  
12 increments. On and after September 1, 1991, this additional tax  
13 may not be imposed on the sales of food for human consumption  
14 that is to be consumed off the premises where it is sold (other  
15 than alcoholic beverages, soft drinks and food that has been  
16 prepared for immediate consumption) and prescription and  
17 nonprescription medicines, drugs, medical appliances and  
18 insulin, urine testing materials, syringes and needles used by  
19 diabetics. Beginning December 1, 2017, this tax is not imposed  
20 on sales of aviation fuel unless the tax revenue is expended  
21 for airport-related purposes. If a municipality does not have  
22 an airport-related purpose to which it dedicates aviation fuel  
23 tax revenue, then aviation fuel is excluded from the tax. Each  
24 municipality must comply with the certification requirements  
25 for airport-related purposes under Section 8-11-22. For

1 purposes of this Act, "airport-related purposes" has the  
2 meaning ascribed in Section 6z-20.2 of the State Finance Act.  
3 This exclusion for aviation fuel only applies for so long as  
4 the revenue use requirements of 49 U.S.C. §47107(b) and 49  
5 U.S.C. §47133 are binding on the municipality. The changes made  
6 to this Section by this amendatory Act of the 100th General  
7 Assembly are a denial and limitation of home rule powers and  
8 functions under subsection (g) of Section 6 of Article VII of  
9 the Illinois Constitution. The tax imposed by a home rule  
10 municipality under this Section and all civil penalties that  
11 may be assessed as an incident of the tax shall be collected  
12 and enforced by the State Department of Revenue. The  
13 certificate of registration that is issued by the Department to  
14 a retailer under the Retailers' Occupation Tax Act shall permit  
15 the retailer to engage in a business that is taxable under any  
16 ordinance or resolution enacted pursuant to this Section  
17 without registering separately with the Department under such  
18 ordinance or resolution or under this Section. The Department  
19 shall have full power to administer and enforce this Section;  
20 to collect all taxes and penalties due hereunder; to dispose of  
21 taxes and penalties so collected in the manner hereinafter  
22 provided; and to determine all rights to credit memoranda  
23 arising on account of the erroneous payment of tax or penalty  
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 1, 1a, 1d, 1e, 1f, 1i, 1j, 1k,  
5 1m, 1n, 2 through 2-65 (in respect to all provisions therein  
6 other than the State rate of tax), 2c, 3 (except as to the  
7 disposition of taxes and penalties collected, and except that  
8 the retailer's discount is not allowed for taxes paid on  
9 aviation fuel that are deposited into the Local Government  
10 Aviation Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,  
11 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12 and 13 of the  
12 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
13 Penalty and Interest Act, as fully as if those provisions were  
14 set forth herein.

15 No tax may be imposed by a home rule municipality under  
16 this Section unless the municipality also imposes a tax at the  
17 same rate under Section 8-11-5 of this Act.

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

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

1 credit memorandum, the Department shall notify the State  
2 Comptroller, who shall cause the order to be drawn for the  
3 amount specified and to the person named in the notification  
4 from the Department. The refund shall be paid by the State  
5 Treasurer out of the home rule municipal retailers' occupation  
6 tax fund.

7 Except as otherwise provided in this paragraph, the ~~The~~  
8 Department shall immediately pay over to the State Treasurer,  
9 ex officio, as trustee, all taxes and penalties collected  
10 hereunder for deposit into the Home Rule Municipal Retailers'  
11 Occupation Tax Fund. Taxes and penalties collected on aviation  
12 fuel sold on or after December 1, 2017, shall be immediately  
13 paid over by the Department to the State Treasurer, ex officio,  
14 as trustee, for deposit into the Local Government Aviation  
15 Trust Fund. The Department shall only pay moneys into the Local  
16 Government Aviation Trust Fund under this Act for so long as  
17 the revenue use requirements of 49 U.S.C. §47107(b) and 49  
18 U.S.C. §47133 are binding on the State.

19 As soon as possible after the first day of each month,  
20 beginning January 1, 2011, upon certification of the Department  
21 of Revenue, the Comptroller shall order transferred, and the  
22 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
23 local sales tax increment, as defined in the Innovation  
24 Development and Economy Act, collected under this Section  
25 during the second preceding calendar month for sales within a  
26 STAR bond district.

1           After the monthly transfer to the STAR Bonds Revenue Fund,  
2           on or before the 25th day of each calendar month, the  
3           Department shall prepare and certify to the Comptroller the  
4           disbursement of stated sums of money to named municipalities,  
5           the municipalities to be those from which retailers have paid  
6           taxes or penalties hereunder to the Department during the  
7           second preceding calendar month. The amount to be paid to each  
8           municipality shall be the amount (not including credit  
9           memoranda and not including taxes and penalties collected on  
10          aviation fuel sold on or after December 1, 2017) collected  
11          hereunder during the second preceding calendar month by the  
12          Department plus an amount the Department determines is  
13          necessary to offset any amounts that were erroneously paid to a  
14          different taxing body, and not including an amount equal to the  
15          amount of refunds made during the second preceding calendar  
16          month by the Department on behalf of such municipality, and not  
17          including any amount that the Department determines is  
18          necessary to offset any amounts that were payable to a  
19          different taxing body but were erroneously paid to the  
20          municipality, and not including any amounts that are  
21          transferred to the STAR Bonds Revenue Fund, less 2% of the  
22          remainder, which the Department shall transfer into the Tax  
23          Compliance and Administration Fund. The Department, at the time  
24          of each monthly disbursement to the municipalities, shall  
25          prepare and certify to the State Comptroller the amount to be  
26          transferred into the Tax Compliance and Administration Fund

1 under this Section. Within 10 days after receipt by the  
2 Comptroller of the disbursement certification to the  
3 municipalities and the Tax Compliance and Administration Fund  
4 provided for in this Section to be given to the Comptroller by  
5 the Department, the Comptroller shall cause the orders to be  
6 drawn for the respective amounts in accordance with the  
7 directions contained in the certification.

8 In addition to the disbursement required by the preceding  
9 paragraph and in order to mitigate delays caused by  
10 distribution procedures, an allocation shall, if requested, be  
11 made within 10 days after January 14, 1991, and in November of  
12 1991 and each year thereafter, to each municipality that  
13 received more than \$500,000 during the preceding fiscal year,  
14 (July 1 through June 30) whether collected by the municipality  
15 or disbursed by the Department as required by this Section.  
16 Within 10 days after January 14, 1991, participating  
17 municipalities shall notify the Department in writing of their  
18 intent to participate. In addition, for the initial  
19 distribution, participating municipalities shall certify to  
20 the Department the amounts collected by the municipality for  
21 each month under its home rule occupation and service  
22 occupation tax during the period July 1, 1989 through June 30,  
23 1990. The allocation within 10 days after January 14, 1991,  
24 shall be in an amount equal to the monthly average of these  
25 amounts, excluding the 2 months of highest receipts. The  
26 monthly average for the period of July 1, 1990 through June 30,

1 1991 will be determined as follows: the amounts collected by  
2 the municipality under its home rule occupation and service  
3 occupation tax during the period of July 1, 1990 through  
4 September 30, 1990, plus amounts collected by the Department  
5 and paid to such municipality through June 30, 1991, excluding  
6 the 2 months of highest receipts. The monthly average for each  
7 subsequent period of July 1 through June 30 shall be an amount  
8 equal to the monthly distribution made to each such  
9 municipality under the preceding paragraph during this period,  
10 excluding the 2 months of highest receipts. The distribution  
11 made in November 1991 and each year thereafter under this  
12 paragraph and the preceding paragraph shall be reduced by the  
13 amount allocated and disbursed under this paragraph in the  
14 preceding period of July 1 through June 30. The Department  
15 shall prepare and certify to the Comptroller for disbursement  
16 the allocations made in accordance with this paragraph.

17 For the purpose of determining the local governmental unit  
18 whose tax is applicable, a retail sale by a producer of coal or  
19 other mineral mined in Illinois is a sale at retail at the  
20 place where the coal or other mineral mined in Illinois is  
21 extracted from the earth. This paragraph does not apply to coal  
22 or other mineral when it is delivered or shipped by the seller  
23 to the purchaser at a point outside Illinois so that the sale  
24 is exempt under the United States Constitution as a sale in  
25 interstate or foreign commerce.

26 Nothing in this Section shall be construed to authorize a

1 municipality to impose a tax upon the privilege of engaging in  
2 any business which under the Constitution of the United States  
3 may not be made the subject of taxation by this State.

4 An ordinance or resolution imposing or discontinuing a tax  
5 hereunder or effecting a change in the rate thereof shall be  
6 adopted and a certified copy thereof filed with the Department  
7 on or before the first day of June, whereupon the Department  
8 shall proceed to administer and enforce this Section as of the  
9 first day of September next following the adoption and filing.

10 Beginning January 1, 1992, an ordinance or resolution imposing  
11 or discontinuing the tax hereunder or effecting a change in the  
12 rate thereof shall be adopted and a certified copy thereof  
13 filed with the Department on or before the first day of July,  
14 whereupon the Department shall proceed to administer and  
15 enforce this Section as of the first day of October next  
16 following such adoption and filing. Beginning January 1, 1993,  
17 an ordinance or resolution imposing or discontinuing the tax  
18 hereunder or effecting a change in the rate thereof shall be  
19 adopted and a certified copy thereof filed with the Department  
20 on or before the first day of October, whereupon the Department  
21 shall proceed to administer and enforce this Section as of the  
22 first day of January next following the adoption and filing.

23 However, a municipality located in a county with a population  
24 in excess of 3,000,000 that elected to become a home rule unit  
25 at the general primary election in 1994 may adopt an ordinance  
26 or resolution imposing the tax under this Section and file a

1 certified copy of the ordinance or resolution with the  
2 Department on or before July 1, 1994. The Department shall then  
3 proceed to administer and enforce this Section as of October 1,  
4 1994. Beginning April 1, 1998, an ordinance or resolution  
5 imposing or discontinuing the tax hereunder or effecting a  
6 change in the rate thereof shall either (i) be adopted and a  
7 certified copy thereof filed with the Department on or before  
8 the first day of April, whereupon the Department shall proceed  
9 to administer and enforce this Section as of the first day of  
10 July next following the adoption and filing; or (ii) be adopted  
11 and a certified copy thereof filed with the Department on or  
12 before the first day of October, whereupon the Department shall  
13 proceed to administer and enforce this Section as of the first  
14 day of January next following the adoption and filing.

15 When certifying the amount of a monthly disbursement to a  
16 municipality under this Section, the Department shall increase  
17 or decrease the amount by an amount necessary to offset any  
18 misallocation of previous disbursements. The offset amount  
19 shall be the amount erroneously disbursed within the previous 6  
20 months from the time a misallocation is discovered.

21 Any unobligated balance remaining in the Municipal  
22 Retailers' Occupation Tax Fund on December 31, 1989, which fund  
23 was abolished by Public Act 85-1135, and all receipts of  
24 municipal tax as a result of audits of liability periods prior  
25 to January 1, 1990, shall be paid into the Local Government Tax  
26 Fund for distribution as provided by this Section prior to the

1 enactment of Public Act 85-1135. All receipts of municipal tax  
2 as a result of an assessment not arising from an audit, for  
3 liability periods prior to January 1, 1990, shall be paid into  
4 the Local Government Tax Fund for distribution before July 1,  
5 1990, as provided by this Section prior to the enactment of  
6 Public Act 85-1135; and on and after July 1, 1990, all such  
7 receipts shall be distributed as provided in Section 6z-18 of  
8 the State Finance Act.

9 As used in this Section, "municipal" and "municipality"  
10 means a city, village or incorporated town, including an  
11 incorporated town that has superseded a civil township.

12 This Section shall be known and may be cited as the Home  
13 Rule Municipal Retailers' Occupation Tax Act.

14 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17.)

15 (65 ILCS 5/8-11-1.3) (from Ch. 24, par. 8-11-1.3)

16 Sec. 8-11-1.3. Non-Home Rule Municipal Retailers'  
17 Occupation Tax Act. The corporate authorities of a non-home  
18 rule municipality may impose a tax upon all persons engaged in  
19 the business of selling tangible personal property, other than  
20 on an item of tangible personal property which is titled and  
21 registered by an agency of this State's Government, at retail  
22 in the municipality for expenditure on public infrastructure or  
23 for property tax relief or both as defined in Section 8-11-1.2  
24 if approved by referendum as provided in Section 8-11-1.1, of  
25 the gross receipts from such sales made in the course of such



1 business. If the tax is approved by referendum on or after July  
2 14, 2010 (the effective date of Public Act 96-1057), the  
3 corporate authorities of a non-home rule municipality may,  
4 until December 31, 2020, use the proceeds of the tax for  
5 expenditure on municipal operations, in addition to or in lieu  
6 of any expenditure on public infrastructure or for property tax  
7 relief. The tax imposed may not be more than 1% and may be  
8 imposed only in 1/4% increments. The tax may not be imposed on  
9 the sale of food for human consumption that is to be consumed  
10 off the premises where it is sold (other than alcoholic  
11 beverages, soft drinks, and food that has been prepared for  
12 immediate consumption) and prescription and nonprescription  
13 medicines, drugs, medical appliances, and insulin, urine  
14 testing materials, syringes, and needles used by diabetics.  
15 Beginning December 1, 2017, this tax is not imposed on sales of  
16 aviation fuel unless the tax revenue is expended for  
17 airport-related purposes. If a municipality does not have an  
18 airport-related purpose to which it dedicates aviation fuel tax  
19 revenue, then aviation fuel is excluded from the tax. Each  
20 municipality must comply with the certification requirements  
21 for airport-related purposes under Section 8-11-22. For  
22 purposes of this Act, "airport-related purposes" has the  
23 meaning ascribed in Section 6z-20.2 of the State Finance Act.  
24 This exclusion for aviation fuel only applies for so long as  
25 the revenue use requirements of 49 U.S.C. §47107(b) and 49  
26 U.S.C. §47133 are binding on the municipality. The tax imposed

1 by a municipality pursuant to this Section and all civil  
2 penalties that may be assessed as an incident thereof shall be  
3 collected and enforced by the State Department of Revenue. The  
4 certificate of registration which is issued by the Department  
5 to a retailer under the Retailers' Occupation Tax Act shall  
6 permit such retailer to engage in a business which is taxable  
7 under any ordinance or resolution enacted pursuant to this  
8 Section without registering separately with the Department  
9 under such ordinance or resolution or under this Section. The  
10 Department shall have full power to administer and enforce this  
11 Section; to collect all taxes and penalties due hereunder; to  
12 dispose of taxes and penalties so collected in the manner  
13 hereinafter provided, and to determine all rights to credit  
14 memoranda, arising on account of the erroneous payment of tax  
15 or penalty hereunder. In the administration of, and compliance  
16 with, this Section, the Department and persons who are subject  
17 to this Section shall have the same rights, remedies,  
18 privileges, immunities, powers and duties, and be subject to  
19 the same conditions, restrictions, limitations, penalties and  
20 definitions of terms, and employ the same modes of procedure,  
21 as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j,  
22 2 through 2-65 (in respect to all provisions therein other than  
23 the State rate of tax), 2c, 3 (except as to the disposition of  
24 taxes and penalties collected, and except that the retailer's  
25 discount is not allowed for taxes paid on aviation fuel that  
26 are deposited into the Local Government Aviation Trust Fund),

1 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b,  
2 6c, 6d, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation  
3 Tax Act and Section 3-7 of the Uniform Penalty and Interest Act  
4 as fully as if those provisions were set forth herein.

5 No municipality may impose a tax under this Section unless  
6 the municipality also imposes a tax at the same rate under  
7 Section 8-11-1.4 of this Code.

8 Persons subject to any tax imposed pursuant to the  
9 authority granted in this Section may reimburse themselves for  
10 their seller's tax liability hereunder by separately stating  
11 such tax as an additional charge, which charge may be stated in  
12 combination, in a single amount, with State tax which sellers  
13 are required to collect under the Use Tax Act, pursuant to such  
14 bracket schedules as the Department may prescribe.

15 Whenever the Department determines that a refund should be  
16 made under this Section to a claimant instead of issuing a  
17 credit memorandum, the Department shall notify the State  
18 Comptroller, who shall cause the order to be drawn for the  
19 amount specified, and to the person named, in such notification  
20 from the Department. Such refund shall be paid by the State  
21 Treasurer out of the non-home rule municipal retailers'  
22 occupation tax fund.

23 Except as otherwise provided, the ~~The~~ Department shall  
24 forthwith pay over to the State Treasurer, ex officio, as  
25 trustee, all taxes and penalties collected hereunder for  
26 deposit into the Non-Home Rule Municipal Retailers' Occupation

1 Tax Fund. Taxes and penalties collected on aviation fuel sold  
2 on or after December 1, 2017, shall be immediately paid over by  
3 the Department to the State Treasurer, ex officio, as trustee,  
4 for deposit into the Local Government Aviation Trust Fund. The  
5 Department shall only pay moneys into the Local Government  
6 Aviation Trust Fund under this Act for so long as the revenue  
7 use requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133  
8 are binding on the municipality.

9 As soon as possible after the first day of each month,  
10 beginning January 1, 2011, upon certification of the Department  
11 of Revenue, the Comptroller shall order transferred, and the  
12 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
13 local sales tax increment, as defined in the Innovation  
14 Development and Economy Act, collected under this Section  
15 during the second preceding calendar month for sales within a  
16 STAR bond district.

17 After the monthly transfer to the STAR Bonds Revenue Fund,  
18 on or before the 25th day of each calendar month, the  
19 Department shall prepare and certify to the Comptroller the  
20 disbursement of stated sums of money to named municipalities,  
21 the municipalities to be those from which retailers have paid  
22 taxes or penalties hereunder to the Department during the  
23 second preceding calendar month. The amount to be paid to each  
24 municipality shall be the amount (not including credit  
25 memoranda and not including taxes and penalties collected on  
26 aviation fuel sold on or after December 1, 2017) collected

1 hereunder during the second preceding calendar month by the  
2 Department plus an amount the Department determines is  
3 necessary to offset any amounts which were erroneously paid to  
4 a different taxing body, and not including an amount equal to  
5 the amount of refunds made during the second preceding calendar  
6 month by the Department on behalf of such municipality, and not  
7 including any amount which the Department determines is  
8 necessary to offset any amounts which were payable to a  
9 different taxing body but were erroneously paid to the  
10 municipality, and not including any amounts that are  
11 transferred to the STAR Bonds Revenue Fund, less 2% of the  
12 remainder, which the Department shall transfer into the Tax  
13 Compliance and Administration Fund. The Department, at the time  
14 of each monthly disbursement to the municipalities, shall  
15 prepare and certify to the State Comptroller the amount to be  
16 transferred into the Tax Compliance and Administration Fund  
17 under this Section. Within 10 days after receipt, by the  
18 Comptroller, of the disbursement certification to the  
19 municipalities and the Tax Compliance and Administration Fund  
20 provided for in this Section to be given to the Comptroller by  
21 the Department, the Comptroller shall cause the orders to be  
22 drawn for the respective amounts in accordance with the  
23 directions contained in such certification.

24 For the purpose of determining the local governmental unit  
25 whose tax is applicable, a retail sale, by a producer of coal  
26 or other mineral mined in Illinois, is a sale at retail at the

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

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

11 When certifying the amount of a monthly disbursement to a  
12 municipality under this Section, the Department shall increase  
13 or decrease such amount by an amount necessary to offset any  
14 misallocation of previous disbursements. The offset amount  
15 shall be the amount erroneously disbursed within the previous 6  
16 months from the time a misallocation is discovered.

17 The Department of Revenue shall implement this amendatory  
18 Act of the 91st General Assembly so as to collect the tax on  
19 and after January 1, 2002.

20 As used in this Section, "municipal" and "municipality"  
21 means a city, village or incorporated town, including an  
22 incorporated town which has superseded a civil township.

23 This Section shall be known and may be cited as the  
24 "Non-Home Rule Municipal Retailers' Occupation Tax Act".

25 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17.)

1 (65 ILCS 5/8-11-1.4) (from Ch. 24, par. 8-11-1.4)

2 Sec. 8-11-1.4. Non-Home Rule Municipal Service Occupation  
3 Tax Act. The corporate authorities of a non-home rule  
4 municipality may impose a tax upon all persons engaged, in such  
5 municipality, in the business of making sales of service for  
6 expenditure on public infrastructure or for property tax relief  
7 or both as defined in Section 8-11-1.2 if approved by  
8 referendum as provided in Section 8-11-1.1, of the selling  
9 price of all tangible personal property transferred by such  
10 servicemen either in the form of tangible personal property or  
11 in the form of real estate as an incident to a sale of service.  
12 If the tax is approved by referendum on or after July 14, 2010  
13 (the effective date of Public Act 96-1057), the corporate  
14 authorities of a non-home rule municipality may, until December  
15 31, 2020, use the proceeds of the tax for expenditure on  
16 municipal operations, in addition to or in lieu of any  
17 expenditure on public infrastructure or for property tax  
18 relief. The tax imposed may not be more than 1% and may be  
19 imposed only in 1/4% increments. The tax may not be imposed on  
20 the sale of food for human consumption that is to be consumed  
21 off the premises where it is sold (other than alcoholic  
22 beverages, soft drinks, and food that has been prepared for  
23 immediate consumption) and prescription and nonprescription  
24 medicines, drugs, medical appliances, and insulin, urine  
25 testing materials, syringes, and needles used by diabetics.  
26 Beginning December 1, 2017, this tax is not imposed on sales of

1 aviation fuel unless the tax revenue is expended for  
2 airport-related purposes. If a municipality does not have an  
3 airport-related purpose to which it dedicates aviation fuel tax  
4 revenue, then aviation fuel is excluded from the tax. Each  
5 municipality must comply with the certification requirements  
6 for airport-related purposes under Section 8-11-22. For  
7 purposes of this Act, "airport-related purposes" has the  
8 meaning ascribed in Section 6z-20.2 of the State Finance Act.  
9 This exclusion for aviation fuel only applies for so long as  
10 the revenue use requirements of 49 U.S.C. §47107(b) and 49  
11 U.S.C. §47133 are binding on the municipality. The tax imposed  
12 by a municipality pursuant to this Section and all civil  
13 penalties that may be assessed as an incident thereof shall be  
14 collected and enforced by the State Department of Revenue. The  
15 certificate of registration which is issued by the Department  
16 to a retailer under the Retailers' Occupation Tax Act or under  
17 the Service Occupation Tax Act shall permit such registrant to  
18 engage in a business which is taxable under any ordinance or  
19 resolution enacted pursuant to this Section without  
20 registering separately with the Department under such  
21 ordinance or resolution or under this Section. The Department  
22 shall have full power to administer and enforce this Section;  
23 to collect all taxes and penalties due hereunder; to dispose of  
24 taxes and penalties so collected in the manner hereinafter  
25 provided, and to determine all rights to credit memoranda  
26 arising on account of the erroneous payment of tax or penalty



1 hereunder. In the administration of, and compliance with, this  
2 Section the Department and persons who are subject to this  
3 Section shall have the same rights, remedies, privileges,  
4 immunities, powers and duties, and be subject to the same  
5 conditions, restrictions, limitations, penalties and  
6 definitions of terms, and employ the same modes of procedure,  
7 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in  
8 respect to all provisions therein other than the State rate of  
9 tax), 4 (except that the reference to the State shall be to the  
10 taxing municipality), 5, 7, 8 (except that the jurisdiction to  
11 which the tax shall be a debt to the extent indicated in that  
12 Section 8 shall be the taxing municipality), 9 (except as to  
13 the disposition of taxes and penalties collected, and except  
14 that the returned merchandise credit for this municipal tax may  
15 not be taken against any State tax, and except that the  
16 retailer's discount is not allowed for taxes paid on aviation  
17 fuel that are deposited into the Local Government Aviation  
18 Trust Fund), 10, 11, 12 (except the reference therein to  
19 Section 2b of the Retailers' Occupation Tax Act), 13 (except  
20 that any reference to the State shall mean the taxing  
21 municipality), the first paragraph of Section 15, 16, 17, 18,  
22 19 and 20 of the Service Occupation Tax Act and Section 3-7 of  
23 the Uniform Penalty and Interest Act, as fully as if those  
24 provisions were set forth herein.

25 No municipality may impose a tax under this Section unless  
26 the municipality also imposes a tax at the same rate under

1 Section 8-11-1.3 of this Code.

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

10 Whenever the Department determines that a refund should be  
11 made under this Section to a claimant instead of issuing credit  
12 memorandum, the Department shall notify the State Comptroller,  
13 who shall cause the order to be drawn for the amount specified,  
14 and to the person named, in such notification from the  
15 Department. Such refund shall be paid by the State Treasurer  
16 out of the municipal retailers' occupation tax fund.

17 Except as otherwise provided in this paragraph, the ~~The~~  
18 Department shall forthwith pay over to the State Treasurer, ex  
19 officio, as trustee, all taxes and penalties collected  
20 hereunder for deposit into the municipal retailers' occupation  
21 tax fund. Taxes and penalties collected on aviation fuel sold  
22 on or after December 1, 2017, shall be immediately paid over by  
23 the Department to the State Treasurer, ex officio, as trustee,  
24 for deposit into the Local Government Aviation Trust Fund. The  
25 Department shall only pay moneys into the Local Government  
26 Aviation Trust Fund under this Act for so long as the revenue

1 use requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133  
2 are binding on the municipality.

3 As soon as possible after the first day of each month,  
4 beginning January 1, 2011, upon certification of the Department  
5 of Revenue, the Comptroller shall order transferred, and the  
6 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
7 local sales tax increment, as defined in the Innovation  
8 Development and Economy Act, collected under this Section  
9 during the second preceding calendar month for sales within a  
10 STAR bond district.

11 After the monthly transfer to the STAR Bonds Revenue Fund,  
12 on or before the 25th day of each calendar month, the  
13 Department shall prepare and certify to the Comptroller the  
14 disbursement of stated sums of money to named municipalities,  
15 the municipalities to be those from which suppliers and  
16 servicemen have paid taxes or penalties hereunder to the  
17 Department during the second preceding calendar month. The  
18 amount to be paid to each municipality shall be the amount (not  
19 including credit memoranda and not including taxes and  
20 penalties collected on aviation fuel sold on or after December  
21 1, 2017) collected hereunder during the second preceding  
22 calendar month by the Department, and not including an amount  
23 equal to the amount of refunds made during the second preceding  
24 calendar month by the Department on behalf of such  
25 municipality, and not including any amounts that are  
26 transferred to the STAR Bonds Revenue Fund, less 2% of the

1 remainder, which the Department shall transfer into the Tax  
2 Compliance and Administration Fund. The Department, at the time  
3 of each monthly disbursement to the municipalities, shall  
4 prepare and certify to the State Comptroller the amount to be  
5 transferred into the Tax Compliance and Administration Fund  
6 under this Section. Within 10 days after receipt, by the  
7 Comptroller, of the disbursement certification to the  
8 municipalities, the General Revenue Fund, and the Tax  
9 Compliance and Administration Fund provided for in this Section  
10 to be given to the Comptroller by the Department, the  
11 Comptroller shall cause the orders to be drawn for the  
12 respective amounts in accordance with the directions contained  
13 in such certification.

14 The Department of Revenue shall implement this amendatory  
15 Act of the 91st General Assembly so as to collect the tax on  
16 and after January 1, 2002.

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

21 As used in this Section, "municipal" or "municipality"  
22 means or refers to a city, village or incorporated town,  
23 including an incorporated town which has superseded a civil  
24 township.

25 This Section shall be known and may be cited as the  
26 "Non-Home Rule Municipal Service Occupation Tax Act".

1 (Source: P.A. 100-23, eff. 7-6-17.)

2 (65 ILCS 5/8-11-1.6)

3 Sec. 8-11-1.6. Non-home rule municipal retailers  
4 occupation tax; municipalities between 20,000 and 25,000. The  
5 corporate authorities of a non-home rule municipality with a  
6 population of more than 20,000 but less than 25,000 that has,  
7 prior to January 1, 1987, established a Redevelopment Project  
8 Area that has been certified as a State Sales Tax Boundary and  
9 has issued bonds or otherwise incurred indebtedness to pay for  
10 costs in excess of \$5,000,000, which is secured in part by a  
11 tax increment allocation fund, in accordance with the  
12 provisions of Division 11-74.4 of this Code may, by passage of  
13 an ordinance, impose a tax upon all persons engaged in the  
14 business of selling tangible personal property, other than on  
15 an item of tangible personal property that is titled and  
16 registered by an agency of this State's Government, at retail  
17 in the municipality. This tax may not be imposed on the sales  
18 of food for human consumption that is to be consumed off the  
19 premises where it is sold (other than alcoholic beverages, soft  
20 drinks, and food that has been prepared for immediate  
21 consumption) and prescription and nonprescription medicines,  
22 drugs, medical appliances and insulin, urine testing  
23 materials, syringes, and needles used by diabetics. Beginning  
24 December 1, 2017, this tax is not imposed on sales of aviation  
25 fuel unless the tax revenue is expended for airport-related

1 purposes. If a municipality does not have an airport-related  
2 purpose to which it dedicates aviation fuel tax revenue, then  
3 aviation fuel is excluded from the tax. Each municipality must  
4 comply with the certification requirements for airport-related  
5 purposes under Section 8-11-22. For purposes of this Act,  
6 "airport-related purposes" has the meaning ascribed in Section  
7 6z-20.2 of the State Finance Act. This exclusion for aviation  
8 fuel only applies for so long as the revenue use requirements  
9 of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are binding on the  
10 municipality. If imposed, the tax shall only be imposed in .25%  
11 increments of the gross receipts from such sales made in the  
12 course of business. Any tax imposed by a municipality under  
13 this Section and all civil penalties that may be assessed as an  
14 incident thereof shall be collected and enforced by the State  
15 Department of Revenue. An ordinance imposing a tax hereunder or  
16 effecting a change in the rate thereof shall be adopted and a  
17 certified copy thereof filed with the Department on or before  
18 the first day of October, whereupon the Department shall  
19 proceed to administer and enforce this Section as of the first  
20 day of January next following such adoption and filing. The  
21 certificate of registration that is issued by the Department to  
22 a retailer under the Retailers' Occupation Tax Act shall permit  
23 the retailer to engage in a business that is taxable under any  
24 ordinance or resolution enacted under this Section without  
25 registering separately with the Department under the ordinance  
26 or resolution or under this Section. The Department shall have

1 full power to administer and enforce this Section, to collect  
2 all taxes and penalties due hereunder, to dispose of taxes and  
3 penalties so collected in the manner hereinafter provided, and  
4 to determine all rights to credit memoranda, arising on account  
5 of the erroneous payment of tax or penalty hereunder. In the  
6 administration of, and compliance with this Section, the  
7 Department and persons who are subject to this Section shall  
8 have the same rights, remedies, privileges, immunities,  
9 powers, and duties, and be subject to the same conditions,  
10 restrictions, limitations, penalties, and definitions of  
11 terms, and employ the same modes of procedure, as are  
12 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 2  
13 through 2-65 (in respect to all provisions therein other than  
14 the State rate of tax), 2c, 3 (except as to the disposition of  
15 taxes and penalties collected, and except that the retailer's  
16 discount is not allowed for taxes paid on aviation fuel that  
17 are deposited into the Local Government Aviation Trust Fund),  
18 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b,  
19 6c, 6d, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation  
20 Tax Act and Section 3-7 of the Uniform Penalty and Interest Act  
21 as fully as if those provisions were set forth herein.

22 A tax may not be imposed by a municipality under this  
23 Section unless the municipality also imposes a tax at the same  
24 rate under Section 8-11-1.7 of this Act.

25 Persons subject to any tax imposed under the authority  
26 granted in this Section, may reimburse themselves for their

1 seller's tax liability hereunder by separately stating the tax  
2 as an additional charge, which charge may be stated in  
3 combination, in a single amount, with State tax which sellers  
4 are required to collect under the Use Tax Act, pursuant to such  
5 bracket schedules as the Department may prescribe.

6 Whenever the Department determines that a refund should be  
7 made under this Section to a claimant, instead of issuing a  
8 credit memorandum, the Department shall notify the State  
9 Comptroller, who shall cause the order to be drawn for the  
10 amount specified, and to the person named in the notification  
11 from the Department. The refund shall be paid by the State  
12 Treasurer out of the Non-Home Rule Municipal Retailers'  
13 Occupation Tax Fund, which is hereby created.

14 Except as otherwise provided in this paragraph, the ~~The~~  
15 Department shall forthwith pay over to the State Treasurer, ex  
16 officio, as trustee, all taxes and penalties collected  
17 hereunder for deposit into the Non-Home Rule Municipal  
18 Retailers' Occupation Tax Fund. Taxes and penalties collected  
19 on aviation fuel sold on or after December 1, 2017, shall be  
20 immediately paid over by the Department to the State Treasurer,  
21 ex officio, as trustee, for deposit into the Local Government  
22 Aviation Trust Fund. The Department shall only pay moneys into  
23 the Local Government Aviation Trust Fund under this Act for so  
24 long as the revenue use requirements of 49 U.S.C. §47107(b) and  
25 49 U.S.C. §47133 are binding on the municipality.

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



1 beginning January 1, 2011, upon certification of the Department  
2 of Revenue, the Comptroller shall order transferred, and the  
3 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
4 local sales tax increment, as defined in the Innovation  
5 Development and Economy Act, collected under this Section  
6 during the second preceding calendar month for sales within a  
7 STAR bond district.

8 After the monthly transfer to the STAR Bonds Revenue Fund,  
9 on or before the 25th day of each calendar month, the  
10 Department shall prepare and certify to the Comptroller the  
11 disbursement of stated sums of money to named municipalities,  
12 the municipalities to be those from which retailers have paid  
13 taxes or penalties hereunder to the Department during the  
14 second preceding calendar month. The amount to be paid to each  
15 municipality shall be the amount (not including credit  
16 memoranda and not including taxes and penalties collected on  
17 aviation fuel sold on or after December 1, 2017) collected  
18 hereunder during the second preceding calendar month by the  
19 Department plus an amount the Department determines is  
20 necessary to offset any amounts that were erroneously paid to a  
21 different taxing body, and not including an amount equal to the  
22 amount of refunds made during the second preceding calendar  
23 month by the Department on behalf of the municipality, and not  
24 including any amount that the Department determines is  
25 necessary to offset any amounts that were payable to a  
26 different taxing body but were erroneously paid to the

1 municipality, and not including any amounts that are  
2 transferred to the STAR Bonds Revenue Fund, less 2% of the  
3 remainder, which the Department shall transfer into the Tax  
4 Compliance and Administration Fund. The Department, at the time  
5 of each monthly disbursement to the municipalities, shall  
6 prepare and certify to the State Comptroller the amount to be  
7 transferred into the Tax Compliance and Administration Fund  
8 under this Section. Within 10 days after receipt by the  
9 Comptroller of the disbursement certification to the  
10 municipalities and the Tax Compliance and Administration Fund  
11 provided for in this Section to be given to the Comptroller by  
12 the Department, the Comptroller shall cause the orders to be  
13 drawn for the respective amounts in accordance with the  
14 directions contained in the certification.

15 For the purpose of determining the local governmental unit  
16 whose tax is applicable, a retail sale by a producer of coal or  
17 other mineral mined in Illinois is a sale at retail at the  
18 place where the coal or other mineral mined in Illinois is  
19 extracted from the earth. This paragraph does not apply to coal  
20 or other mineral when it is delivered or shipped by the seller  
21 to the purchaser at a point outside Illinois so that the sale  
22 is exempt under the federal Constitution as a sale in  
23 interstate or foreign commerce.

24 Nothing in this Section shall be construed to authorize a  
25 municipality to impose a tax upon the privilege of engaging in  
26 any business which under the constitution of the United States

1 may not be made the subject of taxation by this State.

2 When certifying the amount of a monthly disbursement to a  
3 municipality under this Section, the Department shall increase  
4 or decrease the amount by an amount necessary to offset any  
5 misallocation of previous disbursements. The offset amount  
6 shall be the amount erroneously disbursed within the previous 6  
7 months from the time a misallocation is discovered.

8 As used in this Section, "municipal" and "municipality"  
9 means a city, village, or incorporated town, including an  
10 incorporated town that has superseded a civil township.

11 (Source: P.A. 99-217, eff. 7-31-15; 99-642, eff. 7-28-16;  
12 100-23, eff. 7-6-17; revised 10-3-17.)

13 (65 ILCS 5/8-11-1.7)

14 Sec. 8-11-1.7. Non-home rule municipal service occupation  
15 tax; municipalities between 20,000 and 25,000. The corporate  
16 authorities of a non-home rule municipality with a population  
17 of more than 20,000 but less than 25,000 as determined by the  
18 last preceding decennial census that has, prior to January 1,  
19 1987, established a Redevelopment Project Area that has been  
20 certified as a State Sales Tax Boundary and has issued bonds or  
21 otherwise incurred indebtedness to pay for costs in excess of  
22 \$5,000,000, which is secured in part by a tax increment  
23 allocation fund, in accordance with the provisions of Division  
24 11-74.4 of this Code may, by passage of an ordinance, impose a  
25 tax upon all persons engaged in the municipality in the

1 business of making sales of service. If imposed, the tax shall  
2 only be imposed in .25% increments of the selling price of all  
3 tangible personal property transferred by such servicemen  
4 either in the form of tangible personal property or in the form  
5 of real estate as an incident to a sale of service. This tax  
6 may not be imposed on the sales of food for human consumption  
7 that is to be consumed off the premises where it is sold (other  
8 than alcoholic beverages, soft drinks, and food that has been  
9 prepared for immediate consumption) and prescription and  
10 nonprescription medicines, drugs, medical appliances and  
11 insulin, urine testing materials, syringes, and needles used by  
12 diabetics. Beginning December 1, 2017, this tax is not imposed  
13 on sales of aviation fuel unless the tax revenue is expended  
14 for airport-related purposes. If a municipality does not have  
15 an airport-related purpose to which it dedicates aviation fuel  
16 tax revenue, then aviation fuel is excluded from the tax. Each  
17 municipality must comply with the certification requirements  
18 for airport-related purposes under Section 8-11-22. For  
19 purposes of this Act, "airport-related purposes" has the  
20 meaning ascribed in Section 6z-20.2 of the State Finance Act.  
21 This exclusion for aviation fuel only applies for so long as  
22 the revenue use requirements of 49 U.S.C. §47107(b) and 49  
23 U.S.C. §47133 are binding on the municipality. The tax imposed  
24 by a municipality under this Section ~~Sec.~~ and all civil  
25 penalties that may be assessed as an incident thereof shall be  
26 collected and enforced by the State Department of Revenue. An

1 ordinance imposing a tax hereunder or effecting a change in the  
2 rate thereof shall be adopted and a certified copy thereof  
3 filed with the Department on or before the first day of  
4 October, whereupon the Department shall proceed to administer  
5 and enforce this Section as of the first day of January next  
6 following such adoption and filing. The certificate of  
7 registration that is issued by the Department to a retailer  
8 under the Retailers' Occupation Tax Act or under the Service  
9 Occupation Tax Act shall permit the registrant to engage in a  
10 business that is taxable under any ordinance or resolution  
11 enacted under this Section without registering separately with  
12 the Department under the ordinance or resolution or under this  
13 Section. The Department shall have full power to administer and  
14 enforce this Section, to collect all taxes and penalties due  
15 hereunder, to dispose of taxes and penalties so collected in a  
16 manner hereinafter provided, and to determine all rights to  
17 credit memoranda arising on account of the erroneous payment of  
18 tax or penalty hereunder. In the administration of and  
19 compliance with this Section, the Department and persons who  
20 are subject to this Section shall have the same rights,  
21 remedies, privileges, immunities, powers, and duties, and be  
22 subject to the same conditions, restrictions, limitations,  
23 penalties and definitions of terms, and employ the same modes  
24 of procedure, as are prescribed in Sections 1a-1, 2, 2a, 3  
25 through 3-50 (in respect to all provisions therein other than  
26 the State rate of tax), 4 (except that the reference to the

1 State shall be to the taxing municipality), 5, 7, 8 (except  
2 that the jurisdiction to which the tax shall be a debt to the  
3 extent indicated in that Section 8 shall be the taxing  
4 municipality), 9 (except as to the disposition of taxes and  
5 penalties collected, and except that the returned merchandise  
6 credit for this municipal tax may not be taken against any  
7 State tax, and except that the retailer's discount is not  
8 allowed for taxes paid on aviation fuel that are deposited into  
9 the Local Government Aviation Trust Fund), 10, 11, 12, (except  
10 the reference therein to Section 2b of the Retailers'  
11 Occupation Tax Act), 13 (except that any reference to the State  
12 shall mean the taxing municipality), the first paragraph of  
13 Sections 15, 16, 17, 18, 19, and 20 of the Service Occupation  
14 Tax Act and Section 3-7 of the Uniform Penalty and Interest  
15 Act, as fully as if those provisions were set forth herein.

16 A tax may not be imposed by a municipality under this  
17 Section unless the municipality also imposes a tax at the same  
18 rate under Section 8-11-1.6 of this Act.

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

26 Whenever the Department determines that a refund should be

1 made under this Section to a claimant instead of issuing credit  
2 memorandum, the Department shall notify the State Comptroller,  
3 who shall cause the order to be drawn for the amount specified,  
4 and to the person named, in such notification from the  
5 Department. The refund shall be paid by the State Treasurer out  
6 of the Non-Home Rule Municipal Retailers' Occupation Tax Fund.

7 Except as otherwise provided in this paragraph, the ~~The~~  
8 Department shall forthwith pay over to the State Treasurer, ex  
9 officio, as trustee, all taxes and penalties collected  
10 hereunder for deposit into the Non-Home Rule Municipal  
11 Retailers' Occupation Tax Fund. Taxes and penalties collected  
12 on aviation fuel sold on or after December 1, 2017, shall be  
13 immediately paid over by the Department to the State Treasurer,  
14 ex officio, as trustee, for deposit into the Local Government  
15 Aviation Trust Fund. The Department shall only pay moneys into  
16 the Local Government Aviation Trust Fund under this Act for so  
17 long as the revenue use requirements of 49 U.S.C. §47107(b) and  
18 49 U.S.C. §47133 are binding on the municipality.

19 As soon as possible after the first day of each month,  
20 beginning January 1, 2011, upon certification of the Department  
21 of Revenue, the Comptroller shall order transferred, and the  
22 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
23 local sales tax increment, as defined in the Innovation  
24 Development and Economy Act, collected under this Section  
25 during the second preceding calendar month for sales within a  
26 STAR bond district.

1           After the monthly transfer to the STAR Bonds Revenue Fund,  
2 on or before the 25th day of each calendar month, the  
3 Department shall prepare and certify to the Comptroller the  
4 disbursement of stated sums of money to named municipalities,  
5 the municipalities to be those from which suppliers and  
6 servicemen have paid taxes or penalties hereunder to the  
7 Department during the second preceding calendar month. The  
8 amount to be paid to each municipality shall be the amount (not  
9 including credit memoranda and not including taxes and  
10 penalties collected on aviation fuel sold on or after December  
11 1, 2017) collected hereunder during the second preceding  
12 calendar month by the Department, and not including an amount  
13 equal to the amount of refunds made during the second preceding  
14 calendar month by the Department on behalf of such  
15 municipality, and not including any amounts that are  
16 transferred to the STAR Bonds Revenue Fund, less 2% of the  
17 remainder, which the Department shall transfer into the Tax  
18 Compliance and Administration Fund. The Department, at the time  
19 of each monthly disbursement to the municipalities, shall  
20 prepare and certify to the State Comptroller the amount to be  
21 transferred into the Tax Compliance and Administration Fund  
22 under this Section. Within 10 days after receipt by the  
23 Comptroller of the disbursement certification to the  
24 municipalities, the Tax Compliance and Administration Fund,  
25 and the General Revenue Fund, provided for in this Section to  
26 be given to the Comptroller by the Department, the Comptroller



1 shall cause the orders to be drawn for the respective amounts  
2 in accordance with the directions contained in the  
3 certification.

4 When certifying the amount of a monthly disbursement to a  
5 municipality under this Section, the Department shall increase  
6 or decrease the amount by an amount necessary to offset any  
7 misallocation of previous disbursements. The offset amount  
8 shall be the amount erroneously disbursed within the previous 6  
9 months from the time a misallocation is discovered.

10 Nothing in this Section shall be construed to authorize a  
11 municipality to impose a tax upon the privilege of engaging in  
12 any business which under the constitution of the United States  
13 may not be made the subject of taxation by this State.

14 (Source: P.A. 100-23, eff. 7-6-17; revised 10-3-17.)

15 (65 ILCS 5/8-11-5) (from Ch. 24, par. 8-11-5)

16 Sec. 8-11-5. Home Rule Municipal Service Occupation Tax  
17 Act. The corporate authorities of a home rule municipality may  
18 impose a tax upon all persons engaged, in such municipality, in  
19 the business of making sales of service at the same rate of tax  
20 imposed pursuant to Section 8-11-1, of the selling price of all  
21 tangible personal property transferred by such servicemen  
22 either in the form of tangible personal property or in the form  
23 of real estate as an incident to a sale of service. If imposed,  
24 such tax shall only be imposed in 1/4% increments. On and after  
25 September 1, 1991, this additional tax may not be imposed on

1 the sales of food for human consumption which is to be consumed  
2 off the premises where it is sold (other than alcoholic  
3 beverages, soft drinks and food which has been prepared for  
4 immediate consumption) and prescription and nonprescription  
5 medicines, drugs, medical appliances and insulin, urine  
6 testing materials, syringes and needles used by diabetics.  
7 Beginning December 1, 2017, this tax may not be imposed on  
8 sales of aviation fuel unless the tax revenue is expended for  
9 airport-related purposes. If a municipality does not have an  
10 airport-related purpose to which it dedicates aviation fuel tax  
11 revenue, then aviation fuel shall be excluded from tax. Each  
12 municipality must comply with the certification requirements  
13 for airport-related purposes under Section 8-11-22. For  
14 purposes of this Act, "airport-related purposes" has the  
15 meaning ascribed in Section 6z-20.2 of the State Finance Act.  
16 This exception for aviation fuel only applies for so long as  
17 the revenue use requirements of 49 U.S.C. §47107(b) and 49  
18 U.S.C. §47133 are binding on the State. The changes made to  
19 this Section by this amendatory Act of the 100th General  
20 Assembly are a denial and limitation of home rule powers and  
21 functions under subsection (g) of Section 6 of Article VII of  
22 the Illinois Constitution. The tax imposed by a home rule  
23 municipality pursuant to this Section and all civil penalties  
24 that may be assessed as an incident thereof shall be collected  
25 and enforced by the State Department of Revenue. The  
26 certificate of registration which is issued by the Department

1 to a retailer under the Retailers' Occupation Tax Act or under  
2 the Service Occupation Tax Act shall permit such registrant to  
3 engage in a business which is taxable under any ordinance or  
4 resolution enacted pursuant to this Section without  
5 registering separately with the Department under such  
6 ordinance or resolution or under this Section. The Department  
7 shall have full power to administer and enforce this Section;  
8 to collect all taxes and penalties due hereunder; to dispose of  
9 taxes and penalties so collected in the manner hereinafter  
10 provided, and to determine all rights to credit memoranda  
11 arising on account of the erroneous payment of tax or penalty  
12 hereunder. In the administration of, and compliance with, this  
13 Section the Department and persons who are subject to this  
14 Section shall have the same rights, remedies, privileges,  
15 immunities, powers and duties, and be subject to the same  
16 conditions, restrictions, limitations, penalties and  
17 definitions of terms, and employ the same modes of procedure,  
18 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in  
19 respect to all provisions therein other than the State rate of  
20 tax), 4 (except that the reference to the State shall be to the  
21 taxing municipality), 5, 7, 8 (except that the jurisdiction to  
22 which the tax shall be a debt to the extent indicated in that  
23 Section 8 shall be the taxing municipality), 9 (except as to  
24 the disposition of taxes and penalties collected, and except  
25 that the returned merchandise credit for this municipal tax may  
26 not be taken against any State tax), 10, 11, 12 (except the

1 reference therein to Section 2b of the Retailers' Occupation  
2 Tax Act), 13 (except that any reference to the State shall mean  
3 the taxing municipality), the first paragraph of Section 15,  
4 16, 17 (except that credit memoranda issued hereunder may not  
5 be used to discharge any State tax liability), 18, 19 and 20 of  
6 the Service Occupation Tax Act and Section 3-7 of the Uniform  
7 Penalty and Interest Act, as fully as if those provisions were  
8 set forth herein.

9 No tax may be imposed by a home rule municipality pursuant  
10 to this Section unless such municipality also imposes a tax at  
11 the same rate pursuant to Section 8-11-1 of this Act.

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

20 Whenever the Department determines that a refund should be  
21 made under this Section to a claimant instead of issuing credit  
22 memorandum, the Department shall notify the State Comptroller,  
23 who shall cause the order to be drawn for the amount specified,  
24 and to the person named, in such notification from the  
25 Department. Such refund shall be paid by the State Treasurer  
26 out of the home rule municipal retailers' occupation tax fund.

1       Except as otherwise provided in this paragraph, the ~~The~~  
2       Department shall forthwith pay over to the State Treasurer,  
3       ex-officio, as trustee, all taxes and penalties collected  
4       hereunder for deposit into the Home Rule Municipal Retailers'  
5       Occupation Tax Fund. Taxes and penalties collected on aviation  
6       fuel sold on or after December 1, 2017, shall be immediately  
7       paid over by the Department to the State Treasurer, ex officio,  
8       as trustee, for deposit into the Local Government Aviation  
9       Trust Fund. The Department shall only pay moneys into the State  
10       Aviation Program Fund under this Act for so long as the revenue  
11       use requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133  
12       are binding on the municipality.

13       As soon as possible after the first day of each month,  
14       beginning January 1, 2011, upon certification of the Department  
15       of Revenue, the Comptroller shall order transferred, and the  
16       Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
17       local sales tax increment, as defined in the Innovation  
18       Development and Economy Act, collected under this Section  
19       during the second preceding calendar month for sales within a  
20       STAR bond district.

21       After the monthly transfer to the STAR Bonds Revenue Fund,  
22       on or before the 25th day of each calendar month, the  
23       Department shall prepare and certify to the Comptroller the  
24       disbursement of stated sums of money to named municipalities,  
25       the municipalities to be those from which suppliers and  
26       servicemen have paid taxes or penalties hereunder to the

1 Department during the second preceding calendar month. The  
2 amount to be paid to each municipality shall be the amount (not  
3 including credit memoranda and not including taxes and  
4 penalties collected on aviation fuel sold on or after December  
5 1, 2017) collected hereunder during the second preceding  
6 calendar month by the Department, and not including an amount  
7 equal to the amount of refunds made during the second preceding  
8 calendar month by the Department on behalf of such  
9 municipality, and not including any amounts that are  
10 transferred to the STAR Bonds Revenue Fund, less 2% of the  
11 remainder, which the Department shall transfer into the Tax  
12 Compliance and Administration Fund. The Department, at the time  
13 of each monthly disbursement to the municipalities, shall  
14 prepare and certify to the State Comptroller the amount to be  
15 transferred into the Tax Compliance and Administration Fund  
16 under this Section. Within 10 days after receipt, by the  
17 Comptroller, of the disbursement certification to the  
18 municipalities and the Tax Compliance and Administration Fund  
19 provided for in this Section to be given to the Comptroller by  
20 the Department, the Comptroller shall cause the orders to be  
21 drawn for the respective amounts in accordance with the  
22 directions contained in such certification.

23 In addition to the disbursement required by the preceding  
24 paragraph and in order to mitigate delays caused by  
25 distribution procedures, an allocation shall, if requested, be  
26 made within 10 days after January 14, 1991, and in November of

1 1991 and each year thereafter, to each municipality that  
2 received more than \$500,000 during the preceding fiscal year,  
3 (July 1 through June 30) whether collected by the municipality  
4 or disbursed by the Department as required by this Section.  
5 Within 10 days after January 14, 1991, participating  
6 municipalities shall notify the Department in writing of their  
7 intent to participate. In addition, for the initial  
8 distribution, participating municipalities shall certify to  
9 the Department the amounts collected by the municipality for  
10 each month under its home rule occupation and service  
11 occupation tax during the period July 1, 1989 through June 30,  
12 1990. The allocation within 10 days after January 14, 1991,  
13 shall be in an amount equal to the monthly average of these  
14 amounts, excluding the 2 months of highest receipts. Monthly  
15 average for the period of July 1, 1990 through June 30, 1991  
16 will be determined as follows: the amounts collected by the  
17 municipality under its home rule occupation and service  
18 occupation tax during the period of July 1, 1990 through  
19 September 30, 1990, plus amounts collected by the Department  
20 and paid to such municipality through June 30, 1991, excluding  
21 the 2 months of highest receipts. The monthly average for each  
22 subsequent period of July 1 through June 30 shall be an amount  
23 equal to the monthly distribution made to each such  
24 municipality under the preceding paragraph during this period,  
25 excluding the 2 months of highest receipts. The distribution  
26 made in November 1991 and each year thereafter under this

1 paragraph and the preceding paragraph shall be reduced by the  
2 amount allocated and disbursed under this paragraph in the  
3 preceding period of July 1 through June 30. The Department  
4 shall prepare and certify to the Comptroller for disbursement  
5 the allocations made in accordance with this paragraph.

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

10 An ordinance or resolution imposing or discontinuing a tax  
11 hereunder or effecting a change in the rate thereof shall be  
12 adopted and a certified copy thereof filed with the Department  
13 on or before the first day of June, whereupon the Department  
14 shall proceed to administer and enforce this Section as of the  
15 first day of September next following such adoption and filing.  
16 Beginning January 1, 1992, an ordinance or resolution imposing  
17 or discontinuing the tax hereunder or effecting a change in the  
18 rate thereof shall be adopted and a certified copy thereof  
19 filed with the Department on or before the first day of July,  
20 whereupon the Department shall proceed to administer and  
21 enforce this Section as of the first day of October next  
22 following such adoption and filing. Beginning January 1, 1993,  
23 an ordinance or resolution imposing or discontinuing the tax  
24 hereunder or effecting a change in the rate thereof shall be  
25 adopted and a certified copy thereof filed with the Department  
26 on or before the first day of October, whereupon the Department



1 shall proceed to administer and enforce this Section as of the  
2 first day of January next following such adoption and filing.  
3 However, a municipality located in a county with a population  
4 in excess of 3,000,000 that elected to become a home rule unit  
5 at the general primary election in 1994 may adopt an ordinance  
6 or resolution imposing the tax under this Section and file a  
7 certified copy of the ordinance or resolution with the  
8 Department on or before July 1, 1994. The Department shall then  
9 proceed to administer and enforce this Section as of October 1,  
10 1994. Beginning April 1, 1998, an ordinance or resolution  
11 imposing or discontinuing the tax hereunder or effecting a  
12 change in the rate thereof shall either (i) be adopted and a  
13 certified copy thereof filed with the Department on or before  
14 the first day of April, whereupon the Department shall proceed  
15 to administer and enforce this Section as of the first day of  
16 July next following the adoption and filing; or (ii) be adopted  
17 and a certified copy thereof filed with the Department on or  
18 before the first day of October, whereupon the Department shall  
19 proceed to administer and enforce this Section as of the first  
20 day of January next following the adoption and filing.

21 Any unobligated balance remaining in the Municipal  
22 Retailers' Occupation Tax Fund on December 31, 1989, which fund  
23 was abolished by Public Act 85-1135, and all receipts of  
24 municipal tax as a result of audits of liability periods prior  
25 to January 1, 1990, shall be paid into the Local Government Tax  
26 Fund, for distribution as provided by this Section prior to the

1 enactment of Public Act 85-1135. All receipts of municipal tax  
2 as a result of an assessment not arising from an audit, for  
3 liability periods prior to January 1, 1990, shall be paid into  
4 the Local Government Tax Fund for distribution before July 1,  
5 1990, as provided by this Section prior to the enactment of  
6 Public Act 85-1135, and on and after July 1, 1990, all such  
7 receipts shall be distributed as provided in Section 6z-18 of  
8 the State Finance Act.

9 As used in this Section, "municipal" and "municipality"  
10 means a city, village or incorporated town, including an  
11 incorporated town which has superseded a civil township.

12 This Section shall be known and may be cited as the Home  
13 Rule Municipal Service Occupation Tax Act.

14 (Source: P.A. 100-23, eff. 7-6-17.)

15 (65 ILCS 5/8-11-6a) (from Ch. 24, par. 8-11-6a)

16 Sec. 8-11-6a. Home rule municipalities; preemption of  
17 certain taxes. Except as provided in Sections 8-11-1, 8-11-5,  
18 8-11-6, 8-11-6b, 8-11-6c, and 11-74.3-6 on and after September  
19 1, 1990, no home rule municipality has the authority to impose,  
20 pursuant to its home rule authority, a retailer's occupation  
21 tax, service occupation tax, use tax, sales tax or other tax on  
22 the use, sale or purchase of tangible personal property based  
23 on the gross receipts from such sales or the selling or  
24 purchase price of said tangible personal property.  
25 Notwithstanding the foregoing, this Section does not preempt

1 any home rule imposed tax such as the following: (1) a tax on  
2 alcoholic beverages, whether based on gross receipts, volume  
3 sold or any other measurement; (2) a tax based on the number of  
4 units of cigarettes or tobacco products (provided, however,  
5 that a home rule municipality that has not imposed a tax based  
6 on the number of units of cigarettes or tobacco products before  
7 July 1, 1993, shall not impose such a tax after that date); (3)  
8 a tax, however measured, based on the use of a hotel or motel  
9 room or similar facility; (4) a tax, however measured, on the  
10 sale or transfer of real property; (5) a tax, however measured,  
11 on lease receipts; (6) a tax on food prepared for immediate  
12 consumption and on alcoholic beverages sold by a business which  
13 provides for on premise consumption of said food or alcoholic  
14 beverages; or (7) other taxes not based on the selling or  
15 purchase price or gross receipts from the use, sale or purchase  
16 of tangible personal property. This Section does not preempt a  
17 home rule municipality with a population of more than 2,000,000  
18 from imposing a tax, however measured, on the use, for  
19 consideration, of a parking lot, garage, or other parking  
20 facility. This Section is not intended to affect any existing  
21 tax on food and beverages prepared for immediate consumption on  
22 the premises where the sale occurs, or any existing tax on  
23 alcoholic beverages, or any existing tax imposed on the charge  
24 for renting a hotel or motel room, which was in effect January  
25 15, 1988, or any extension of the effective date of such an  
26 existing tax by ordinance of the municipality imposing the tax,

1 which extension is hereby authorized, in any non-home rule  
2 municipality in which the imposition of such a tax has been  
3 upheld by judicial determination, nor is this Section intended  
4 to preempt the authority granted by Public Act 85-1006. On and  
5 after December 1, 2017, no home rule municipality has the  
6 authority to impose, pursuant to its home rule authority, a  
7 tax, however measured, on sales of aviation fuel, as defined in  
8 Section 3 of the Retailers' Occupation Tax Act, unless the tax  
9 revenue is expended for airport-related purposes. For purposes  
10 of this Section, "airport-related purposes" has the meaning  
11 ascribed in Section 6z-20.2 of the State Finance Act. Aviation  
12 fuel shall be excluded from tax only for so long as the revenue  
13 use requirements of 49 U.S.C. §47017 (b) and 49 U.S.C. §47133  
14 are binding on the municipality. This Section is a limitation,  
15 pursuant to subsection (g) of Section 6 of Article VII of the  
16 Illinois Constitution, on the power of home rule units to tax.  
17 The changes made to this Section by this amendatory Act of the  
18 100th General Assembly are a denial and limitation of home rule  
19 powers and functions under subsection (g) of Section 6 of  
20 Article VII of the Illinois Constitution.

21 (Source: P.A. 97-1168, eff. 3-8-13; 97-1169, eff. 3-8-13.)

22 (65 ILCS 5/8-11-22 new)

23 Sec. 8-11-22. Certification for airport-related purposes.  
24 On or before September 1, 2017, and on or before each April 1  
25 and October 1 thereafter, each municipality (and District in

1 the case of business district operating within a municipality)  
2 must certify to the Department of Transportation, in the form  
3 and manner required by the Department, whether the municipality  
4 has an airport-related purpose, which would allow any  
5 Retailers' Occupation Tax and Service Occupation Tax imposed by  
6 the municipality to include tax on aviation fuel. On or before  
7 October 1, 2017, and on or before each May 1 and November 1  
8 thereafter, the Department of Transportation shall provide to  
9 the Department of Revenue, a list of units of local government  
10 which have certified to the Department of Transportation that  
11 they have airport-related purposes, which would allow any  
12 Retailers' Occupation Tax and Service Occupation Tax imposed by  
13 the unit of local government to include tax on aviation fuel.  
14 All disputes regarding whether or not a unit of local  
15 government has an airport-related purpose shall be resolved by  
16 the Department of Transportation.

17 (65 ILCS 5/11-74.3-6)

18 Sec. 11-74.3-6. Business district revenue and obligations;  
19 business district tax allocation fund.

20 (a) If the corporate authorities of a municipality have  
21 approved a business district plan, have designated a business  
22 district, and have elected to impose a tax by ordinance  
23 pursuant to subsection (10) or (11) of Section 11-74.3-3, then  
24 each year after the date of the approval of the ordinance but  
25 terminating upon the date all business district project costs

1 and all obligations paying or reimbursing business district  
2 project costs, if any, have been paid, but in no event later  
3 than the dissolution date, all amounts generated by the  
4 retailers' occupation tax and service occupation tax shall be  
5 collected and the tax shall be enforced by the Department of  
6 Revenue in the same manner as all retailers' occupation taxes  
7 and service occupation taxes imposed in the municipality  
8 imposing the tax and all amounts generated by the hotel  
9 operators' occupation tax shall be collected and the tax shall  
10 be enforced by the municipality in the same manner as all hotel  
11 operators' occupation taxes imposed in the municipality  
12 imposing the tax. The corporate authorities of the municipality  
13 shall deposit the proceeds of the taxes imposed under  
14 subsections (10) and (11) of Section 11-74.3-3 into a special  
15 fund of the municipality called the "[Name of] Business  
16 District Tax Allocation Fund" for the purpose of paying or  
17 reimbursing business district project costs and obligations  
18 incurred in the payment of those costs.

19 (b) The corporate authorities of a municipality that has  
20 designated a business district under this Law may, by  
21 ordinance, impose a Business District Retailers' Occupation  
22 Tax upon all persons engaged in the business of selling  
23 tangible personal property, other than an item of tangible  
24 personal property titled or registered with an agency of this  
25 State's government, at retail in the business district at a  
26 rate not to exceed 1% of the gross receipts from the sales made

1 in the course of such business, to be imposed only in 0.25%  
2 increments. The tax may not be imposed on food for human  
3 consumption that is to be consumed off the premises where it is  
4 sold (other than alcoholic beverages, soft drinks, and food  
5 that has been prepared for immediate consumption),  
6 prescription and nonprescription medicines, drugs, medical  
7 appliances, modifications to a motor vehicle for the purpose of  
8 rendering it usable by a person with a disability, and insulin,  
9 urine testing materials, syringes, and needles used by  
10 diabetics, for human use. Beginning December 1, 2017, this tax  
11 is not imposed on sales of aviation fuel unless the tax revenue  
12 is expended for airport-related purposes. If the District does  
13 not have an airport-related purpose to which it dedicates  
14 aviation fuel tax revenue, then aviation fuel is excluded from  
15 the tax. Each municipality must comply with the certification  
16 requirements for airport-related purposes under Section  
17 8-11-22. For purposes of this Act, "airport-related purposes"  
18 has the meaning ascribed in Section 6z-20.2 of the State  
19 Finance Act. This exclusion for aviation fuel only applies for  
20 so long as the revenue use requirements of 49 U.S.C. §47107(b)  
21 and 49 U.S.C. §47133 are binding on the District.

22 The tax imposed under this subsection and all civil  
23 penalties that may be assessed as an incident thereof shall be  
24 collected and enforced by the Department of Revenue. The  
25 certificate of registration that is issued by the Department to  
26 a retailer under the Retailers' Occupation Tax Act shall permit

1 the retailer to engage in a business that is taxable under any  
2 ordinance or resolution enacted pursuant to this subsection  
3 without registering separately with the Department under such  
4 ordinance or resolution or under this subsection. The  
5 Department of Revenue shall have full power to administer and  
6 enforce this subsection; to collect all taxes and penalties due  
7 under this subsection in the manner hereinafter provided; and  
8 to determine all rights to credit memoranda arising on account  
9 of the erroneous payment of tax or penalty under this  
10 subsection. In the administration of, and compliance with, this  
11 subsection, the Department and persons who are subject to this  
12 subsection shall have the same rights, remedies, privileges,  
13 immunities, powers and duties, and be subject to the same  
14 conditions, restrictions, limitations, penalties, exclusions,  
15 exemptions, and definitions of terms and employ the same modes  
16 of procedure, as are prescribed in Sections 1, 1a through 1o, 2  
17 through 2-65 (in respect to all provisions therein other than  
18 the State rate of tax), 2c through 2h, 3 (except as to the  
19 disposition of taxes and penalties collected, and except that  
20 the retailer's discount is not allowed for taxes paid on  
21 aviation fuel that are deposited into the Local Government  
22 Aviation Trust Fund), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k,  
23 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and 14 of the  
24 Retailers' Occupation Tax Act and all provisions of the Uniform  
25 Penalty and Interest Act, as fully as if those provisions were  
26 set forth herein.



1           Persons subject to any tax imposed under this subsection  
2 may reimburse themselves for their seller's tax liability under  
3 this subsection by separately stating the tax as an additional  
4 charge, which charge may be stated in combination, in a single  
5 amount, with State taxes that sellers are required to collect  
6 under the Use Tax Act, in accordance with such bracket  
7 schedules as the Department may prescribe.

8           Whenever the Department determines that a refund should be  
9 made under this subsection to a claimant instead of issuing a  
10 credit memorandum, the Department shall notify the State  
11 Comptroller, who shall cause the order to be drawn for the  
12 amount specified and to the person named in the notification  
13 from the Department. The refund shall be paid by the State  
14 Treasurer out of the business district retailers' occupation  
15 tax fund.

16           Except as otherwise provided in this paragraph, the ~~The~~  
17 Department shall immediately pay over to the State Treasurer,  
18 ex officio, as trustee, all taxes, penalties, and interest  
19 collected under this subsection for deposit into the business  
20 district retailers' occupation tax fund. Taxes and penalties  
21 collected on aviation fuel sold on or after December 1, 2017,  
22 shall be immediately paid over by the Department to the State  
23 Treasurer, ex officio, as trustee, for deposit into the Local  
24 Government Aviation Trust Fund. The Department shall only pay  
25 moneys into the Local Government Aviation Trust Fund under this  
26 Act for so long as the revenue use requirements of 49 U.S.C.

1 §47107(b) and 49 U.S.C. §47133 are binding on the District.

2 As soon as possible after the first day of each month,  
3 beginning January 1, 2011, upon certification of the Department  
4 of Revenue, the Comptroller shall order transferred, and the  
5 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
6 local sales tax increment, as defined in the Innovation  
7 Development and Economy Act, collected under this subsection  
8 during the second preceding calendar month for sales within a  
9 STAR bond district.

10 After the monthly transfer to the STAR Bonds Revenue Fund,  
11 on or before the 25th day of each calendar month, the  
12 Department shall prepare and certify to the Comptroller the  
13 disbursement of stated sums of money to named municipalities  
14 from the business district retailers' occupation tax fund, the  
15 municipalities to be those from which retailers have paid taxes  
16 or penalties under this subsection to the Department during the  
17 second preceding calendar month. The amount to be paid to each  
18 municipality shall be the amount (not including credit  
19 memoranda and not including taxes and penalties collected on  
20 aviation fuel sold on or after December 1, 2017) collected  
21 under this subsection during the second preceding calendar  
22 month by the Department plus an amount the Department  
23 determines is necessary to offset any amounts that were  
24 erroneously paid to a different taxing body, and not including  
25 an amount equal to the amount of refunds made during the second  
26 preceding calendar month by the Department, less 2% of that

1 amount (except the amount collected on aviation fuel sold on or  
2 after December 1, 2017), which shall be deposited into the Tax  
3 Compliance and Administration Fund and shall be used by the  
4 Department, subject to appropriation, to cover the costs of the  
5 Department in administering and enforcing the provisions of  
6 this subsection, on behalf of such municipality, and not  
7 including any amount that the Department determines is  
8 necessary to offset any amounts that were payable to a  
9 different taxing body but were erroneously paid to the  
10 municipality, and not including any amounts that are  
11 transferred to the STAR Bonds Revenue Fund. Within 10 days  
12 after receipt by the Comptroller of the disbursement  
13 certification to the municipalities provided for in this  
14 subsection to be given to the Comptroller by the Department,  
15 the Comptroller shall cause the orders to be drawn for the  
16 respective amounts in accordance with the directions contained  
17 in the certification. The proceeds of the tax paid to  
18 municipalities under this subsection shall be deposited into  
19 the Business District Tax Allocation Fund by the municipality.

20 An ordinance imposing or discontinuing the tax under this  
21 subsection or effecting a change in the rate thereof shall  
22 either (i) be adopted and a certified copy thereof filed with  
23 the Department on or before the first day of April, whereupon  
24 the Department, if all other requirements of this subsection  
25 are met, shall proceed to administer and enforce this  
26 subsection as of the first day of July next following the

1 adoption and filing; or (ii) be adopted and a certified copy  
2 thereof filed with the Department on or before the first day of  
3 October, whereupon, if all other requirements of this  
4 subsection are met, the Department shall proceed to administer  
5 and enforce this subsection as of the first day of January next  
6 following the adoption and filing.

7 The Department of Revenue shall not administer or enforce  
8 an ordinance imposing, discontinuing, or changing the rate of  
9 the tax under this subsection, until the municipality also  
10 provides, in the manner prescribed by the Department, the  
11 boundaries of the business district and each address in the  
12 business district in such a way that the Department can  
13 determine by its address whether a business is located in the  
14 business district. The municipality must provide this boundary  
15 and address information to the Department on or before April 1  
16 for administration and enforcement of the tax under this  
17 subsection by the Department beginning on the following July 1  
18 and on or before October 1 for administration and enforcement  
19 of the tax under this subsection by the Department beginning on  
20 the following January 1. The Department of Revenue shall not  
21 administer or enforce any change made to the boundaries of a  
22 business district or address change, addition, or deletion  
23 until the municipality reports the boundary change or address  
24 change, addition, or deletion to the Department in the manner  
25 prescribed by the Department. The municipality must provide  
26 this boundary change information or address change, addition,

1 or deletion to the Department on or before April 1 for  
2 administration and enforcement by the Department of the change  
3 beginning on the following July 1 and on or before October 1  
4 for administration and enforcement by the Department of the  
5 change beginning on the following January 1. The retailers in  
6 the business district shall be responsible for charging the tax  
7 imposed under this subsection. If a retailer is incorrectly  
8 included or excluded from the list of those required to collect  
9 the tax under this subsection, both the Department of Revenue  
10 and the retailer shall be held harmless if they reasonably  
11 relied on information provided by the municipality.

12 A municipality that imposes the tax under this subsection  
13 must submit to the Department of Revenue any other information  
14 as the Department may require for the administration and  
15 enforcement of the tax.

16 When certifying the amount of a monthly disbursement to a  
17 municipality under this subsection, the Department shall  
18 increase or decrease the amount by an amount necessary to  
19 offset any misallocation of previous disbursements. The offset  
20 amount shall be the amount erroneously disbursed within the  
21 previous 6 months from the time a misallocation is discovered.

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

26 If a tax is imposed under this subsection (b), a tax shall

1 also be imposed under subsection (c) of this Section.

2 (c) If a tax has been imposed under subsection (b), a  
3 Business District Service Occupation Tax shall also be imposed  
4 upon all persons engaged, in the business district, in the  
5 business of making sales of service, who, as an incident to  
6 making those sales of service, transfer tangible personal  
7 property within the business district, either in the form of  
8 tangible personal property or in the form of real estate as an  
9 incident to a sale of service. The tax shall be imposed at the  
10 same rate as the tax imposed in subsection (b) and shall not  
11 exceed 1% of the selling price of tangible personal property so  
12 transferred within the business district, to be imposed only in  
13 0.25% increments. The tax may not be imposed on food for human  
14 consumption that is to be consumed off the premises where it is  
15 sold (other than alcoholic beverages, soft drinks, and food  
16 that has been prepared for immediate consumption),  
17 prescription and nonprescription medicines, drugs, medical  
18 appliances, modifications to a motor vehicle for the purpose of  
19 rendering it usable by a person with a disability, and insulin,  
20 urine testing materials, syringes, and needles used by  
21 diabetics, for human use. Beginning December 1, 2017, this tax  
22 is not imposed on sales of aviation fuel unless the tax revenue  
23 is expended for airport-related purposes. If the District does  
24 not have an airport-related purpose to which it dedicates  
25 aviation fuel tax revenue, then aviation fuel is excluded from  
26 the tax. Each municipality must comply with the certification

1 requirements for airport-related purposes under Section  
2 8-11-22. For purposes of this Act, "airport-related purposes"  
3 has the meaning ascribed in Section 6z-20.2 of the State  
4 Finance Act. This exclusion for aviation fuel only applies for  
5 so long as the revenue use requirements of 49 U.S.C. §47107(b)  
6 and 49 U.S.C. §47133 are binding on the District.

7 The tax imposed under this subsection and all civil  
8 penalties that may be assessed as an incident thereof shall be  
9 collected and enforced by the Department of Revenue. The  
10 certificate of registration which is issued by the Department  
11 to a retailer under the Retailers' Occupation Tax Act or under  
12 the Service Occupation Tax Act shall permit such registrant to  
13 engage in a business which is taxable under any ordinance or  
14 resolution enacted pursuant to this subsection without  
15 registering separately with the Department under such  
16 ordinance or resolution or under this subsection. The  
17 Department of Revenue shall have full power to administer and  
18 enforce this subsection; to collect all taxes and penalties due  
19 under this subsection; to dispose of taxes and penalties so  
20 collected in the manner hereinafter provided; and to determine  
21 all rights to credit memoranda arising on account of the  
22 erroneous payment of tax or penalty under this subsection. In  
23 the administration of, and compliance with this subsection, the  
24 Department and persons who are subject to this subsection shall  
25 have the same rights, remedies, privileges, immunities, powers  
26 and duties, and be subject to the same conditions,

1 restrictions, limitations, penalties, exclusions, exemptions,  
2 and definitions of terms and employ the same modes of procedure  
3 as are prescribed in Sections 2, 2a through 2d, 3 through 3-50  
4 (in respect to all provisions therein other than the State rate  
5 of tax), 4 (except that the reference to the State shall be to  
6 the business district), 5, 7, 8 (except that the jurisdiction  
7 to which the tax shall be a debt to the extent indicated in  
8 that Section 8 shall be the municipality), 9 (except as to the  
9 disposition of taxes and penalties collected, and except that  
10 the returned merchandise credit for this tax may not be taken  
11 against any State tax, and except that the retailer's discount  
12 is not allowed for taxes paid on aviation fuel that are  
13 deposited into the Local Government Aviation Trust Fund), 10,  
14 11, 12 (except the reference therein to Section 2b of the  
15 Retailers' Occupation Tax Act), 13 (except that any reference  
16 to the State shall mean the municipality), the first paragraph  
17 of Section 15, and Sections 16, 17, 18, 19 and 20 of the  
18 Service Occupation Tax Act and all provisions of the Uniform  
19 Penalty and Interest Act, as fully as if those provisions were  
20 set forth herein.

21 Persons subject to any tax imposed under the authority  
22 granted in this subsection may reimburse themselves for their  
23 serviceman's tax liability hereunder by separately stating the  
24 tax as an additional charge, which charge may be stated in  
25 combination, in a single amount, with State tax that servicemen  
26 are authorized to collect under the Service Use Tax Act, in



1 accordance with such bracket schedules as the Department may  
2 prescribe.

3 Whenever the Department determines that a refund should be  
4 made under this subsection to a claimant instead of issuing  
5 credit memorandum, the Department shall notify the State  
6 Comptroller, who shall cause the order to be drawn for the  
7 amount specified, and to the person named, in such notification  
8 from the Department. Such refund shall be paid by the State  
9 Treasurer out of the business district retailers' occupation  
10 tax fund.

11 Except as otherwise provided in this paragraph, the ~~The~~  
12 Department shall forthwith pay over to the State Treasurer,  
13 ex-officio, as trustee, all taxes, penalties, and interest  
14 collected under this subsection for deposit into the business  
15 district retailers' occupation tax fund. Taxes and penalties  
16 collected on aviation fuel sold on or after December 1, 2017,  
17 shall be immediately paid over by the Department to the State  
18 Treasurer, ex officio, as trustee, for deposit into the Local  
19 Government Aviation Trust Fund. The Department shall only pay  
20 moneys into the Local Government Aviation Trust Fund under this  
21 Act for so long as the revenue use requirements of 49 U.S.C.  
22 §47107(b) and 49 U.S.C. §47133 are binding on the District.

23 As soon as possible after the first day of each month,  
24 beginning January 1, 2011, upon certification of the Department  
25 of Revenue, the Comptroller shall order transferred, and the  
26 Treasurer shall transfer, to the STAR Bonds Revenue Fund the

1 local sales tax increment, as defined in the Innovation  
2 Development and Economy Act, collected under this subsection  
3 during the second preceding calendar month for sales within a  
4 STAR bond district.

5 After the monthly transfer to the STAR Bonds Revenue Fund,  
6 on or before the 25th day of each calendar month, the  
7 Department shall prepare and certify to the Comptroller the  
8 disbursement of stated sums of money to named municipalities  
9 from the business district retailers' occupation tax fund, the  
10 municipalities to be those from which suppliers and servicemen  
11 have paid taxes or penalties under this subsection to the  
12 Department during the second preceding calendar month. The  
13 amount to be paid to each municipality shall be the amount (not  
14 including credit memoranda and not including taxes and  
15 penalties collected on aviation fuel sold on or after December  
16 1, 2017) collected under this subsection during the second  
17 preceding calendar month by the Department, less 2% of that  
18 amount (except the amount collected on aviation fuel sold on or  
19 after December 1, 2017), which shall be deposited into the Tax  
20 Compliance and Administration Fund and shall be used by the  
21 Department, subject to appropriation, to cover the costs of the  
22 Department in administering and enforcing the provisions of  
23 this subsection, and not including an amount equal to the  
24 amount of refunds made during the second preceding calendar  
25 month by the Department on behalf of such municipality, and not  
26 including any amounts that are transferred to the STAR Bonds

1 Revenue Fund. Within 10 days after receipt, by the Comptroller,  
2 of the disbursement certification to the municipalities,  
3 provided for in this subsection to be given to the Comptroller  
4 by the Department, the Comptroller shall cause the orders to be  
5 drawn for the respective amounts in accordance with the  
6 directions contained in such certification. The proceeds of the  
7 tax paid to municipalities under this subsection shall be  
8 deposited into the Business District Tax Allocation Fund by the  
9 municipality.

10 An ordinance imposing or discontinuing the tax under this  
11 subsection or effecting a change in the rate thereof shall  
12 either (i) be adopted and a certified copy thereof filed with  
13 the Department on or before the first day of April, whereupon  
14 the Department, if all other requirements of this subsection  
15 are met, shall proceed to administer and enforce this  
16 subsection as of the first day of July next following the  
17 adoption and filing; or (ii) be adopted and a certified copy  
18 thereof filed with the Department on or before the first day of  
19 October, whereupon, if all other conditions of this subsection  
20 are met, the Department shall proceed to administer and enforce  
21 this subsection as of the first day of January next following  
22 the adoption and filing.

23 The Department of Revenue shall not administer or enforce  
24 an ordinance imposing, discontinuing, or changing the rate of  
25 the tax under this subsection, until the municipality also  
26 provides, in the manner prescribed by the Department, the

1 boundaries of the business district in such a way that the  
2 Department can determine by its address whether a business is  
3 located in the business district. The municipality must provide  
4 this boundary and address information to the Department on or  
5 before April 1 for administration and enforcement of the tax  
6 under this subsection by the Department beginning on the  
7 following July 1 and on or before October 1 for administration  
8 and enforcement of the tax under this subsection by the  
9 Department beginning on the following January 1. The Department  
10 of Revenue shall not administer or enforce any change made to  
11 the boundaries of a business district or address change,  
12 addition, or deletion until the municipality reports the  
13 boundary change or address change, addition, or deletion to the  
14 Department in the manner prescribed by the Department. The  
15 municipality must provide this boundary change information or  
16 address change, addition, or deletion to the Department on or  
17 before April 1 for administration and enforcement by the  
18 Department of the change beginning on the following July 1 and  
19 on or before October 1 for administration and enforcement by  
20 the Department of the change beginning on the following January  
21 1. The retailers in the business district shall be responsible  
22 for charging the tax imposed under this subsection. If a  
23 retailer is incorrectly included or excluded from the list of  
24 those required to collect the tax under this subsection, both  
25 the Department of Revenue and the retailer shall be held  
26 harmless if they reasonably relied on information provided by

1 the municipality.

2 A municipality that imposes the tax under this subsection  
3 must submit to the Department of Revenue any other information  
4 as the Department may require for the administration and  
5 enforcement of the tax.

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

10 If a tax is imposed under this subsection (c), a tax shall  
11 also be imposed under subsection (b) of this Section.

12 (d) By ordinance, a municipality that has designated a  
13 business district under this Law may impose an occupation tax  
14 upon all persons engaged in the business district in the  
15 business of renting, leasing, or letting rooms in a hotel, as  
16 defined in the Hotel Operators' Occupation Tax Act, at a rate  
17 not to exceed 1% of the gross rental receipts from the renting,  
18 leasing, or letting of hotel rooms within the business  
19 district, to be imposed only in 0.25% increments, excluding,  
20 however, from gross rental receipts the proceeds of renting,  
21 leasing, or letting to permanent residents of a hotel, as  
22 defined in the Hotel Operators' Occupation Tax Act, and  
23 proceeds from the tax imposed under subsection (c) of Section  
24 13 of the Metropolitan Pier and Exposition Authority Act.

25 The tax imposed by the municipality under this subsection  
26 and all civil penalties that may be assessed as an incident to

1 that tax shall be collected and enforced by the municipality  
2 imposing the tax. The municipality shall have full power to  
3 administer and enforce this subsection, to collect all taxes  
4 and penalties due under this subsection, to dispose of taxes  
5 and penalties so collected in the manner provided in this  
6 subsection, and to determine all rights to credit memoranda  
7 arising on account of the erroneous payment of tax or penalty  
8 under this subsection. In the administration of and compliance  
9 with this subsection, the municipality and persons who are  
10 subject to this subsection shall have the same rights,  
11 remedies, privileges, immunities, powers, and duties, shall be  
12 subject to the same conditions, restrictions, limitations,  
13 penalties, and definitions of terms, and shall employ the same  
14 modes of procedure as are employed with respect to a tax  
15 adopted by the municipality under Section 8-3-14 of this Code.

16 Persons subject to any tax imposed under the authority  
17 granted in this subsection may reimburse themselves for their  
18 tax liability for that tax by separately stating that tax as an  
19 additional charge, which charge may be stated in combination,  
20 in a single amount, with State taxes imposed under the Hotel  
21 Operators' Occupation Tax Act, and with any other tax.

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

26 The proceeds of the tax imposed under this subsection shall

1 be deposited into the Business District Tax Allocation Fund.

2 (e) Obligations secured by the Business District Tax  
3 Allocation Fund may be issued to provide for the payment or  
4 reimbursement of business district project costs. Those  
5 obligations, when so issued, shall be retired in the manner  
6 provided in the ordinance authorizing the issuance of those  
7 obligations by the receipts of taxes imposed pursuant to  
8 subsections (10) and (11) of Section 11-74.3-3 and by other  
9 revenue designated or pledged by the municipality. A  
10 municipality may in the ordinance pledge, for any period of  
11 time up to and including the dissolution date, all or any part  
12 of the funds in and to be deposited in the Business District  
13 Tax Allocation Fund to the payment of business district project  
14 costs and obligations. Whenever a municipality pledges all of  
15 the funds to the credit of a business district tax allocation  
16 fund to secure obligations issued or to be issued to pay or  
17 reimburse business district project costs, the municipality  
18 may specifically provide that funds remaining to the credit of  
19 such business district tax allocation fund after the payment of  
20 such obligations shall be accounted for annually and shall be  
21 deemed to be "surplus" funds, and such "surplus" funds shall be  
22 expended by the municipality for any business district project  
23 cost as approved in the business district plan. Whenever a  
24 municipality pledges less than all of the monies to the credit  
25 of a business district tax allocation fund to secure  
26 obligations issued or to be issued to pay or reimburse business

1 district project costs, the municipality shall provide that  
2 monies to the credit of the business district tax allocation  
3 fund and not subject to such pledge or otherwise encumbered or  
4 required for payment of contractual obligations for specific  
5 business district project costs shall be calculated annually  
6 and shall be deemed to be "surplus" funds, and such "surplus"  
7 funds shall be expended by the municipality for any business  
8 district project cost as approved in the business district  
9 plan.

10 No obligation issued pursuant to this Law and secured by a  
11 pledge of all or any portion of any revenues received or to be  
12 received by the municipality from the imposition of taxes  
13 pursuant to subsection (10) of Section 11-74.3-3, shall be  
14 deemed to constitute an economic incentive agreement under  
15 Section 8-11-20, notwithstanding the fact that such pledge  
16 provides for the sharing, rebate, or payment of retailers'  
17 occupation taxes or service occupation taxes imposed pursuant  
18 to subsection (10) of Section 11-74.3-3 and received or to be  
19 received by the municipality from the development or  
20 redevelopment of properties in the business district.

21 Without limiting the foregoing in this Section, the  
22 municipality may further secure obligations secured by the  
23 business district tax allocation fund with a pledge, for a  
24 period not greater than the term of the obligations and in any  
25 case not longer than the dissolution date, of any part or any  
26 combination of the following: (i) net revenues of all or part



1 of any business district project; (ii) taxes levied or imposed  
2 by the municipality on any or all property in the municipality,  
3 including, specifically, taxes levied or imposed by the  
4 municipality in a special service area pursuant to the Special  
5 Service Area Tax Law; (iii) the full faith and credit of the  
6 municipality; (iv) a mortgage on part or all of the business  
7 district project; or (v) any other taxes or anticipated  
8 receipts that the municipality may lawfully pledge.

9 Such obligations may be issued in one or more series, bear  
10 such date or dates, become due at such time or times as therein  
11 provided, but in any case not later than (i) 20 years after the  
12 date of issue or (ii) the dissolution date, whichever is  
13 earlier, bear interest payable at such intervals and at such  
14 rate or rates as set forth therein, except as may be limited by  
15 applicable law, which rate or rates may be fixed or variable,  
16 be in such denominations, be in such form, either coupon,  
17 registered, or book-entry, carry such conversion, registration  
18 and exchange privileges, be subject to defeasance upon such  
19 terms, have such rank or priority, be executed in such manner,  
20 be payable in such medium or payment at such place or places  
21 within or without the State, make provision for a corporate  
22 trustee within or without the State with respect to such  
23 obligations, prescribe the rights, powers, and duties thereof  
24 to be exercised for the benefit of the municipality and the  
25 benefit of the owners of such obligations, provide for the  
26 holding in trust, investment, and use of moneys, funds, and

1 accounts held under an ordinance, provide for assignment of and  
2 direct payment of the moneys to pay such obligations or to be  
3 deposited into such funds or accounts directly to such trustee,  
4 be subject to such terms of redemption with or without premium,  
5 and be sold at such price, all as the corporate authorities  
6 shall determine. No referendum approval of the electors shall  
7 be required as a condition to the issuance of obligations  
8 pursuant to this Law except as provided in this Section.

9 In the event the municipality authorizes the issuance of  
10 obligations pursuant to the authority of this Law secured by  
11 the full faith and credit of the municipality, or pledges ad  
12 valorem taxes pursuant to this subsection, which obligations  
13 are other than obligations which may be issued under home rule  
14 powers provided by Section 6 of Article VII of the Illinois  
15 Constitution or which ad valorem taxes are other than ad  
16 valorem taxes which may be pledged under home rule powers  
17 provided by Section 6 of Article VII of the Illinois  
18 Constitution or which are levied in a special service area  
19 pursuant to the Special Service Area Tax Law, the ordinance  
20 authorizing the issuance of those obligations or pledging those  
21 taxes shall be published within 10 days after the ordinance has  
22 been adopted, in a newspaper having a general circulation  
23 within the municipality. The publication of the ordinance shall  
24 be accompanied by a notice of (i) the specific number of voters  
25 required to sign a petition requesting the question of the  
26 issuance of the obligations or pledging such ad valorem taxes

1 to be submitted to the electors; (ii) the time within which the  
2 petition must be filed; and (iii) the date of the prospective  
3 referendum. The municipal clerk shall provide a petition form  
4 to any individual requesting one.

5 If no petition is filed with the municipal clerk, as  
6 hereinafter provided in this Section, within 21 days after the  
7 publication of the ordinance, the ordinance shall be in effect.  
8 However, if within that 21-day period a petition is filed with  
9 the municipal clerk, signed by electors numbering not less than  
10 15% of the number of electors voting for the mayor or president  
11 at the last general municipal election, asking that the  
12 question of issuing obligations using full faith and credit of  
13 the municipality as security for the cost of paying or  
14 reimbursing business district project costs, or of pledging  
15 such ad valorem taxes for the payment of those obligations, or  
16 both, be submitted to the electors of the municipality, the  
17 municipality shall not be authorized to issue obligations of  
18 the municipality using the full faith and credit of the  
19 municipality as security or pledging such ad valorem taxes for  
20 the payment of those obligations, or both, until the  
21 proposition has been submitted to and approved by a majority of  
22 the voters voting on the proposition at a regularly scheduled  
23 election. The municipality shall certify the proposition to the  
24 proper election authorities for submission in accordance with  
25 the general election law.

26 The ordinance authorizing the obligations may provide that

1 the obligations shall contain a recital that they are issued  
2 pursuant to this Law, which recital shall be conclusive  
3 evidence of their validity and of the regularity of their  
4 issuance.

5 In the event the municipality authorizes issuance of  
6 obligations pursuant to this Law secured by the full faith and  
7 credit of the municipality, the ordinance authorizing the  
8 obligations may provide for the levy and collection of a direct  
9 annual tax upon all taxable property within the municipality  
10 sufficient to pay the principal thereof and interest thereon as  
11 it matures, which levy may be in addition to and exclusive of  
12 the maximum of all other taxes authorized to be levied by the  
13 municipality, which levy, however, shall be abated to the  
14 extent that monies from other sources are available for payment  
15 of the obligations and the municipality certifies the amount of  
16 those monies available to the county clerk.

17 A certified copy of the ordinance shall be filed with the  
18 county clerk of each county in which any portion of the  
19 municipality is situated, and shall constitute the authority  
20 for the extension and collection of the taxes to be deposited  
21 in the business district tax allocation fund.

22 A municipality may also issue its obligations to refund, in  
23 whole or in part, obligations theretofore issued by the  
24 municipality under the authority of this Law, whether at or  
25 prior to maturity. However, the last maturity of the refunding  
26 obligations shall not be expressed to mature later than the

1 dissolution date.

2 In the event a municipality issues obligations under home  
3 rule powers or other legislative authority, the proceeds of  
4 which are pledged to pay or reimburse business district project  
5 costs, the municipality may, if it has followed the procedures  
6 in conformance with this Law, retire those obligations from  
7 funds in the business district tax allocation fund in amounts  
8 and in such manner as if those obligations had been issued  
9 pursuant to the provisions of this Law.

10 No obligations issued pursuant to this Law shall be  
11 regarded as indebtedness of the municipality issuing those  
12 obligations or any other taxing district for the purpose of any  
13 limitation imposed by law.

14 Obligations issued pursuant to this Law shall not be  
15 subject to the provisions of the Bond Authorization Act.

16 (f) When business district project costs, including,  
17 without limitation, all obligations paying or reimbursing  
18 business district project costs have been paid, any surplus  
19 funds then remaining in the Business District Tax Allocation  
20 Fund shall be distributed to the municipal treasurer for  
21 deposit into the general corporate fund of the municipality.  
22 Upon payment of all business district project costs and  
23 retirement of all obligations paying or reimbursing business  
24 district project costs, but in no event more than 23 years  
25 after the date of adoption of the ordinance imposing taxes  
26 pursuant to subsection (10) or (11) of Section 11-74.3-3, the

1 municipality shall adopt an ordinance immediately rescinding  
2 the taxes imposed pursuant to subsection (10) or (11) of  
3 Section 11-74.3-3.

4 (Source: P.A. 99-143, eff. 7-27-15.)

5 (65 ILCS 5/11-101-3 new)

6 Sec. 11-101-3. Noise mitigation; air quality. A  
7 municipality that has implemented a Residential Sound  
8 Insulation Program to mitigate aircraft noise shall perform an  
9 in-home air quality test in a residence located in the  
10 municipality if (i) windows or doors were installed in the  
11 residence under the Residential Sound Insulation Program and  
12 (ii) the owner or occupant of the residence requests that the  
13 test be performed. The municipality and owner of the residence  
14 shall mutually agree on (i) the entity that will perform the  
15 test and (ii) when the test will occur. If a health hazard  
16 exists, as determined by the results of the test, then the  
17 municipality shall replace all windows and doors in the  
18 residence, without regard to the status of any warranty on the  
19 windows and doors. This Section is a limitation of home rule  
20 powers and functions under subsection (i) of Section 6 of  
21 Article VII of the Illinois Constitution on the concurrent  
22 exercise by home rule units of powers and functions exercised  
23 by the State.

24 Section 50. The Civic Center Code is amended by changing

1 Section 245-12 as follows:

2 (70 ILCS 200/245-12)

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

4 (a) The Authority may adopt a resolution that authorizes a  
5 referendum on the question of whether the Authority shall be  
6 authorized to impose a retailers' occupation tax, a service  
7 occupation tax, and a use tax in one-quarter percent increments  
8 at a rate not to exceed 1%. The Authority shall certify the  
9 question to the proper election authorities who shall submit  
10 the question to the voters of the metropolitan area at the next  
11 regularly scheduled election in accordance with the general  
12 election law. The question shall be in substantially the  
13 following form:

14 "Shall the Salem Civic Center Authority be authorized to  
15 impose a retailers' occupation tax, a service occupation  
16 tax, and a use tax at the rate of (rate) for the sole  
17 purpose of obtaining funds for the support, construction,  
18 maintenance, or financing of a facility of the Authority?"

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

22 (b) The Authority shall impose the retailers' occupation  
23 tax upon all persons engaged in the business of selling  
24 tangible personal property at retail in the metropolitan area,  
25 at the rate approved by referendum, on the gross receipts from

1 the sales made in the course of such business within the  
2 metropolitan area. Beginning December 1, 2017, this tax is not  
3 imposed on sales of aviation fuel unless the tax revenue is  
4 expended for airport-related purposes. If the Authority does  
5 not have an airport-related purpose to which it dedicates  
6 aviation fuel tax revenue, then aviation fuel is excluded from  
7 the tax. For purposes of this Act, "airport-related purposes"  
8 has the meaning ascribed in Section 6z-20.2 of the State  
9 Finance Act. This exclusion for aviation fuel only applies for  
10 so long as the revenue use requirements of 49 U.S.C. §47107(b)  
11 and 49 U.S.C. §47133 are binding on the Authority.

12 On or before September 1, 2017, and on or before each April  
13 1 and October 1 thereafter, the Authority must certify to the  
14 Department of Transportation, in the form and manner required  
15 by the Department, whether the Authority has an airport-related  
16 purpose, which would allow any Retailers' Occupation Tax and  
17 Service Occupation Tax imposed by the Authority to include tax  
18 on aviation fuel. On or before October 1, 2017, and on or  
19 before each May 1 and November 1 thereafter, the Department of  
20 Transportation shall provide to the Department of Revenue, a  
21 list of units of local government which have certified to the  
22 Department of Transportation that they have airport-related  
23 purposes, which would allow any Retailers' Occupation Tax and  
24 Service Occupation Tax imposed by the unit of local government  
25 to include tax on aviation fuel. All disputes regarding whether  
26 or not a unit of local government has an airport-related



1 purpose shall be resolved by the Department of Transportation.

2 The tax imposed under this Section and all civil penalties  
3 that may be assessed as an incident thereof shall be collected  
4 and enforced by the Department of Revenue. The Department has  
5 full power to administer and enforce this Section; to collect  
6 all taxes and penalties so collected in the manner provided in  
7 this Section; and to determine all rights to credit memoranda  
8 arising on account of the erroneous payment of tax or penalty  
9 hereunder. In the administration of, and compliance with, this  
10 Section, the Department and persons who are subject to this  
11 Section shall (i) have the same rights, remedies, privileges,  
12 immunities, powers and duties, (ii) be subject to the same  
13 conditions, restrictions, limitations, penalties, exclusions,  
14 exemptions, and definitions of terms, and (iii) employ the same  
15 modes of procedure as are prescribed in Sections 1, 1a, 1a-1,  
16 1c, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2, 2-5, 2-5.5, 2-10 (in  
17 respect to all provisions therein other than the State rate of  
18 tax), 2-12, 2-15 through 2-70, 2a, 2b, 2c, 3 (except as to the  
19 disposition of taxes and penalties collected and provisions  
20 related to quarter monthly payments, and except that the  
21 retailer's discount is not allowed for taxes paid on aviation  
22 fuel that are deposited into the Local Government Aviation  
23 Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l,  
24 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of the  
25 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
26 Penalty and Interest Act, as fully as if those provisions were

1 set forth in this subsection.

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

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

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

19 For the purpose of determining whether a tax authorized  
20 under this Section is applicable, a retail sale, by a producer  
21 of coal or other mineral mined in Illinois, is a sale at retail  
22 at the place where the coal or other mineral mined in Illinois  
23 is extracted from the earth. This paragraph does not apply to  
24 coal or other mineral when it is delivered or shipped by the  
25 seller to the purchaser at a point outside Illinois so that the  
26 sale is exempt under the Federal Constitution as a sale in

1 interstate or foreign commerce.

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

6 (c) If a tax has been imposed under subsection (b), a  
7 service occupation tax shall also be imposed at the same rate  
8 upon all persons engaged, in the metropolitan area, in the  
9 business of making sales of service, who, as an incident to  
10 making those sales of service, transfer tangible personal  
11 property within the metropolitan area as an incident to a sale  
12 of service. The tax imposed under this subsection and all civil  
13 penalties that may be assessed as an incident thereof shall be  
14 collected and enforced by the Department of Revenue.

15 Beginning December 1, 2017, this tax is not imposed on  
16 sales of aviation fuel unless the tax revenue is expended for  
17 airport-related purposes. If the Authority does not have an  
18 airport-related purpose to which it dedicates aviation fuel tax  
19 revenue, then aviation fuel is excluded from the tax. On or  
20 before September 1, 2017, and on or before each April 1 and  
21 October 1 thereafter, the Authority must certify to the  
22 Department of Transportation, in the form and manner required  
23 by the Department, whether the Authority has an airport-related  
24 purpose, which would allow any Retailers' Occupation Tax and  
25 Service Occupation Tax imposed by the Authority to include tax  
26 on aviation fuel. On or before October 1, 2017, and on or

1 before each May 1 and November 1 thereafter, the Department of  
2 Transportation shall provide to the Department of Revenue, a  
3 list of units of local government which have certified to the  
4 Department of Transportation that they have airport-related  
5 purposes, which would allow any Retailers' Occupation Tax and  
6 Service Occupation Tax imposed by the unit of local government  
7 to include tax on aviation fuel. All disputes regarding whether  
8 or not a unit of local government has an airport-related  
9 purpose shall be resolved by the Department of Transportation.

10 The Department has full power to administer and enforce  
11 this paragraph; to collect all taxes and penalties due  
12 hereunder; to dispose of taxes and penalties so collected in  
13 the manner hereinafter provided; and to determine all rights to  
14 credit memoranda arising on account of the erroneous payment of  
15 tax or penalty hereunder. In the administration of, and  
16 compliance with this paragraph, the Department and persons who  
17 are subject to this paragraph shall (i) have the same rights,  
18 remedies, privileges, immunities, powers, and duties, (ii) be  
19 subject to the same conditions, restrictions, limitations,  
20 penalties, exclusions, exemptions, and definitions of terms,  
21 and (iii) employ the same modes of procedure as are prescribed  
22 in Sections 2 (except that the reference to State in the  
23 definition of supplier maintaining a place of business in this  
24 State shall mean the metropolitan area), 2a, 2b, 3 through 3-55  
25 (in respect to all provisions therein other than the State rate  
26 of tax), 4 (except that the reference to the State shall be to

1 the Authority), 5, 7, 8 (except that the jurisdiction to which  
2 the tax shall be a debt to the extent indicated in that Section  
3 8 shall be the Authority), 9 (except as to the disposition of  
4 taxes and penalties collected, and except that the returned  
5 merchandise credit for this tax may not be taken against any  
6 State tax, and except that the retailer's discount is not  
7 allowed for taxes paid on aviation fuel that are deposited into  
8 the Local Government Aviation Trust Fund), 11, 12 (except the  
9 reference therein to Section 2b of the Retailers' Occupation  
10 Tax Act), 13 (except that any reference to the State shall mean  
11 the Authority), 15, 16, 17, 18, 19 and 20 of the Service  
12 Occupation Tax Act and Section 3-7 of the Uniform Penalty and  
13 Interest Act, as fully as if those provisions were set forth  
14 herein.

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

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

1 amount specified, and to the person named, in the notification  
2 from the Department. The refund shall be paid by the State  
3 Treasurer out of the tax fund referenced under paragraph (g) of  
4 this Section.

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

9 (d) If a tax has been imposed under subsection (b), a use  
10 tax shall also be imposed at the same rate upon the privilege  
11 of using, in the metropolitan area, any item of tangible  
12 personal property that is purchased outside the metropolitan  
13 area at retail from a retailer, and that is titled or  
14 registered at a location within the metropolitan area with an  
15 agency of this State's government. "Selling price" is defined  
16 as in the Use Tax Act. The tax shall be collected from persons  
17 whose Illinois address for titling or registration purposes is  
18 given as being in the metropolitan area. The tax shall be  
19 collected by the Department of Revenue for the Authority. The  
20 tax must be paid to the State, or an exemption determination  
21 must be obtained from the Department of Revenue, before the  
22 title or certificate of registration for the property may be  
23 issued. The tax or proof of exemption may be transmitted to the  
24 Department by way of the State agency with which, or the State  
25 officer with whom, the tangible personal property must be  
26 titled or registered if the Department and the State agency or

1 State officer determine that this procedure will expedite the  
2 processing of applications for title or registration.

3 The Department has full power to administer and enforce  
4 this paragraph; to collect all taxes, penalties and interest  
5 due hereunder; to dispose of taxes, penalties and interest so  
6 collected in the manner hereinafter provided; and to determine  
7 all rights to credit memoranda or refunds arising on account of  
8 the erroneous payment of tax, penalty or interest hereunder. In  
9 the administration of, and compliance with, this subsection,  
10 the Department and persons who are subject to this paragraph  
11 shall (i) have the same rights, remedies, privileges,  
12 immunities, powers, and duties, (ii) be subject to the same  
13 conditions, restrictions, limitations, penalties, exclusions,  
14 exemptions, and definitions of terms, and (iii) employ the same  
15 modes of procedure as are prescribed in Sections 2 (except the  
16 definition of "retailer maintaining a place of business in this  
17 State"), 3, 3-5, 3-10, 3-45, 3-55, 3-65, 3-70, 3-85, 3a, 4, 6,  
18 7, 8 (except that the jurisdiction to which the tax shall be a  
19 debt to the extent indicated in that Section 8 shall be the  
20 Authority), 9 (except provisions relating to quarter monthly  
21 payments), 10, 11, 12, 12a, 12b, 13, 14, 15, 19, 20, 21, and 22  
22 of the Use Tax Act and Section 3-7 of the Uniform Penalty and  
23 Interest Act, that are not inconsistent with this paragraph, as  
24 fully as if those provisions were set forth herein.

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

1 credit memorandum, the Department shall notify the State  
2 Comptroller, who shall cause the order to be drawn for the  
3 amount specified, and to the person named, in the notification  
4 from the Department. The refund shall be paid by the State  
5 Treasurer out of the tax fund referenced under paragraph (g) of  
6 this Section.

7 (e) A certificate of registration issued by the State  
8 Department of Revenue to a retailer under the Retailers'  
9 Occupation Tax Act or under the Service Occupation Tax Act  
10 shall permit the registrant to engage in a business that is  
11 taxed under the tax imposed under paragraphs (b), (c), or (d)  
12 of this Section and no additional registration shall be  
13 required. A certificate issued under the Use Tax Act or the  
14 Service Use Tax Act shall be applicable with regard to any tax  
15 imposed under paragraph (c) of this Section.

16 (f) The results of any election authorizing a proposition  
17 to impose a tax under this Section or effecting a change in the  
18 rate of tax shall be certified by the proper election  
19 authorities and filed with the Illinois Department on or before  
20 the first day of April. In addition, an ordinance imposing,  
21 discontinuing, or effecting a change in the rate of tax under  
22 this Section shall be adopted and a certified copy thereof  
23 filed with the Department on or before the first day of April.  
24 After proper receipt of such certifications, the Department  
25 shall proceed to administer and enforce this Section as of the  
26 first day of July next following such adoption and filing.



1           (g) Except as otherwise provided, the ~~The~~ Department of  
2 Revenue shall, upon collecting any taxes and penalties as  
3 provided in this Section, pay the taxes and penalties over to  
4 the State Treasurer as trustee for the Authority. The taxes and  
5 penalties shall be held in a trust fund outside the State  
6 Treasury. Taxes and penalties collected on aviation fuel sold  
7 on or after December 1, 2017, shall be immediately paid over by  
8 the Department to the State Treasurer, ex officio, as trustee,  
9 for deposit into the Local Government Aviation Trust Fund. The  
10 Department shall only pay moneys into the State Aviation  
11 Program Fund under this Act for so long as the revenue use  
12 requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are  
13 binding on the District. On or before the 25th day of each  
14 calendar month, the Department of Revenue shall prepare and  
15 certify to the Comptroller of the State of Illinois the amount  
16 to be paid to the Authority, which shall be the balance in the  
17 fund, less any amount determined by the Department to be  
18 necessary for the payment of refunds and not including taxes  
19 and penalties collected on aviation fuel sold on or after  
20 December 1, 2017. Within 10 days after receipt by the  
21 Comptroller of the certification of the amount to be paid to  
22 the Authority, the Comptroller shall cause an order to be drawn  
23 for payment for the amount in accordance with the directions  
24 contained in the certification. Amounts received from the tax  
25 imposed under this Section shall be used only for the support,  
26 construction, maintenance, or financing of a facility of the

1 Authority.

2 (h) When certifying the amount of a monthly disbursement to  
3 the Authority under this Section, the Department shall increase  
4 or decrease the amounts by an amount necessary to offset any  
5 miscalculation of previous disbursements. The offset amount  
6 shall be the amount erroneously disbursed within the previous 6  
7 months from the time a miscalculation is discovered.

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

10 (Source: P.A. 98-1098, eff. 8-26-14.)

11 Section 55. The Flood Prevention District Act is amended by  
12 changing Section 25 as follows:

13 (70 ILCS 750/25)

14 Sec. 25. Flood prevention retailers' and service  
15 occupation taxes.

16 (a) If the Board of Commissioners of a flood prevention  
17 district determines that an emergency situation exists  
18 regarding levee repair or flood prevention, and upon an  
19 ordinance confirming the determination adopted by the  
20 affirmative vote of a majority of the members of the county  
21 board of the county in which the district is situated, the  
22 county may impose a flood prevention retailers' occupation tax  
23 upon all persons engaged in the business of selling tangible  
24 personal property at retail within the territory of the

1 district to provide revenue to pay the costs of providing  
2 emergency levee repair and flood prevention and to secure the  
3 payment of bonds, notes, and other evidences of indebtedness  
4 issued under this Act for a period not to exceed 25 years or as  
5 required to repay the bonds, notes, and other evidences of  
6 indebtedness issued under this Act. The tax rate shall be 0.25%  
7 of the gross receipts from all taxable sales made in the course  
8 of that business. Beginning December 1, 2017, this tax is not  
9 imposed on sales of aviation fuel unless the tax revenue is  
10 expended for airport-related purposes. If the District does not  
11 have an airport-related purpose to which it dedicates aviation  
12 fuel tax revenue, then aviation fuel is excluded from the tax.  
13 The County must comply with the certification requirements for  
14 airport-related purposes under Section 5-1184 of the Counties  
15 Code.

16 For purposes of this Act, "airport-related purposes" has  
17 the meaning ascribed in Section 6z-20.2 of the State Finance  
18 Act. This exclusion for aviation fuel only applies for so long  
19 as the revenue use requirements of 49 U.S.C. §47107(b) and 49  
20 U.S.C. §47133 are binding on the District.

21 The tax imposed under this Section and all civil penalties  
22 that may be assessed as an incident thereof shall be collected  
23 and enforced by the State Department of Revenue. The Department  
24 shall have full power to administer and enforce this Section;  
25 to collect all taxes and penalties so collected in the manner  
26 hereinafter provided; and to determine all rights to credit

1 memoranda arising on account of the erroneous payment of tax or  
2 penalty hereunder.

3 In the administration of and compliance with this  
4 subsection, the Department and persons who are subject to this  
5 subsection (i) have the same rights, remedies, privileges,  
6 immunities, powers, and duties, (ii) are subject to the same  
7 conditions, restrictions, limitations, penalties, and  
8 definitions of terms, and (iii) shall employ the same modes of  
9 procedure as are set forth in Sections 1 through 10, 2 through  
10 2-70 (in respect to all provisions contained in those Sections  
11 other than the State rate of tax), 2a through 2h, 3 (except as  
12 to the disposition of taxes and penalties collected, and except  
13 that the retailer's discount is not allowed for taxes paid on  
14 aviation fuel that are deposited into the Local Government  
15 Aviation Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,  
16 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13 of the  
17 Retailers' Occupation Tax Act and all provisions of the Uniform  
18 Penalty and Interest Act as if those provisions were set forth  
19 in this subsection.

20 Persons subject to any tax imposed under this Section may  
21 reimburse themselves for their seller's tax liability  
22 hereunder by separately stating the tax as an additional  
23 charge, which charge may be stated in combination in a single  
24 amount with State taxes that sellers are required to collect  
25 under the Use Tax Act, under any bracket schedules the  
26 Department may prescribe.

1           If a tax is imposed under this subsection (a), a tax shall  
2 also be imposed under subsection (b) of this Section.

3           (b) If a tax has been imposed under subsection (a), a flood  
4 prevention service occupation tax shall also be imposed upon  
5 all persons engaged within the territory of the district in the  
6 business of making sales of service, who, as an incident to  
7 making the sales of service, transfer tangible personal  
8 property, either in the form of tangible personal property or  
9 in the form of real estate as an incident to a sale of service  
10 to provide revenue to pay the costs of providing emergency  
11 levee repair and flood prevention and to secure the payment of  
12 bonds, notes, and other evidences of indebtedness issued under  
13 this Act for a period not to exceed 25 years or as required to  
14 repay the bonds, notes, and other evidences of indebtedness.  
15 The tax rate shall be 0.25% of the selling price of all  
16 tangible personal property transferred. Beginning December 1,  
17 2017, this tax is not imposed on sales of aviation fuel unless  
18 the tax revenue is expended for airport-related purposes. If  
19 the District does not have an airport-related purpose to which  
20 it dedicates aviation fuel tax revenue, then aviation fuel is  
21 excluded from the tax. The County must comply with the  
22 certification requirements for airport-related purposes under  
23 Section 5-1184 of the Counties Code. For purposes of this Act,  
24 "airport-related purposes" has the meaning ascribed in Section  
25 6z-20.2 of the State Finance Act. This exclusion for aviation  
26 fuel only applies for so long as the revenue use requirements

1 of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are binding on the  
2 District.

3       The tax imposed under this subsection and all civil  
4 penalties that may be assessed as an incident thereof shall be  
5 collected and enforced by the State Department of Revenue. The  
6 Department shall have full power to administer and enforce this  
7 subsection; to collect all taxes and penalties due hereunder;  
8 to dispose of taxes and penalties collected in the manner  
9 hereinafter provided; and to determine all rights to credit  
10 memoranda arising on account of the erroneous payment of tax or  
11 penalty hereunder.

12       In the administration of and compliance with this  
13 subsection, the Department and persons who are subject to this  
14 subsection shall (i) have the same rights, remedies,  
15 privileges, immunities, powers, and duties, (ii) be subject to  
16 the same conditions, restrictions, limitations, penalties, and  
17 definitions of terms, and (iii) employ the same modes of  
18 procedure as are set forth in Sections 2 (except that the  
19 reference to State in the definition of supplier maintaining a  
20 place of business in this State means the district), 2a through  
21 2d, 3 through 3-50 (in respect to all provisions contained in  
22 those Sections other than the State rate of tax), 4 (except  
23 that the reference to the State shall be to the district), 5,  
24 7, 8 (except that the jurisdiction to which the tax is a debt  
25 to the extent indicated in that Section 8 is the district), 9  
26 (except as to the disposition of taxes and penalties collected,

1 and except that the retailer's discount is not allowed for  
2 taxes paid on aviation fuel that are deposited into the Local  
3 Government Aviation Trust Fund), 10, 11, 12 (except the  
4 reference therein to Section 2b of the Retailers' Occupation  
5 Tax Act), 13 (except that any reference to the State means the  
6 district), Section 15, 16, 17, 18, 19, and 20 of the Service  
7 Occupation Tax Act and all provisions of the Uniform Penalty  
8 and Interest Act, as fully as if those provisions were set  
9 forth herein.

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

17 (c) The taxes imposed in subsections (a) and (b) may not be  
18 imposed on personal property titled or registered with an  
19 agency of the State; food for human consumption that is to be  
20 consumed off the premises where it is sold (other than  
21 alcoholic beverages, soft drinks, and food that has been  
22 prepared for immediate consumption); prescription and  
23 non-prescription medicines, drugs, and medical appliances;  
24 modifications to a motor vehicle for the purpose of rendering  
25 it usable by a person with a disability; or insulin, urine  
26 testing materials, and syringes and needles used by diabetics.

1 (d) Nothing in this Section shall be construed to authorize  
2 the district to impose a tax upon the privilege of engaging in  
3 any business that under the Constitution of the United States  
4 may not be made the subject of taxation by the State.

5 (e) The certificate of registration that is issued by the  
6 Department to a retailer under the Retailers' Occupation Tax  
7 Act or a serviceman under the Service Occupation Tax Act  
8 permits the retailer or serviceman to engage in a business that  
9 is taxable without registering separately with the Department  
10 under an ordinance or resolution under this Section.

11 (f) Except as otherwise provided, the ~~The~~ Department shall  
12 immediately pay over to the State Treasurer, ex officio, as  
13 trustee, all taxes and penalties collected under this Section  
14 to be deposited into the Flood Prevention Occupation Tax Fund,  
15 which shall be an unappropriated trust fund held outside the  
16 State treasury. Taxes and penalties collected on aviation fuel  
17 sold on or after December 1, 2017, shall be immediately paid  
18 over by the Department to the State Treasurer, ex officio, as  
19 trustee, for deposit into the Local Government Aviation Trust  
20 Fund. The Department shall only pay moneys into the State  
21 Aviation Program Fund under this Act for so long as the revenue  
22 use requirements of 49 U.S.C. §47107(b) and 49 U.S.C. §47133  
23 are binding on the District.

24 On or before the 25th day of each calendar month, the  
25 Department shall prepare and certify to the Comptroller the  
26 disbursement of stated sums of money to the counties from which



1 retailers or servicemen have paid taxes or penalties to the  
2 Department during the second preceding calendar month. The  
3 amount to be paid to each county is equal to the amount (not  
4 including credit memoranda and not including taxes and  
5 penalties collected on aviation fuel sold on or after December  
6 1, 2017) collected from the county under this Section during  
7 the second preceding calendar month by the Department, (i) less  
8 2% of that amount (except the amount collected on aviation fuel  
9 sold on or after December 1, 2017), which shall be deposited  
10 into the Tax Compliance and Administration Fund and shall be  
11 used by the Department in administering and enforcing the  
12 provisions of this Section on behalf of the county, (ii) plus  
13 an amount that the Department determines is necessary to offset  
14 any amounts that were erroneously paid to a different taxing  
15 body; (iii) less an amount equal to the amount of refunds made  
16 during the second preceding calendar month by the Department on  
17 behalf of the county; and (iv) less any amount that the  
18 Department determines is necessary to offset any amounts that  
19 were payable to a different taxing body but were erroneously  
20 paid to the county. When certifying the amount of a monthly  
21 disbursement to a county under this Section, the Department  
22 shall increase or decrease the amounts by an amount necessary  
23 to offset any miscalculation of previous disbursements within  
24 the previous 6 months from the time a miscalculation is  
25 discovered.

26 Within 10 days after receipt by the Comptroller from the

1 Department of the disbursement certification to the counties  
2 provided for in this Section, the Comptroller shall cause the  
3 orders to be drawn for the respective amounts in accordance  
4 with directions contained in the certification.

5 If the Department determines that a refund should be made  
6 under this Section to a claimant instead of issuing a credit  
7 memorandum, then the Department shall notify the Comptroller,  
8 who shall cause the order to be drawn for the amount specified  
9 and to the person named in the notification from the  
10 Department. The refund shall be paid by the Treasurer out of  
11 the Flood Prevention Occupation Tax Fund.

12 (g) If a county imposes a tax under this Section, then the  
13 county board shall, by ordinance, discontinue the tax upon the  
14 payment of all indebtedness of the flood prevention district.  
15 The tax shall not be discontinued until all indebtedness of the  
16 District has been paid.

17 (h) Any ordinance imposing the tax under this Section, or  
18 any ordinance that discontinues the tax, must be certified by  
19 the county clerk and filed with the Illinois Department of  
20 Revenue either (i) on or before the first day of April,  
21 whereupon the Department shall proceed to administer and  
22 enforce the tax or change in the rate as of the first day of  
23 July next following the filing; or (ii) on or before the first  
24 day of October, whereupon the Department shall proceed to  
25 administer and enforce the tax or change in the rate as of the  
26 first day of January next following the filing.

1           (j) County Flood Prevention Occupation Tax Fund. All  
2 proceeds received by a county from a tax distribution under  
3 this Section must be maintained in a special fund known as the  
4 [name of county] flood prevention occupation tax fund. The  
5 county shall, at the direction of the flood prevention  
6 district, use moneys in the fund to pay the costs of providing  
7 emergency levee repair and flood prevention and to pay bonds,  
8 notes, and other evidences of indebtedness issued under this  
9 Act.

10           (k) This Section may be cited as the Flood Prevention  
11 Occupation Tax Law.

12           (Source: P.A. 99-143, eff. 7-27-15; 99-217, eff. 7-31-15;  
13 99-642, eff. 7-28-16.)

14           Section 60. The Metro-East Park and Recreation District Act  
15 is amended by changing Section 30 as follows:

16           (70 ILCS 1605/30)

17           Sec. 30. Taxes.

18           (a) The board shall impose a tax upon all persons engaged  
19 in the business of selling tangible personal property, other  
20 than personal property titled or registered with an agency of  
21 this State's government, at retail in the District on the gross  
22 receipts from the sales made in the course of business. This  
23 tax shall be imposed only at the rate of one-tenth of one per  
24 cent.

1           This additional tax may not be imposed on the sales of food  
2 for human consumption that is to be consumed off the premises  
3 where it is sold (other than alcoholic beverages, soft drinks,  
4 and food which has been prepared for immediate consumption) and  
5 prescription and non-prescription medicines, drugs, medical  
6 appliances, and insulin, urine testing materials, syringes,  
7 and needles used by diabetics. Beginning December 1, 2017, this  
8 tax is not imposed on sales of aviation fuel unless the tax  
9 revenue is expended for airport-related purposes. If the  
10 District does not have an airport-related purpose to which it  
11 dedicates aviation fuel tax revenue, then aviation fuel shall  
12 be excluded from tax. For purposes of this Act,  
13 "airport-related purposes" has the meaning ascribed in Section  
14 6z-20.2 of the State Finance Act. This exception for aviation  
15 fuel only applies for so long as the revenue use requirements  
16 of 49 U.S.C. §47107(b) and 49 U.S.C. §47133 are binding on the  
17 District.

18           On or before September 1, 2017, and on or before each April  
19 1 and October 1 thereafter, the Board must certify to the  
20 Department of Transportation, in the form and manner required  
21 by the Department, whether the District has an airport-related  
22 purpose, which would allow any Retailers' Occupation Tax and  
23 Service Occupation Tax imposed by the District to include tax  
24 on aviation fuel. On or before October 1, 2017, and on or  
25 before each May 1 and November 1 thereafter, the Department of  
26 Transportation shall provide to the Department of Revenue, a

1 list of units of local government which have certified to the  
2 Department of Transportation that they have airport-related  
3 purposes, which would allow any Retailers' Occupation Tax and  
4 Service Occupation Tax imposed by the unit of local government  
5 to include tax on aviation fuel. All disputes regarding whether  
6 or not a unit of local government has an airport-related  
7 purpose shall be resolved by the Department of Transportation.

8       The tax imposed by the Board under this Section and all  
9 civil penalties that may be assessed as an incident of the tax  
10 shall be collected and enforced by the Department of Revenue.  
11 The certificate of registration that is issued by the  
12 Department to a retailer under the Retailers' Occupation Tax  
13 Act shall permit the retailer to engage in a business that is  
14 taxable without registering separately with the Department  
15 under an ordinance or resolution under this Section. The  
16 Department has full power to administer and enforce this  
17 Section, to collect all taxes and penalties due under this  
18 Section, to dispose of taxes and penalties so collected in the  
19 manner provided in this Section, and to determine all rights to  
20 credit memoranda arising on account of the erroneous payment of  
21 a tax or penalty under this Section. In the administration of  
22 and compliance with this Section, the Department and persons  
23 who are subject to this Section shall (i) have the same rights,  
24 remedies, privileges, immunities, powers, and duties, (ii) be  
25 subject to the same conditions, restrictions, limitations,  
26 penalties, and definitions of terms, and (iii) employ the same

1 modes of procedure as are prescribed in Sections 1, 1a, 1a-1,  
2 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2, 2-5, 2-5.5, 2-10 (in respect  
3 to all provisions contained in those Sections other than the  
4 State rate of tax), 2-12, 2-15 through 2-70, 2a, 2b, 2c, 3  
5 (except provisions relating to transaction returns and quarter  
6 monthly payments, and except that the retailer's discount is  
7 not allowed for taxes paid on aviation fuel that are deposited  
8 into the Local Government Aviation Trust Fund), 4, 5, 5a, 5b,  
9 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8,  
10 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act  
11 and the Uniform Penalty and Interest Act as if those provisions  
12 were set forth in this Section.

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

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

1 District Fund.

2 (b) If a tax has been imposed under subsection (a), a  
3 service occupation tax shall also be imposed at the same rate  
4 upon all persons engaged, in the District, in the business of  
5 making sales of service, who, as an incident to making those  
6 sales of service, transfer tangible personal property within  
7 the District as an incident to a sale of service. This tax may  
8 not be imposed on sales of food for human consumption that is  
9 to be consumed off the premises where it is sold (other than  
10 alcoholic beverages, soft drinks, and food prepared for  
11 immediate consumption) and prescription and non-prescription  
12 medicines, drugs, medical appliances, and insulin, urine  
13 testing materials, syringes, and needles used by diabetics.  
14 Beginning December 1, 2017, this tax may not be imposed on  
15 sales of aviation fuel unless the tax revenue is expended for  
16 airport-related purposes. If the District does not have an  
17 airport-related purpose to which it dedicates aviation fuel tax  
18 revenue, then aviation fuel shall be excluded from tax. For  
19 purposes of this Act, "airport-related purposes" has the  
20 meaning ascribed in Section 6z-20.2 of the State Finance Act.  
21 This exception for aviation fuel only applies for so long as  
22 the revenue use requirements of 49 U.S.C. §47107(b) and 49  
23 U.S.C. §47133 are binding on the District.

24 On or before September 1, 2017, and on or before each April  
25 1 and October 1 thereafter, the Board must certify to the  
26 Department of Transportation, in the form and manner required

1 by the Department, whether the District has an airport-related  
2 purpose, which would allow any Retailers' Occupation Tax and  
3 Service Occupation Tax imposed by the District to include tax  
4 on aviation fuel. On or before October 1, 2017, and on or  
5 before each May 1 and November 1 thereafter, the Department of  
6 Transportation shall provide to the Department of Revenue, a  
7 list of units of local government which have certified to the  
8 Department of Transportation that they have airport-related  
9 purposes, which would allow any Retailers' Occupation Tax and  
10 Service Occupation Tax imposed by the unit of local government  
11 to include tax on aviation fuel. All disputes regarding whether  
12 or not a unit of local government has an airport-related  
13 purpose shall be resolved by the Department of Transportation.

14 The tax imposed under this subsection and all civil  
15 penalties that may be assessed as an incident thereof shall be  
16 collected and enforced by the Department of Revenue. The  
17 Department has full power to administer and enforce this  
18 subsection; to collect all taxes and penalties due hereunder;  
19 to dispose of taxes and penalties so collected in the manner  
20 hereinafter provided; and to determine all rights to credit  
21 memoranda arising on account of the erroneous payment of tax or  
22 penalty hereunder. In the administration of, and compliance  
23 with this subsection, the Department and persons who are  
24 subject to this paragraph shall (i) have the same rights,  
25 remedies, privileges, immunities, powers, and duties, (ii) be  
26 subject to the same conditions, restrictions, limitations,



1 penalties, exclusions, exemptions, and definitions of terms,  
2 and (iii) employ the same modes of procedure as are prescribed  
3 in Sections 2 (except that the reference to State in the  
4 definition of supplier maintaining a place of business in this  
5 State shall mean the District), 2a, 2b, 2c, 3 through 3-50 (in  
6 respect to all provisions therein other than the State rate of  
7 tax), 4 (except that the reference to the State shall be to the  
8 District), 5, 7, 8 (except that the jurisdiction to which the  
9 tax shall be a debt to the extent indicated in that Section 8  
10 shall be the District), 9 (except as to the disposition of  
11 taxes and penalties collected, and except that the retailer's  
12 discount is not allowed for taxes paid on aviation fuel that  
13 are deposited into the Local Government Aviation Trust Fund),  
14 10, 11, 12 (except the reference therein to Section 2b of the  
15 Retailers' Occupation Tax Act), 13 (except that any reference  
16 to the State shall mean the District), Sections 15, 16, 17, 18,  
17 19 and 20 of the Service Occupation Tax Act and the Uniform  
18 Penalty and Interest Act, as fully as if those provisions were  
19 set forth herein.

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

1 prescribe.

2 Whenever the Department determines that a refund should be  
3 made under this subsection to a claimant instead of issuing a  
4 credit memorandum, the Department shall notify the State  
5 Comptroller, who shall cause the warrant to be drawn for the  
6 amount specified, and to the person named, in the notification  
7 from the Department. The refund shall be paid by the State  
8 Treasurer out of the State Metro-East Park and Recreation  
9 District Fund.

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

14 (c) Except as otherwise provided in this paragraph, the ~~The~~  
15 Department shall immediately pay over to the State Treasurer,  
16 ex officio, as trustee, all taxes and penalties collected under  
17 this Section to be deposited into the State Metro-East Park and  
18 Recreation District Fund, which shall be an unappropriated  
19 trust fund held outside of the State treasury. Taxes and  
20 penalties collected on aviation fuel sold on or after December  
21 1, 2017, shall be immediately paid over by the Department to  
22 the State Treasurer, ex officio, as trustee, for deposit into  
23 the Local Government Aviation Trust Fund. The Department shall  
24 only pay moneys into the State Aviation Program Fund under this  
25 Act for so long as the revenue use requirements of 49 U.S.C.  
26 §47107(b) and 49 U.S.C. §47133 are binding on the District.

1           As soon as possible after the first day of each month,  
2 beginning January 1, 2011, upon certification of the Department  
3 of Revenue, the Comptroller shall order transferred, and the  
4 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
5 local sales tax increment, as defined in the Innovation  
6 Development and Economy Act, collected under this Section  
7 during the second preceding calendar month for sales within a  
8 STAR bond district. The Department shall make this  
9 certification only if the Metro East Park and Recreation  
10 District imposes a tax on real property as provided in the  
11 definition of "local sales taxes" under the Innovation  
12 Development and Economy Act.

13           After the monthly transfer to the STAR Bonds Revenue Fund,  
14 on or before the 25th day of each calendar month, the  
15 Department shall prepare and certify to the Comptroller the  
16 disbursement of stated sums of money pursuant to Section 35 of  
17 this Act to the District from which retailers have paid taxes  
18 or penalties to the Department during the second preceding  
19 calendar month. The amount to be paid to the District shall be  
20 the amount (not including credit memoranda and not including  
21 taxes and penalties collected on aviation fuel sold on or after  
22 December 1, 2017) collected under this Section during the  
23 second preceding calendar month by the Department plus an  
24 amount the Department determines is necessary to offset any  
25 amounts that were erroneously paid to a different taxing body,  
26 and not including (i) an amount equal to the amount of refunds

1 made during the second preceding calendar month by the  
2 Department on behalf of the District, (ii) any amount that the  
3 Department determines is necessary to offset any amounts that  
4 were payable to a different taxing body but were erroneously  
5 paid to the District, (iii) any amounts that are transferred to  
6 the STAR Bonds Revenue Fund, and (iv) 2% of the remainder,  
7 which the Department shall transfer into the Tax Compliance and  
8 Administration Fund. The Department, at the time of each  
9 monthly disbursement to the District, shall prepare and certify  
10 to the State Comptroller the amount to be transferred into the  
11 Tax Compliance and Administration Fund under this subsection.  
12 Within 10 days after receipt by the Comptroller of the  
13 disbursement certification to the District and the Tax  
14 Compliance and Administration Fund provided for in this Section  
15 to be given to the Comptroller by the Department, the  
16 Comptroller shall cause the orders to be drawn for the  
17 respective amounts in accordance with directions contained in  
18 the certification.

19 (d) For the purpose of determining whether a tax authorized  
20 under this Section is applicable, a retail sale by a producer  
21 of coal or another mineral mined in Illinois is a sale at  
22 retail at the place where the coal or other mineral mined in  
23 Illinois is extracted from the earth. This paragraph does not  
24 apply to coal or another mineral when it is delivered or  
25 shipped by the seller to the purchaser at a point outside  
26 Illinois so that the sale is exempt under the United States

1 Constitution as a sale in interstate or foreign commerce.

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

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

16 (g) When certifying the amount of a monthly disbursement to  
17 the District under this Section, the Department shall increase  
18 or decrease the amounts by an amount necessary to offset any  
19 misallocation of previous disbursements. The offset amount  
20 shall be the amount erroneously disbursed within the previous 6  
21 months from the time a misallocation is discovered.

22 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17.)

23 Section 65. The Local Mass Transit District Act is amended  
24 by changing Section 5.01 as follows:

1 (70 ILCS 3610/5.01) (from Ch. 111 2/3, par. 355.01)

2 Sec. 5.01. Metro East Mass Transit District; use and  
3 occupation taxes.

4 (a) The Board of Trustees of any Metro East Mass Transit  
5 District may, by ordinance adopted with the concurrence of  
6 two-thirds of the then trustees, impose throughout the District  
7 any or all of the taxes and fees provided in this Section.  
8 Except as otherwise provided, all ~~All~~ taxes and fees imposed  
9 under this Section shall be used only for public mass  
10 transportation systems, and the amount used to provide mass  
11 transit service to unserved areas of the District shall be in  
12 the same proportion to the total proceeds as the number of  
13 persons residing in the unserved areas is to the total  
14 population of the District. Except as otherwise provided in  
15 this Act, taxes imposed under this Section and civil penalties  
16 imposed incident thereto shall be collected and enforced by the  
17 State Department of Revenue. The Department shall have the  
18 power to administer and enforce the taxes and to determine all  
19 rights for refunds for erroneous payments of the taxes.

20 (b) The Board may impose a Metro East Mass Transit District  
21 Retailers' Occupation Tax upon all persons engaged in the  
22 business of selling tangible personal property at retail in the  
23 district at a rate of 1/4 of 1%, or as authorized under  
24 subsection (d-5) of this Section, of the gross receipts from  
25 the sales made in the course of such business within the  
26 district, except that the rate of tax imposed under this

1 Section on sales of aviation fuel on or after December 1, 2017  
2 shall be 0.25% in Madison County unless the Metro-East Mass  
3 Transit District in Madison County has an "airport-related  
4 purpose" and any additional amount authorized under subsection  
5 (d-5) is expended for airport-related purposes. If there is no  
6 airport-related purpose to which aviation fuel tax revenue is  
7 dedicated, then aviation fuel is excluded from any future  
8 increase in the tax. The rate in St. Clair County shall be  
9 0.25% unless the Metro-East Mass Transit District in St. Clair  
10 County has an "airport-related purpose" and the additional  
11 0.50% of the 0.75% tax on aviation fuel imposed in that County  
12 is expended for airport-related purposes. If there is no  
13 airport-related purpose to which aviation fuel tax revenue is  
14 dedicated, then aviation fuel is excluded from the tax.

15 On or before September 1, 2017, and on or before each April  
16 1 and October 1 thereafter, each Metro-East Mass Transit  
17 District and Madison and St. Clair Counties must certify to the  
18 Department of Transportation, in the form and manner required  
19 by the Department, whether they have an airport-related  
20 purpose, which would allow any Retailers' Occupation Tax and  
21 Service Occupation Tax imposed under this Act to include tax on  
22 aviation fuel. On or before October 1, 2017, and on or before  
23 each May 1 and November 1 thereafter, the Department of  
24 Transportation shall provide to the Department of Revenue, a  
25 list of units of local government which have certified to the  
26 Department of Transportation that they have airport-related

1 purposes, which would allow any Retailers' Occupation Tax and  
2 Service Occupation Tax imposed by the unit of local government  
3 to include tax on aviation fuel. All disputes regarding whether  
4 or not a unit of local government has an airport-related  
5 purpose shall be resolved by the Department of Transportation.

6 For purposes of this Act, "airport-related purposes" has  
7 the meaning ascribed in Section 6z-20.2 of the State Finance  
8 Act. This exclusion for aviation fuel only applies for so long  
9 as the revenue use requirements of 49 U.S.C. §47107(b) and 49  
10 U.S.C. §47133 are binding on the District.

11 The tax imposed under this Section and all civil penalties  
12 that may be assessed as an incident thereof shall be collected  
13 and enforced by the State Department of Revenue. The Department  
14 shall have full power to administer and enforce this Section;  
15 to collect all taxes and penalties so collected in the manner  
16 hereinafter provided; and to determine all rights to credit  
17 memoranda arising on account of the erroneous payment of tax or  
18 penalty hereunder. In the administration of, and compliance  
19 with, this Section, the Department and persons who are subject  
20 to this Section shall have the same rights, remedies,  
21 privileges, immunities, powers and duties, and be subject to  
22 the same conditions, restrictions, limitations, penalties,  
23 exclusions, exemptions and definitions of terms and employ the  
24 same modes of procedure, as are prescribed in Sections 1, 1a,  
25 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all  
26 provisions therein other than the State rate of tax), 2c, 3



1 (except as to the disposition of taxes and penalties collected,  
2 and except that the retailer's discount is not allowed for  
3 taxes paid on aviation fuel that are deposited into the Local  
4 Government Aviation Trust Fund), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g,  
5 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, 13,  
6 and 14 of the Retailers' Occupation Tax Act and Section 3-7 of  
7 the Uniform Penalty and Interest Act, as fully as if those  
8 provisions were set forth herein.

9 Persons subject to any tax imposed under the Section may  
10 reimburse themselves for their seller's tax liability  
11 hereunder by separately stating the tax as an additional  
12 charge, which charge may be stated in combination, in a single  
13 amount, with State taxes that sellers are required to collect  
14 under the Use Tax Act, in accordance with such bracket  
15 schedules as the Department may prescribe.

16 Whenever the Department determines that a refund should be  
17 made under this Section to a claimant instead of issuing a  
18 credit memorandum, the Department shall notify the State  
19 Comptroller, who shall cause the warrant to be drawn for the  
20 amount specified, and to the person named, in the notification  
21 from the Department. The refund shall be paid by the State  
22 Treasurer out of the Metro East Mass Transit District tax fund  
23 established under paragraph (h) of this Section.

24 If a tax is imposed under this subsection (b), a tax shall  
25 also be imposed under subsections (c) and (d) of this Section.

26 For the purpose of determining whether a tax authorized

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

9 No tax shall be imposed or collected under this subsection  
10 on the sale of a motor vehicle in this State to a resident of  
11 another state if that motor vehicle will not be titled in this  
12 State.

13 Nothing in this Section shall be construed to authorize the  
14 Metro East Mass Transit District to impose a tax upon the  
15 privilege of engaging in any business which under the  
16 Constitution of the United States may not be made the subject  
17 of taxation by this State.

18 (c) If a tax has been imposed under subsection (b), a Metro  
19 East Mass Transit District Service Occupation Tax shall also be  
20 imposed upon all persons engaged, in the district, in the  
21 business of making sales of service, who, as an incident to  
22 making those sales of service, transfer tangible personal  
23 property within the District, either in the form of tangible  
24 personal property or in the form of real estate as an incident  
25 to a sale of service. The tax rate shall be 1/4%, or as  
26 authorized under subsection (d-5) of this Section, of the

1 selling price of tangible personal property so transferred  
2 within the district, except that the rate of tax imposed in  
3 these Counties under this Section on sales of aviation fuel on  
4 or after December 1, 2017 shall be 0.25% in Madison County  
5 unless the Metro-East Mass Transit District in Madison County  
6 has an "airport-related purpose" and any additional amount  
7 authorized under subsection (d-5) is expended for  
8 airport-related purposes. If there is no airport-related  
9 purpose to which aviation fuel tax revenue is dedicated, then  
10 aviation fuel is excluded from any future increase in the tax.  
11 The rate in St. Clair County shall be 0.25% unless the  
12 Metro-East Mass Transit District in St. Clair County has an  
13 "airport-related purpose" and the additional 0.50% of the 0.75%  
14 tax on aviation fuel is expended for airport-related purposes.  
15 If there is no airport-related purpose to which aviation fuel  
16 tax revenue is dedicated, then aviation fuel is excluded from  
17 the tax.

18 On or before September 1, 2017, and on or before each April  
19 1 and October 1 thereafter, each Metro-East Mass Transit  
20 District and Madison and St. Clair Counties must certify to the  
21 Department of Transportation, in the form and manner required  
22 by the Department, whether they have an airport-related  
23 purpose, which would allow any Retailers' Occupation Tax and  
24 Service Occupation Tax imposed under this Act to include tax on  
25 aviation fuel. On or before October 1, 2017, and on or before  
26 each May 1 and November 1 thereafter, the Department of

1 Transportation shall provide to the Department of Revenue, a  
2 list of units of local government which have certified to the  
3 Department of Transportation that they have airport-related  
4 purposes, which would allow any Retailers' Occupation Tax and  
5 Service Occupation Tax imposed by the unit of local government  
6 to include tax on aviation fuel. All disputes regarding whether  
7 or not a unit of local government has an airport-related  
8 purpose shall be resolved by the Department of Transportation.

9 For purposes of this Act, "airport-related purposes" has  
10 the meaning ascribed in Section 6z-20.2 of the State Finance  
11 Act. This exclusion for aviation fuel only applies for so long  
12 as the revenue use requirements of 49 U.S.C. §47107(b) and 49  
13 U.S.C. §47133 are binding on the District.

14 The tax imposed under this paragraph and all civil  
15 penalties that may be assessed as an incident thereof shall be  
16 collected and enforced by the State Department of Revenue. The  
17 Department shall have full power to administer and enforce this  
18 paragraph; to collect all taxes and penalties due hereunder; to  
19 dispose of taxes and penalties so collected in the manner  
20 hereinafter provided; and to determine all rights to credit  
21 memoranda arising on account of the erroneous payment of tax or  
22 penalty hereunder. In the administration of, and compliance  
23 with this paragraph, the Department and persons who are subject  
24 to this paragraph shall have the same rights, remedies,  
25 privileges, immunities, powers and duties, and be subject to  
26 the same conditions, restrictions, limitations, penalties,

1 exclusions, exemptions and definitions of terms and employ the  
2 same modes of procedure as are prescribed in Sections 1a-1, 2  
3 (except that the reference to State in the definition of  
4 supplier maintaining a place of business in this State shall  
5 mean the Authority), 2a, 3 through 3-50 (in respect to all  
6 provisions therein other than the State rate of tax), 4 (except  
7 that the reference to the State shall be to the Authority), 5,  
8 7, 8 (except that the jurisdiction to which the tax shall be a  
9 debt to the extent indicated in that Section 8 shall be the  
10 District), 9 (except as to the disposition of taxes and  
11 penalties collected, and except that the returned merchandise  
12 credit for this tax may not be taken against any State tax, and  
13 except that the retailer's discount is not allowed for taxes  
14 paid on aviation fuel that are deposited into the Local  
15 Government Aviation Trust Fund), 10, 11, 12 (except the  
16 reference therein to Section 2b of the Retailers' Occupation  
17 Tax Act), 13 (except that any reference to the State shall mean  
18 the District), the first paragraph of Section 15, 16, 17, 18,  
19 19 and 20 of the Service Occupation Tax Act and Section 3-7 of  
20 the Uniform Penalty and Interest Act, as fully as if those  
21 provisions were set forth herein.

22 Persons subject to any tax imposed under the authority  
23 granted in this paragraph may reimburse themselves for their  
24 serviceman's tax liability hereunder by separately stating the  
25 tax as an additional charge, which charge may be stated in  
26 combination, in a single amount, with State tax that servicemen

1 are authorized to collect under the Service Use Tax Act, in  
2 accordance with such bracket schedules as the Department may  
3 prescribe.

4 Whenever the Department determines that a refund should be  
5 made under this paragraph to a claimant instead of issuing a  
6 credit memorandum, the Department shall notify the State  
7 Comptroller, who shall cause the warrant to be drawn for the  
8 amount specified, and to the person named, in the notification  
9 from the Department. The refund shall be paid by the State  
10 Treasurer out of the Metro East Mass Transit District tax fund  
11 established under paragraph (h) of this Section.

12 Nothing in this paragraph shall be construed to authorize  
13 the District to impose a tax upon the privilege of engaging in  
14 any business which under the Constitution of the United States  
15 may not be made the subject of taxation by the State.

16 (d) If a tax has been imposed under subsection (b), a Metro  
17 East Mass Transit District Use Tax shall also be imposed upon  
18 the privilege of using, in the district, any item of tangible  
19 personal property that is purchased outside the district at  
20 retail from a retailer, and that is titled or registered with  
21 an agency of this State's government, at a rate of 1/4%, or as  
22 authorized under subsection (d-5) of this Section, of the  
23 selling price of the tangible personal property within the  
24 District, as "selling price" is defined in the Use Tax Act. The  
25 tax shall be collected from persons whose Illinois address for  
26 titling or registration purposes is given as being in the

1 District. The tax shall be collected by the Department of  
2 Revenue for the Metro East Mass Transit District. The tax must  
3 be paid to the State, or an exemption determination must be  
4 obtained from the Department of Revenue, before the title or  
5 certificate of registration for the property may be issued. The  
6 tax or proof of exemption may be transmitted to the Department  
7 by way of the State agency with which, or the State officer  
8 with whom, the tangible personal property must be titled or  
9 registered if the Department and the State agency or State  
10 officer determine that this procedure will expedite the  
11 processing of applications for title or registration.

12 The Department shall have full power to administer and  
13 enforce this paragraph; to collect all taxes, penalties and  
14 interest due hereunder; to dispose of taxes, penalties and  
15 interest so collected in the manner hereinafter provided; and  
16 to determine all rights to credit memoranda or refunds arising  
17 on account of the erroneous payment of tax, penalty or interest  
18 hereunder. In the administration of, and compliance with, this  
19 paragraph, the Department and persons who are subject to this  
20 paragraph shall have the same rights, remedies, privileges,  
21 immunities, powers and duties, and be subject to the same  
22 conditions, restrictions, limitations, penalties, exclusions,  
23 exemptions and definitions of terms and employ the same modes  
24 of procedure, as are prescribed in Sections 2 (except the  
25 definition of "retailer maintaining a place of business in this  
26 State"), 3 through 3-80 (except provisions pertaining to the

1 State rate of tax, and except provisions concerning collection  
2 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,  
3 19 (except the portions pertaining to claims by retailers and  
4 except the last paragraph concerning refunds), 20, 21 and 22 of  
5 the Use Tax Act and Section 3-7 of the Uniform Penalty and  
6 Interest Act, that are not inconsistent with this paragraph, as  
7 fully as if those provisions were set forth herein.

8 Whenever the Department determines that a refund should be  
9 made under this paragraph to a claimant instead of issuing a  
10 credit memorandum, the Department shall notify the State  
11 Comptroller, who shall cause the order to be drawn for the  
12 amount specified, and to the person named, in the notification  
13 from the Department. The refund shall be paid by the State  
14 Treasurer out of the Metro East Mass Transit District tax fund  
15 established under paragraph (h) of this Section.

16 (d-5) (A) The county board of any county participating in  
17 the Metro East Mass Transit District may authorize, by  
18 ordinance, a referendum on the question of whether the tax  
19 rates for the Metro East Mass Transit District Retailers'  
20 Occupation Tax, the Metro East Mass Transit District Service  
21 Occupation Tax, and the Metro East Mass Transit District Use  
22 Tax for the District should be increased from 0.25% to 0.75%.  
23 Upon adopting the ordinance, the county board shall certify the  
24 proposition to the proper election officials who shall submit  
25 the proposition to the voters of the District at the next  
26 election, in accordance with the general election law.



1           The proposition shall be in substantially the following  
2 form:

3           Shall the tax rates for the Metro East Mass Transit  
4 District Retailers' Occupation Tax, the Metro East Mass  
5 Transit District Service Occupation Tax, and the Metro East  
6 Mass Transit District Use Tax be increased from 0.25% to  
7 0.75%?

8           (B) Two thousand five hundred electors of any Metro East  
9 Mass Transit District may petition the Chief Judge of the  
10 Circuit Court, or any judge of that Circuit designated by the  
11 Chief Judge, in which that District is located to cause to be  
12 submitted to a vote of the electors the question whether the  
13 tax rates for the Metro East Mass Transit District Retailers'  
14 Occupation Tax, the Metro East Mass Transit District Service  
15 Occupation Tax, and the Metro East Mass Transit District Use  
16 Tax for the District should be increased from 0.25% to 0.75%.

17           Upon submission of such petition the court shall set a date  
18 not less than 10 nor more than 30 days thereafter for a hearing  
19 on the sufficiency thereof. Notice of the filing of such  
20 petition and of such date shall be given in writing to the  
21 District and the County Clerk at least 7 days before the date  
22 of such hearing.

23           If such petition is found sufficient, the court shall enter  
24 an order to submit that proposition at the next election, in  
25 accordance with general election law.

26           The form of the petition shall be in substantially the

1 following form: To the Circuit Court of the County of (name of  
2 county):

3 We, the undersigned electors of the (name of transit  
4 district), respectfully petition your honor to submit to a  
5 vote of the electors of (name of transit district) the  
6 following proposition:

7 Shall the tax rates for the Metro East Mass Transit  
8 District Retailers' Occupation Tax, the Metro East Mass  
9 Transit District Service Occupation Tax, and the Metro East  
10 Mass Transit District Use Tax be increased from 0.25% to  
11 0.75%?

12	Name	Address, with Street and Number.
13	.....	.....
14	.....	.....

15 (C) The votes shall be recorded as "YES" or "NO". If a  
16 majority of all votes cast on the proposition are for the  
17 increase in the tax rates, the Metro East Mass Transit District  
18 shall begin imposing the increased rates in the District, and  
19 the Department of Revenue shall begin collecting the increased  
20 amounts, as provided under this Section. An ordinance imposing  
21 or discontinuing a tax hereunder or effecting a change in the  
22 rate thereof shall be adopted and a certified copy thereof  
23 filed with the Department on or before the first day of  
24 October, whereupon the Department shall proceed to administer  
25 and enforce this Section as of the first day of January next  
26 following the adoption and filing, or on or before the first

1 day of April, whereupon the Department shall proceed to  
2 administer and enforce this Section as of the first day of July  
3 next following the adoption and filing.

4 (D) If the voters have approved a referendum under this  
5 subsection, before November 1, 1994, to increase the tax rate  
6 under this subsection, the Metro East Mass Transit District  
7 Board of Trustees may adopt by a majority vote an ordinance at  
8 any time before January 1, 1995 that excludes from the rate  
9 increase tangible personal property that is titled or  
10 registered with an agency of this State's government. The  
11 ordinance excluding titled or registered tangible personal  
12 property from the rate increase must be filed with the  
13 Department at least 15 days before its effective date. At any  
14 time after adopting an ordinance excluding from the rate  
15 increase tangible personal property that is titled or  
16 registered with an agency of this State's government, the Metro  
17 East Mass Transit District Board of Trustees may adopt an  
18 ordinance applying the rate increase to that tangible personal  
19 property. The ordinance shall be adopted, and a certified copy  
20 of that ordinance shall be filed with the Department, on or  
21 before October 1, whereupon the Department shall proceed to  
22 administer and enforce the rate increase against tangible  
23 personal property titled or registered with an agency of this  
24 State's government as of the following January 1. After  
25 December 31, 1995, any reimposed rate increase in effect under  
26 this subsection shall no longer apply to tangible personal

1 property titled or registered with an agency of this State's  
2 government. Beginning January 1, 1996, the Board of Trustees of  
3 any Metro East Mass Transit District may never reimpose a  
4 previously excluded tax rate increase on tangible personal  
5 property titled or registered with an agency of this State's  
6 government. After July 1, 2004, if the voters have approved a  
7 referendum under this subsection to increase the tax rate under  
8 this subsection, the Metro East Mass Transit District Board of  
9 Trustees may adopt by a majority vote an ordinance that  
10 excludes from the rate increase tangible personal property that  
11 is titled or registered with an agency of this State's  
12 government. The ordinance excluding titled or registered  
13 tangible personal property from the rate increase shall be  
14 adopted, and a certified copy of that ordinance shall be filed  
15 with the Department on or before October 1, whereupon the  
16 Department shall administer and enforce this exclusion from the  
17 rate increase as of the following January 1, or on or before  
18 April 1, whereupon the Department shall administer and enforce  
19 this exclusion from the rate increase as of the following July  
20 1. The Board of Trustees of any Metro East Mass Transit  
21 District may never reimpose a previously excluded tax rate  
22 increase on tangible personal property titled or registered  
23 with an agency of this State's government.

24 (d-6) If the Board of Trustees of any Metro East Mass  
25 Transit District has imposed a rate increase under subsection  
26 (d-5) and filed an ordinance with the Department of Revenue

1 excluding titled property from the higher rate, then that Board  
2 may, by ordinance adopted with the concurrence of two-thirds of  
3 the then trustees, impose throughout the District a fee. The  
4 fee on the excluded property shall not exceed \$20 per retail  
5 transaction or an amount equal to the amount of tax excluded,  
6 whichever is less, on tangible personal property that is titled  
7 or registered with an agency of this State's government.  
8 Beginning July 1, 2004, the fee shall apply only to titled  
9 property that is subject to either the Metro East Mass Transit  
10 District Retailers' Occupation Tax or the Metro East Mass  
11 Transit District Service Occupation Tax. No fee shall be  
12 imposed or collected under this subsection on the sale of a  
13 motor vehicle in this State to a resident of another state if  
14 that motor vehicle will not be titled in this State.

15 (d-7) Until June 30, 2004, if a fee has been imposed under  
16 subsection (d-6), a fee shall also be imposed upon the  
17 privilege of using, in the district, any item of tangible  
18 personal property that is titled or registered with any agency  
19 of this State's government, in an amount equal to the amount of  
20 the fee imposed under subsection (d-6).

21 (d-7.1) Beginning July 1, 2004, any fee imposed by the  
22 Board of Trustees of any Metro East Mass Transit District under  
23 subsection (d-6) and all civil penalties that may be assessed  
24 as an incident of the fees shall be collected and enforced by  
25 the State Department of Revenue. Reference to "taxes" in this  
26 Section shall be construed to apply to the administration,

1 payment, and remittance of all fees under this Section. For  
2 purposes of any fee imposed under subsection (d-6), 4% of the  
3 fee, penalty, and interest received by the Department in the  
4 first 12 months that the fee is collected and enforced by the  
5 Department and 2% of the fee, penalty, and interest following  
6 the first 12 months (except the amount collected on aviation  
7 fuel sold on or after December 1, 2017) shall be deposited into  
8 the Tax Compliance and Administration Fund and shall be used by  
9 the Department, subject to appropriation, to cover the costs of  
10 the Department. No retailers' discount shall apply to any fee  
11 imposed under subsection (d-6).

12 (d-8) No item of titled property shall be subject to both  
13 the higher rate approved by referendum, as authorized under  
14 subsection (d-5), and any fee imposed under subsection (d-6) or  
15 (d-7).

16 (d-9) (Blank).

17 (d-10) (Blank).

18 (e) A certificate of registration issued by the State  
19 Department of Revenue to a retailer under the Retailers'  
20 Occupation Tax Act or under the Service Occupation Tax Act  
21 shall permit the registrant to engage in a business that is  
22 taxed under the tax imposed under paragraphs (b), (c) or (d) of  
23 this Section and no additional registration shall be required  
24 under the tax. A certificate issued under the Use Tax Act or  
25 the Service Use Tax Act shall be applicable with regard to any  
26 tax imposed under paragraph (c) of this Section.

1 (f) (Blank).

2 (g) Any ordinance imposing or discontinuing any tax under  
3 this Section shall be adopted and a certified copy thereof  
4 filed with the Department on or before June 1, whereupon the  
5 Department of Revenue shall proceed to administer and enforce  
6 this Section on behalf of the Metro East Mass Transit District  
7 as of September 1 next following such adoption and filing.  
8 Beginning January 1, 1992, an ordinance or resolution imposing  
9 or discontinuing the tax hereunder shall be adopted and a  
10 certified copy thereof filed with the Department on or before  
11 the first day of July, whereupon the Department shall proceed  
12 to administer and enforce this Section as of the first day of  
13 October next following such adoption and filing. Beginning  
14 January 1, 1993, except as provided in subsection (d-5) of this  
15 Section, an ordinance or resolution imposing or discontinuing  
16 the tax hereunder shall be adopted and a certified copy thereof  
17 filed with the Department on or before the first day of  
18 October, whereupon the Department shall proceed to administer  
19 and enforce this Section as of the first day of January next  
20 following such adoption and filing, or, beginning January 1,  
21 2004, on or before the first day of April, whereupon the  
22 Department shall proceed to administer and enforce this Section  
23 as of the first day of July next following the adoption and  
24 filing.

25 (h) Except as provided in subsection (d-7.1), the State  
26 Department of Revenue shall, upon collecting any taxes as

1 provided in this Section, pay the taxes over to the State  
2 Treasurer as trustee for the District. The taxes shall be held  
3 in a trust fund outside the State Treasury. Taxes and penalties  
4 collected in St. Clair Counties on aviation fuel sold on or  
5 after December 1, 2017 from the 0.50% of the .75% rate shall be  
6 immediately paid over by the Department to the State Treasurer,  
7 ex officio, as trustee, for deposit into the Local Government  
8 Aviation Trust Fund. The Department shall only pay moneys into  
9 the Local Government Aviation Trust Fund under this Act for so  
10 long as the revenue use requirements of 49 U.S.C. §47107(b) and  
11 49 U.S.C. §47133 are binding on the District.

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

23 After the monthly transfer to the STAR Bonds Revenue Fund,  
24 on or before the 25th day of each calendar month, the State  
25 Department of Revenue shall prepare and certify to the  
26 Comptroller of the State of Illinois the amount to be paid to



1 the District, which shall be the amount (not including credit  
2 memoranda and not including taxes and penalties collected on  
3 aviation fuel sold on or after December 1, 2017) collected  
4 under this Section during the second preceding calendar month  
5 by the Department plus an amount the Department determines is  
6 necessary to offset any amounts that were erroneously paid to a  
7 different taxing body, and not including any amount equal to  
8 the amount of refunds made during the second preceding calendar  
9 month by the Department on behalf of the District, and not  
10 including any amount that the Department determines is  
11 necessary to offset any amounts that were payable to a  
12 different taxing body but were erroneously paid to the  
13 District, and less any amounts that are transferred to the STAR  
14 Bonds Revenue Fund, less 2% of the remainder, which the  
15 Department shall transfer into the Tax Compliance and  
16 Administration Fund. The Department, at the time of each  
17 monthly disbursement to the District, shall prepare and certify  
18 to the State Comptroller the amount to be transferred into the  
19 Tax Compliance and Administration Fund under this subsection.  
20 Within 10 days after receipt by the Comptroller of the  
21 certification of the amount to be paid to the District and the  
22 Tax Compliance and Administration Fund, the Comptroller shall  
23 cause an order to be drawn for payment for the amount in  
24 accordance with the direction in the certification.

25 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17.)

1 Section 70. The Regional Transportation Authority Act is  
2 amended by changing Sections 4.03 and 4.03.3 as follows:

3 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

4 Sec. 4.03. Taxes.

5 (a) In order to carry out any of the powers or purposes of  
6 the Authority, the Board may by ordinance adopted with the  
7 concurrence of 12 of the then Directors, impose throughout the  
8 metropolitan region any or all of the taxes provided in this  
9 Section. Except as otherwise provided in this Act, taxes  
10 imposed under this Section and civil penalties imposed incident  
11 thereto shall be collected and enforced by the State Department  
12 of Revenue. The Department shall have the power to administer  
13 and enforce the taxes and to determine all rights for refunds  
14 for erroneous payments of the taxes. Nothing in Public Act  
15 95-708 is intended to invalidate any taxes currently imposed by  
16 the Authority. The increased vote requirements to impose a tax  
17 shall only apply to actions taken after January 1, 2008 (the  
18 effective date of Public Act 95-708).

19 (b) The Board may impose a public transportation tax upon  
20 all persons engaged in the metropolitan region in the business  
21 of selling at retail motor fuel for operation of motor vehicles  
22 upon public highways. The tax shall be at a rate not to exceed  
23 5% of the gross receipts from the sales of motor fuel in the  
24 course of the business. As used in this Act, the term "motor  
25 fuel" shall have the same meaning as in the Motor Fuel Tax Law.

1 The Board may provide for details of the tax. The provisions of  
2 any tax shall conform, as closely as may be practicable, to the  
3 provisions of the Municipal Retailers Occupation Tax Act,  
4 including without limitation, conformity to penalties with  
5 respect to the tax imposed and as to the powers of the State  
6 Department of Revenue to promulgate and enforce rules and  
7 regulations relating to the administration and enforcement of  
8 the provisions of the tax imposed, except that reference in the  
9 Act to any municipality shall refer to the Authority and the  
10 tax shall be imposed only with regard to receipts from sales of  
11 motor fuel in the metropolitan region, at rates as limited by  
12 this Section.

13 (c) In connection with the tax imposed under paragraph (b)  
14 of this Section the Board may impose a tax upon the privilege  
15 of using in the metropolitan region motor fuel for the  
16 operation of a motor vehicle upon public highways, the tax to  
17 be at a rate not in excess of the rate of tax imposed under  
18 paragraph (b) of this Section. The Board may provide for  
19 details of the tax.

20 (d) The Board may impose a motor vehicle parking tax upon  
21 the privilege of parking motor vehicles at off-street parking  
22 facilities in the metropolitan region at which a fee is  
23 charged, and may provide for reasonable classifications in and  
24 exemptions to the tax, for administration and enforcement  
25 thereof and for civil penalties and refunds thereunder and may  
26 provide criminal penalties thereunder, the maximum penalties

1 not to exceed the maximum criminal penalties provided in the  
2 Retailers' Occupation Tax Act. The Authority may collect and  
3 enforce the tax itself or by contract with any unit of local  
4 government. The State Department of Revenue shall have no  
5 responsibility for the collection and enforcement unless the  
6 Department agrees with the Authority to undertake the  
7 collection and enforcement. As used in this paragraph, the term  
8 "parking facility" means a parking area or structure having  
9 parking spaces for more than 2 vehicles at which motor vehicles  
10 are permitted to park in return for an hourly, daily, or other  
11 periodic fee, whether publicly or privately owned, but does not  
12 include parking spaces on a public street, the use of which is  
13 regulated by parking meters.

14 (e) The Board may impose a Regional Transportation  
15 Authority Retailers' Occupation Tax upon all persons engaged in  
16 the business of selling tangible personal property at retail in  
17 the metropolitan region. In Cook County the tax rate shall be  
18 1.25% of the gross receipts from sales of food for human  
19 consumption that is to be consumed off the premises where it is  
20 sold (other than alcoholic beverages, soft drinks and food that  
21 has been prepared for immediate consumption) and prescription  
22 and nonprescription medicines, drugs, medical appliances and  
23 insulin, urine testing materials, syringes and needles used by  
24 diabetics, and 1% of the gross receipts from other taxable  
25 sales made in the course of that business. In DuPage, Kane,  
26 Lake, McHenry, and Will Counties, the tax rate shall be 0.75%

1 of the gross receipts from all taxable sales made in the course  
2 of that business except that the rate of tax imposed in these  
3 Counties under this Section on sales of aviation fuel on or  
4 after December 1, 2017 shall be 0.25% unless the Regional  
5 Transportation Authority in DuPage, Kane, Lake, McHenry and  
6 Will Counties has an "airport-related purpose" and the  
7 additional 0.50% of the 0.75% tax on aviation fuel is expended  
8 for airport-related purposes. If there is no airport-related  
9 purpose to which aviation fuel tax revenue is dedicated, then  
10 aviation fuel is excluded from the tax.

11 On or before September 1, 2017, and on or before each April  
12 1 and October 1 thereafter, the Authority and Cook, DuPage,  
13 Kane, Lake, McHenry, and Will Counties must certify to the  
14 Department of Transportation, in the form and manner required  
15 by the Department, whether they have an airport-related  
16 purpose, which would allow any Retailers' Occupation Tax and  
17 Service Occupation Tax imposed under this Act to include tax on  
18 aviation fuel. On or before October 1, 2017, and on or before  
19 each May 1 and November 1 thereafter, the Department of  
20 Transportation shall provide to the Department of Revenue, a  
21 list of units of local government which have certified to the  
22 Department of Transportation that they have airport-related  
23 purposes, which would allow any Retailers' Occupation Tax and  
24 Service Occupation Tax imposed by the unit of local government  
25 to include tax on aviation fuel. All disputes regarding whether  
26 or not a unit of local government has an airport-related

1 purpose shall be resolved by the Department of Transportation.

2 For purposes of this Act, "airport-related purposes" has  
3 the meaning ascribed in Section 6z-20.2 of the State Finance  
4 Act. This exclusion for aviation fuel only applies for so long  
5 as the revenue use requirements of 49 U.S.C. §47107(b) and 49  
6 U.S.C. §47133 are binding on the Authority.

7 The tax imposed under this Section and all civil penalties  
8 that may be assessed as an incident thereof shall be collected  
9 and enforced by the State Department of Revenue. The Department  
10 shall have full power to administer and enforce this Section;  
11 to collect all taxes and penalties so collected in the manner  
12 hereinafter provided; and to determine all rights to credit  
13 memoranda arising on account of the erroneous payment of tax or  
14 penalty hereunder. In the administration of, and compliance  
15 with this Section, the Department and persons who are subject  
16 to this Section shall have the same rights, remedies,  
17 privileges, immunities, powers and duties, and be subject to  
18 the same conditions, restrictions, limitations, penalties,  
19 exclusions, exemptions and definitions of terms, and employ the  
20 same modes of procedure, as are prescribed in Sections 1, 1a,  
21 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all  
22 provisions therein other than the State rate of tax), 2c, 3  
23 (except as to the disposition of taxes and penalties collected,  
24 and except that the retailer's discount is not allowed for  
25 taxes paid on aviation fuel that are deposited into the Local  
26 Government Aviation Trust Fund), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,

1 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12  
2 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of  
3 the Uniform Penalty and Interest Act, as fully as if those  
4 provisions were set forth herein.

5 Persons subject to any tax imposed under the authority  
6 granted in this Section may reimburse themselves for their  
7 seller's tax liability hereunder by separately stating the tax  
8 as an additional charge, which charge may be stated in  
9 combination in a single amount with State taxes that sellers  
10 are required to collect under the Use Tax Act, under any  
11 bracket schedules the Department may prescribe.

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

20 If a tax is imposed under this subsection (e), a tax shall  
21 also be imposed under subsections (f) and (g) of this Section.

22 For the purpose of determining whether a tax authorized  
23 under this Section is applicable, a retail sale by a producer  
24 of coal or other mineral mined in Illinois, is a sale at retail  
25 at the place where the coal or other mineral mined in Illinois  
26 is extracted from the earth. This paragraph does not apply to

1 coal or other mineral when it is delivered or shipped by the  
2 seller to the purchaser at a point outside Illinois so that the  
3 sale is exempt under the Federal Constitution as a sale in  
4 interstate or foreign commerce.

5 No tax shall be imposed or collected under this subsection  
6 on the sale of a motor vehicle in this State to a resident of  
7 another state if that motor vehicle will not be titled in this  
8 State.

9 Nothing in this Section shall be construed to authorize the  
10 Regional Transportation Authority to impose a tax upon the  
11 privilege of engaging in any business that under the  
12 Constitution of the United States may not be made the subject  
13 of taxation by this State.

14 (f) If a tax has been imposed under paragraph (e), a  
15 Regional Transportation Authority Service Occupation Tax shall  
16 also be imposed upon all persons engaged, in the metropolitan  
17 region in the business of making sales of service, who as an  
18 incident to making the sales of service, transfer tangible  
19 personal property within the metropolitan region, either in the  
20 form of tangible personal property or in the form of real  
21 estate as an incident to a sale of service. In Cook County, the  
22 tax rate shall be: (1) 1.25% of the serviceman's cost price of  
23 food prepared for immediate consumption and transferred  
24 incident to a sale of service subject to the service occupation  
25 tax by an entity licensed under the Hospital Licensing Act, the  
26 Nursing Home Care Act, the Specialized Mental Health



1 Rehabilitation Act of 2013, the ID/DD Community Care Act, or  
2 the MC/DD Act that is located in the metropolitan region; (2)  
3 1.25% of the selling price of food for human consumption that  
4 is to be consumed off the premises where it is sold (other than  
5 alcoholic beverages, soft drinks and food that has been  
6 prepared for immediate consumption) and prescription and  
7 nonprescription medicines, drugs, medical appliances and  
8 insulin, urine testing materials, syringes and needles used by  
9 diabetics; and (3) 1% of the selling price from other taxable  
10 sales of tangible personal property transferred. In DuPage,  
11 Kane, Lake, McHenry and Will Counties the rate shall be 0.75%  
12 of the selling price of all tangible personal property  
13 transferred except that the rate of tax imposed in these  
14 Counties under this Section on sales of aviation fuel on or  
15 after December 1, 2017 shall be 0.25% unless the Regional  
16 Transportation Authority in DuPage, Kane, Lake, McHenry and  
17 Will Counties has an "airport-related purpose" and the  
18 additional 0.50% of the 0.75% tax on aviation fuel is expended  
19 for airport-related purposes. If there is no airport-related  
20 purpose to which aviation fuel tax revenue is dedicated, then  
21 aviation fuel is excluded from the tax.

22 On or before September 1, 2017, and on or before each April  
23 1 and October 1 thereafter, the Authority and Cook, DuPage,  
24 Kane, Lake, McHenry, and Will Counties must certify to the  
25 Department of Transportation, in the form and manner required  
26 by the Department, whether they have an airport-related

1 purpose, which would allow any Retailers' Occupation Tax and  
2 Service Occupation Tax imposed under this Act to include tax on  
3 aviation fuel. On or before October 1, 2017, and on or before  
4 each May 1 and November 1 thereafter, the Department of  
5 Transportation shall provide to the Department of Revenue, a  
6 list of units of local government which have certified to the  
7 Department of Transportation that they have airport-related  
8 purposes, which would allow any Retailers' Occupation Tax and  
9 Service Occupation Tax imposed by the unit of local government  
10 to include tax on aviation fuel. All disputes regarding whether  
11 or not a unit of local government has an airport-related  
12 purpose shall be resolved by the Department of Transportation.

13 For purposes of this Act, "airport-related purposes" has  
14 the meaning ascribed in Section 6z-20.2 of the State Finance  
15 Act. This exclusion for aviation fuel only applies for so long  
16 as the revenue use requirements of 49 U.S.C. §47107(b) and 49  
17 U.S.C. §47133 are binding on the Authority.

18 The tax imposed under this paragraph and all civil  
19 penalties that may be assessed as an incident thereof shall be  
20 collected and enforced by the State Department of Revenue. The  
21 Department shall have full power to administer and enforce this  
22 paragraph; to collect all taxes and penalties due hereunder; to  
23 dispose of taxes and penalties collected in the manner  
24 hereinafter provided; and to determine all rights to credit  
25 memoranda arising on account of the erroneous payment of tax or  
26 penalty hereunder. In the administration of and compliance with

1 this paragraph, the Department and persons who are subject to  
2 this paragraph shall have the same rights, remedies,  
3 privileges, immunities, powers and duties, and be subject to  
4 the same conditions, restrictions, limitations, penalties,  
5 exclusions, exemptions and definitions of terms, and employ the  
6 same modes of procedure, as are prescribed in Sections 1a-1, 2,  
7 2a, 3 through 3-50 (in respect to all provisions therein other  
8 than the State rate of tax), 4 (except that the reference to  
9 the State shall be to the Authority), 5, 7, 8 (except that the  
10 jurisdiction to which the tax shall be a debt to the extent  
11 indicated in that Section 8 shall be the Authority), 9 (except  
12 as to the disposition of taxes and penalties collected, and  
13 except that the returned merchandise credit for this tax may  
14 not be taken against any State tax, and except that the  
15 retailer's discount is not allowed for taxes paid on aviation  
16 fuel that are deposited into the Local Government Aviation  
17 Trust Fund), 10, 11, 12 (except the reference therein to  
18 Section 2b of the Retailers' Occupation Tax Act), 13 (except  
19 that any reference to the State shall mean the Authority), the  
20 first paragraph of Section 15, 16, 17, 18, 19 and 20 of the  
21 Service Occupation Tax Act and Section 3-7 of the Uniform  
22 Penalty and Interest Act, as fully as if those provisions were  
23 set forth herein.

24 Persons subject to any tax imposed under the authority  
25 granted in this paragraph may reimburse themselves for their  
26 serviceman's tax liability hereunder by separately stating the

1 tax as an additional charge, that charge may be stated in  
2 combination in a single amount with State tax that servicemen  
3 are authorized to collect under the Service Use Tax Act, under  
4 any bracket schedules the Department may prescribe.

5 Whenever the Department determines that a refund should be  
6 made under this paragraph to a claimant instead of issuing a  
7 credit memorandum, the Department shall notify the State  
8 Comptroller, who shall cause the warrant to be drawn for the  
9 amount specified, and to the person named in the notification  
10 from the Department. The refund shall be paid by the State  
11 Treasurer out of the Regional Transportation Authority tax fund  
12 established under paragraph (n) of this Section.

13 Nothing in this paragraph shall be construed to authorize  
14 the Authority to impose a tax upon the privilege of engaging in  
15 any business that under the Constitution of the United States  
16 may not be made the subject of taxation by the State.

17 (g) If a tax has been imposed under paragraph (e), a tax  
18 shall also be imposed upon the privilege of using in the  
19 metropolitan region, any item of tangible personal property  
20 that is purchased outside the metropolitan region at retail  
21 from a retailer, and that is titled or registered with an  
22 agency of this State's government. In Cook County the tax rate  
23 shall be 1% of the selling price of the tangible personal  
24 property, as "selling price" is defined in the Use Tax Act. In  
25 DuPage, Kane, Lake, McHenry and Will counties the tax rate  
26 shall be 0.75% of the selling price of the tangible personal

1 property, as "selling price" is defined in the Use Tax Act. The  
2 tax shall be collected from persons whose Illinois address for  
3 titling or registration purposes is given as being in the  
4 metropolitan region. The tax shall be collected by the  
5 Department of Revenue for the Regional Transportation  
6 Authority. The tax must be paid to the State, or an exemption  
7 determination must be obtained from the Department of Revenue,  
8 before the title or certificate of registration for the  
9 property may be issued. The tax or proof of exemption may be  
10 transmitted to the Department by way of the State agency with  
11 which, or the State officer with whom, the tangible personal  
12 property must be titled or registered if the Department and the  
13 State agency or State officer determine that this procedure  
14 will expedite the processing of applications for title or  
15 registration.

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

1 exemptions and definitions of terms and employ the same modes  
2 of procedure, as are prescribed in Sections 2 (except the  
3 definition of "retailer maintaining a place of business in this  
4 State"), 3 through 3-80 (except provisions pertaining to the  
5 State rate of tax, and except provisions concerning collection  
6 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,  
7 19 (except the portions pertaining to claims by retailers and  
8 except the last paragraph concerning refunds), 20, 21 and 22 of  
9 the Use Tax Act, and are not inconsistent with this paragraph,  
10 as fully as if those provisions were set forth herein.

11 Whenever the Department determines that a refund should be  
12 made under this paragraph to a claimant instead of issuing a  
13 credit memorandum, the Department shall notify the State  
14 Comptroller, who shall cause the order to be drawn for the  
15 amount specified, and to the person named in the notification  
16 from the Department. The refund shall be paid by the State  
17 Treasurer out of the Regional Transportation Authority tax fund  
18 established under paragraph (n) of this Section.

19 (h) The Authority may impose a replacement vehicle tax of  
20 \$50 on any passenger car as defined in Section 1-157 of the  
21 Illinois Vehicle Code purchased within the metropolitan region  
22 by or on behalf of an insurance company to replace a passenger  
23 car of an insured person in settlement of a total loss claim.  
24 The tax imposed may not become effective before the first day  
25 of the month following the passage of the ordinance imposing  
26 the tax and receipt of a certified copy of the ordinance by the

1 Department of Revenue. The Department of Revenue shall collect  
2 the tax for the Authority in accordance with Sections 3-2002  
3 and 3-2003 of the Illinois Vehicle Code.

4 Except as otherwise provided in this paragraph, the ~~The~~  
5 Department shall immediately pay over to the State Treasurer,  
6 ex officio, as trustee, all taxes collected hereunder. Taxes  
7 and penalties collected in DuPage, Kane, Lake, McHenry and Will  
8 Counties on aviation fuel sold on or after December 1, 2017  
9 from the 0.50% of the 0.75% rate shall be immediately paid over  
10 by the Department to the State Treasurer, ex officio, as  
11 trustee, for deposit into the Local Government Aviation Trust  
12 Fund. The Department shall only pay moneys into the Local  
13 Government Aviation Trust Fund under this Act for so long as  
14 the revenue use requirements of 49 U.S.C. §47107(b) and 49  
15 U.S.C. §47133 are binding on the Authority.

16 As soon as possible after the first day of each month,  
17 beginning January 1, 2011, upon certification of the Department  
18 of Revenue, the Comptroller shall order transferred, and the  
19 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
20 local sales tax increment, as defined in the Innovation  
21 Development and Economy Act, collected under this Section  
22 during the second preceding calendar month for sales within a  
23 STAR bond district.

24 After the monthly transfer to the STAR Bonds Revenue Fund,  
25 on or before the 25th day of each calendar month, the  
26 Department shall prepare and certify to the Comptroller the

1 disbursement of stated sums of money to the Authority. The  
2 amount to be paid to the Authority shall be the amount  
3 collected hereunder during the second preceding calendar month  
4 by the Department, less any amount determined by the Department  
5 to be necessary for the payment of refunds, and less any  
6 amounts that are transferred to the STAR Bonds Revenue Fund.  
7 Within 10 days after receipt by the Comptroller of the  
8 disbursement certification to the Authority provided for in  
9 this Section to be given to the Comptroller by the Department,  
10 the Comptroller shall cause the orders to be drawn for that  
11 amount in accordance with the directions contained in the  
12 certification.

13 (i) The Board may not impose any other taxes except as it  
14 may from time to time be authorized by law to impose.

15 (j) A certificate of registration issued by the State  
16 Department of Revenue to a retailer under the Retailers'  
17 Occupation Tax Act or under the Service Occupation Tax Act  
18 shall permit the registrant to engage in a business that is  
19 taxed under the tax imposed under paragraphs (b), (e), (f) or  
20 (g) of this Section and no additional registration shall be  
21 required under the tax. A certificate issued under the Use Tax  
22 Act or the Service Use Tax Act shall be applicable with regard  
23 to any tax imposed under paragraph (c) of this Section.

24 (k) The provisions of any tax imposed under paragraph (c)  
25 of this Section shall conform as closely as may be practicable  
26 to the provisions of the Use Tax Act, including without



1 limitation conformity as to penalties with respect to the tax  
2 imposed and as to the powers of the State Department of Revenue  
3 to promulgate and enforce rules and regulations relating to the  
4 administration and enforcement of the provisions of the tax  
5 imposed. The taxes shall be imposed only on use within the  
6 metropolitan region and at rates as provided in the paragraph.

7 (l) The Board in imposing any tax as provided in paragraphs  
8 (b) and (c) of this Section, shall, after seeking the advice of  
9 the State Department of Revenue, provide means for retailers,  
10 users or purchasers of motor fuel for purposes other than those  
11 with regard to which the taxes may be imposed as provided in  
12 those paragraphs to receive refunds of taxes improperly paid,  
13 which provisions may be at variance with the refund provisions  
14 as applicable under the Municipal Retailers Occupation Tax Act.  
15 The State Department of Revenue may provide for certificates of  
16 registration for users or purchasers of motor fuel for purposes  
17 other than those with regard to which taxes may be imposed as  
18 provided in paragraphs (b) and (c) of this Section to  
19 facilitate the reporting and nontaxability of the exempt sales  
20 or uses.

21 (m) Any ordinance imposing or discontinuing any tax under  
22 this Section shall be adopted and a certified copy thereof  
23 filed with the Department on or before June 1, whereupon the  
24 Department of Revenue shall proceed to administer and enforce  
25 this Section on behalf of the Regional Transportation Authority  
26 as of September 1 next following such adoption and filing.

1 Beginning January 1, 1992, an ordinance or resolution imposing  
2 or discontinuing the tax hereunder shall be adopted and a  
3 certified copy thereof filed with the Department on or before  
4 the first day of July, whereupon the Department shall proceed  
5 to administer and enforce this Section as of the first day of  
6 October next following such adoption and filing. Beginning  
7 January 1, 1993, an ordinance or resolution imposing,  
8 increasing, decreasing, or discontinuing the tax hereunder  
9 shall be adopted and a certified copy thereof filed with the  
10 Department, whereupon the Department shall proceed to  
11 administer and enforce this Section as of the first day of the  
12 first month to occur not less than 60 days following such  
13 adoption and filing. Any ordinance or resolution of the  
14 Authority imposing a tax under this Section and in effect on  
15 August 1, 2007 shall remain in full force and effect and shall  
16 be administered by the Department of Revenue under the terms  
17 and conditions and rates of tax established by such ordinance  
18 or resolution until the Department begins administering and  
19 enforcing an increased tax under this Section as authorized by  
20 Public Act 95-708. The tax rates authorized by Public Act  
21 95-708 are effective only if imposed by ordinance of the  
22 Authority.

23 (n) Except as otherwise provided in this subsection (n),  
24 the State Department of Revenue shall, upon collecting any  
25 taxes as provided in this Section, pay the taxes over to the  
26 State Treasurer as trustee for the Authority. The taxes shall

1 be held in a trust fund outside the State Treasury. On or  
2 before the 25th day of each calendar month, the State  
3 Department of Revenue shall prepare and certify to the  
4 Comptroller of the State of Illinois and to the Authority (i)  
5 the amount of taxes collected in each County other than Cook  
6 County in the metropolitan region, (ii) the amount of taxes  
7 collected within the City of Chicago, and (iii) the amount  
8 collected in that portion of Cook County outside of Chicago,  
9 each amount less the amount necessary for the payment of  
10 refunds to taxpayers located in those areas described in items  
11 (i), (ii), and (iii), and less 2% of the remainder, which shall  
12 be transferred from the trust fund into the Tax Compliance and  
13 Administration Fund. The Department, at the time of each  
14 monthly disbursement to the Authority, shall prepare and  
15 certify to the State Comptroller the amount to be transferred  
16 into the Tax Compliance and Administration Fund under this  
17 subsection. Within 10 days after receipt by the Comptroller of  
18 the certification of the amounts, the Comptroller shall cause  
19 an order to be drawn for the transfer of the amount certified  
20 into the Tax Compliance and Administration Fund and the payment  
21 of two-thirds of the amounts certified in item (i) of this  
22 subsection to the Authority and one-third of the amounts  
23 certified in item (i) of this subsection to the respective  
24 counties other than Cook County and the amount certified in  
25 items (ii) and (iii) of this subsection to the Authority.

26 In addition to the disbursement required by the preceding

1 paragraph, an allocation shall be made in July 1991 and each  
2 year thereafter to the Regional Transportation Authority. The  
3 allocation shall be made in an amount equal to the average  
4 monthly distribution during the preceding calendar year  
5 (excluding the 2 months of lowest receipts) and the allocation  
6 shall include the amount of average monthly distribution from  
7 the Regional Transportation Authority Occupation and Use Tax  
8 Replacement Fund. The distribution made in July 1992 and each  
9 year thereafter under this paragraph and the preceding  
10 paragraph shall be reduced by the amount allocated and  
11 disbursed under this paragraph in the preceding calendar year.  
12 The Department of Revenue shall prepare and certify to the  
13 Comptroller for disbursement the allocations made in  
14 accordance with this paragraph.

15 (o) Failure to adopt a budget ordinance or otherwise to  
16 comply with Section 4.01 of this Act or to adopt a Five-year  
17 Capital Program or otherwise to comply with paragraph (b) of  
18 Section 2.01 of this Act shall not affect the validity of any  
19 tax imposed by the Authority otherwise in conformity with law.

20 (p) At no time shall a public transportation tax or motor  
21 vehicle parking tax authorized under paragraphs (b), (c) and  
22 (d) of this Section be in effect at the same time as any  
23 retailers' occupation, use or service occupation tax  
24 authorized under paragraphs (e), (f) and (g) of this Section is  
25 in effect.

26 Any taxes imposed under the authority provided in

1 paragraphs (b), (c) and (d) shall remain in effect only until  
2 the time as any tax authorized by paragraphs (e), (f) or (g) of  
3 this Section are imposed and becomes effective. Once any tax  
4 authorized by paragraphs (e), (f) or (g) is imposed the Board  
5 may not reimpose taxes as authorized in paragraphs (b), (c) and  
6 (d) of the Section unless any tax authorized by paragraphs (e),  
7 (f) or (g) of this Section becomes ineffective by means other  
8 than an ordinance of the Board.

9 (q) Any existing rights, remedies and obligations  
10 (including enforcement by the Regional Transportation  
11 Authority) arising under any tax imposed under paragraphs (b),  
12 (c) or (d) of this Section shall not be affected by the  
13 imposition of a tax under paragraphs (e), (f) or (g) of this  
14 Section.

15 (Source: P.A. 99-180, eff. 7-29-15; 99-217, eff. 7-31-15;  
16 99-642, eff. 7-28-16; 100-23, eff. 7-6-17.)

17 (70 ILCS 3615/4.03.3)

18 Sec. 4.03.3. Distribution of Revenues. This Section  
19 applies only after the Department begins administering and  
20 enforcing an increased tax under Section 4.03(m) as authorized  
21 by this amendatory Act of the 95th General Assembly. After  
22 providing for payment of its obligations with respect to bonds  
23 and notes issued under the provisions of Section 4.04 and  
24 obligations related to those bonds and notes, the Authority  
25 shall disburse the remaining proceeds from taxes it has

1 received from the Department of Revenue under this Article IV  
2 and the remaining proceeds it has received from the State under  
3 Section 4.09(a) as follows:

4 (a) With respect to taxes imposed by the Authority under  
5 Section 4.03, after withholding 15% of 80% of the receipts from  
6 those taxes collected in Cook County at a rate of 1.25%, 15% of  
7 75% of the receipts from those taxes collected in Cook County  
8 at the rate of 1%, 15% of one-half of the receipts from those  
9 taxes collected in DuPage, Kane, Lake, McHenry, and Will  
10 Counties, and 15% of money received by the Authority from the  
11 Regional Transportation Authority Occupation and Use Tax  
12 Replacement Fund or from the Regional Transportation Authority  
13 tax fund created in Section 4.03(n), the Board shall allocate  
14 the proceeds and money remaining to the Service Boards as  
15 follows:

16 (1) an amount equal to (i) 85% of 80% of the receipts  
17 from those taxes collected within the City of Chicago at a  
18 rate of 1.25%, (ii) 85% of 75% of the receipts from those  
19 taxes collected in the City of Chicago at the rate of 1%,  
20 and (iii) 85% of the money received by the Authority on  
21 account of transfers to the Regional Transportation  
22 Authority Occupation and Use Tax Replacement Fund or to the  
23 Regional Transportation Authority tax fund created in  
24 Section 4.03(n) from the County and Mass Transit District  
25 Fund attributable to retail sales within the City of  
26 Chicago shall be allocated to the Chicago Transit

1 Authority;

2 (2) an amount equal to (i) 85% of 80% of the receipts  
3 from those taxes collected within Cook County outside of  
4 the City of Chicago at a rate of 1.25%, (ii) 85% of 75% of  
5 the receipts from those taxes collected within Cook County  
6 outside the City of Chicago at a rate of 1%, and (iii) 85%  
7 of the money received by the Authority on account of  
8 transfers to the Regional Transportation Authority  
9 Occupation and Use Tax Replacement Fund or to the Regional  
10 Transportation Authority tax fund created in Section  
11 4.03(n) from the County and Mass Transit District Fund  
12 attributable to retail sales within Cook County outside of  
13 the City of Chicago shall be allocated 30% to the Chicago  
14 Transit Authority, 55% to the Commuter Rail Board, and 15%  
15 to the Suburban Bus Board; and

16 (3) an amount equal to 85% of one-half of the receipts  
17 from the taxes collected within the Counties of DuPage,  
18 Kane, Lake, McHenry, and Will shall be allocated 70% to the  
19 Commuter Rail Board and 30% to the Suburban Bus Board.

20 (b) Moneys received by the Authority on account of  
21 transfers to the Regional Transportation Authority Occupation  
22 and Use Tax Replacement Fund from the State and Local Sales Tax  
23 Reform Fund shall be allocated among the Authority and the  
24 Service Boards as follows: 15% of such moneys shall be retained  
25 by the Authority and the remaining 85% shall be transferred to  
26 the Service Boards as soon as may be practicable after the

1 Authority receives payment. Moneys which are distributable to  
2 the Service Boards pursuant to the preceding sentence shall be  
3 allocated among the Service Boards on the basis of each Service  
4 Board's distribution ratio. The term "distribution ratio"  
5 means, for purposes of this subsection (b), the ratio of the  
6 total amount distributed to a Service Board pursuant to  
7 subsection (a) of Section 4.03.3 for the immediately preceding  
8 calendar year to the total amount distributed to all of the  
9 Service Boards pursuant to subsection (a) of Section 4.03.3 for  
10 the immediately preceding calendar year.

11 (c) (i) 20% of the receipts from those taxes collected in  
12 Cook County under Section 4.03 at the rate of 1.25%, (ii) 25%  
13 of the receipts from those taxes collected in Cook County under  
14 Section 4.03 at the rate of 1%, (iii) 50% of the receipts from  
15 those taxes collected in DuPage, Kane, Lake, McHenry, and Will  
16 Counties under Section 4.03, and (iv) amounts received from the  
17 State under Section 4.09 (a) (2) and items (i), (ii), and (iii)  
18 of Section 4.09 (a) (3) shall be allocated as follows: the  
19 amount required to be deposited into the ADA Paratransit Fund  
20 described in Section 2.01d, the amount required to be deposited  
21 into the Suburban Community Mobility Fund described in Section  
22 2.01e, and the amount required to be deposited into the  
23 Innovation, Coordination and Enhancement Fund described in  
24 Section 2.01c, and the balance shall be allocated 48% to the  
25 Chicago Transit Authority, 39% to the Commuter Rail Board, and  
26 13% to the Suburban Bus Board.



1           (d) Amounts received from the State under Section 4.09  
2           (a) (3) (iv) shall be distributed 100% to the Chicago Transit  
3           Authority.

4           (e) With respect to those taxes collected in DuPage, Kane,  
5           Lake, McHenry, and Will Counties and paid directly to the  
6           counties under Section 4.03, the County Board of each county  
7           shall use those amounts to fund operating and capital costs of  
8           public safety and public transportation services or facilities  
9           or to fund operating, capital, right-of-way, construction, and  
10          maintenance costs of other transportation purposes, including  
11          road, bridge, public safety, and transit purposes intended to  
12          improve mobility or reduce congestion in the county. The  
13          receipt of funding by such counties pursuant to this paragraph  
14          shall not be used as the basis for reducing any funds that such  
15          counties would otherwise have received from the State of  
16          Illinois, any agency or instrumentality thereof, the  
17          Authority, or the Service Boards.

18          (f) The Authority by ordinance adopted by 12 of its then  
19          Directors shall apportion to the Service Boards funds provided  
20          by the State of Illinois under Section 4.09(a) (1) as it shall  
21          determine and shall make payment of the amounts to each Service  
22          Board as soon as may be practicable upon their receipt provided  
23          the Authority has adopted a balanced budget as required by  
24          Section 4.01 and further provided the Service Board is in  
25          compliance with the requirements in Section 4.11.

26          (g) Beginning January 1, 2009, before making any payments,

1 transfers, or expenditures under this Section to a Service  
2 Board, the Authority must first comply with Section 4.02a or  
3 4.02b of this Act, whichever may be applicable.

4 (h) Moneys may be appropriated from the Public  
5 Transportation Fund to the Office of the Executive Inspector  
6 General for the costs incurred by the Executive Inspector  
7 General while serving as the inspector general for the  
8 Authority and each of the Service Boards. Beginning December  
9 31, 2012, and each year thereafter, the Office of the Executive  
10 Inspector General shall annually report to the General Assembly  
11 the expenses incurred while serving as the inspector general  
12 for the Authority and each of the Service Boards.

13 (Source: P.A. 97-399, eff. 8-16-11; 97-641, eff. 12-19-11.)

14 Section 75. The Water Commission Act of 1985 is amended by  
15 changing Section 4 as follows:

16 (70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)

17 Sec. 4. Taxes.

18 (a) The board of commissioners of any county water  
19 commission may, by ordinance, impose throughout the territory  
20 of the commission any or all of the taxes provided in this  
21 Section for its corporate purposes. However, no county water  
22 commission may impose any such tax unless the commission  
23 certifies the proposition of imposing the tax to the proper  
24 election officials, who shall submit the proposition to the

1 voters residing in the territory at an election in accordance  
2 with the general election law, and the proposition has been  
3 approved by a majority of those voting on the proposition.

4 The proposition shall be in the form provided in Section 5  
5 or shall be substantially in the following form:

6 -----

7	Shall the (insert corporate	
8	name of county water commission)	YES
9	impose (state type of tax or	-----
10	taxes to be imposed) at the	NO
11	rate of 1/4%?	

12 -----

13 Taxes imposed under this Section and civil penalties  
14 imposed incident thereto shall be collected and enforced by the  
15 State Department of Revenue. The Department shall have the  
16 power to administer and enforce the taxes and to determine all  
17 rights for refunds for erroneous payments of the taxes.

18 (b) The board of commissioners may impose a County Water  
19 Commission Retailers' Occupation Tax upon all persons engaged  
20 in the business of selling tangible personal property at retail  
21 in the territory of the commission at a rate of 1/4% of the  
22 gross receipts from the sales made in the course of such  
23 business within the territory. The tax imposed under this  
24 paragraph and all civil penalties that may be assessed as an  
25 incident thereof shall be collected and enforced by the State  
26 Department of Revenue. The Department shall have full power to

1 administer and enforce this paragraph; to collect all taxes and  
2 penalties due hereunder; to dispose of taxes and penalties so  
3 collected in the manner hereinafter provided; and to determine  
4 all rights to credit memoranda arising on account of the  
5 erroneous payment of tax or penalty hereunder. In the  
6 administration of, and compliance with, this paragraph, the  
7 Department and persons who are subject to this paragraph shall  
8 have the same rights, remedies, privileges, immunities, powers  
9 and duties, and be subject to the same conditions,  
10 restrictions, limitations, penalties, exclusions, exemptions  
11 and definitions of terms, and employ the same modes of  
12 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,  
13 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions  
14 therein other than the State rate of tax except that food for  
15 human consumption that is to be consumed off the premises where  
16 it is sold (other than alcoholic beverages, soft drinks, and  
17 food that has been prepared for immediate consumption) and  
18 prescription and nonprescription medicine, drugs, medical  
19 appliances and insulin, urine testing materials, syringes, and  
20 needles used by diabetics, for human use, shall not be subject  
21 to tax hereunder), 2c, 3 (except as to the disposition of taxes  
22 and penalties collected, and except that the retailer's  
23 discount is not allowed for taxes paid on aviation fuel sold on  
24 or after December 1, 2017), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g,  
25 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, and  
26 13 of the Retailers' Occupation Tax Act and Section 3-7 of the

1 Uniform Penalty and Interest Act, as fully as if those  
2 provisions were set forth herein.

3 Persons subject to any tax imposed under the authority  
4 granted in this paragraph may reimburse themselves for their  
5 seller's tax liability hereunder by separately stating the tax  
6 as an additional charge, which charge may be stated in  
7 combination, in a single amount, with State taxes that sellers  
8 are required to collect under the Use Tax Act and under  
9 subsection (e) of Section 4.03 of the Regional Transportation  
10 Authority Act, in accordance with such bracket schedules as the  
11 Department may prescribe.

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

20 For the purpose of determining whether a tax authorized  
21 under this paragraph is applicable, a retail sale by a producer  
22 of coal or other mineral mined in Illinois is a sale at retail  
23 at the place where the coal or other mineral mined in Illinois  
24 is extracted from the earth. This paragraph does not apply to  
25 coal or other mineral when it is delivered or shipped by the  
26 seller to the purchaser at a point outside Illinois so that the

1 sale is exempt under the Federal Constitution as a sale in  
2 interstate or foreign commerce.

3 If a tax is imposed under this subsection (b), a tax shall  
4 also be imposed under subsections (c) and (d) of this Section.

5 No tax shall be imposed or collected under this subsection  
6 on the sale of a motor vehicle in this State to a resident of  
7 another state if that motor vehicle will not be titled in this  
8 State.

9 Nothing in this paragraph shall be construed to authorize a  
10 county water commission to impose a tax upon the privilege of  
11 engaging in any business which under the Constitution of the  
12 United States may not be made the subject of taxation by this  
13 State.

14 (c) If a tax has been imposed under subsection (b), a  
15 County Water Commission Service Occupation Tax shall also be  
16 imposed upon all persons engaged, in the territory of the  
17 commission, in the business of making sales of service, who, as  
18 an incident to making the sales of service, transfer tangible  
19 personal property within the territory. The tax rate shall be  
20 1/4% of the selling price of tangible personal property so  
21 transferred within the territory. The tax imposed under this  
22 paragraph and all civil penalties that may be assessed as an  
23 incident thereof shall be collected and enforced by the State  
24 Department of Revenue. The Department shall have full power to  
25 administer and enforce this paragraph; to collect all taxes and  
26 penalties due hereunder; to dispose of taxes and penalties so

1 collected in the manner hereinafter provided; and to determine  
2 all rights to credit memoranda arising on account of the  
3 erroneous payment of tax or penalty hereunder. In the  
4 administration of, and compliance with, this paragraph, the  
5 Department and persons who are subject to this paragraph shall  
6 have the same rights, remedies, privileges, immunities, powers  
7 and duties, and be subject to the same conditions,  
8 restrictions, limitations, penalties, exclusions, exemptions  
9 and definitions of terms, and employ the same modes of  
10 procedure, as are prescribed in Sections 1a-1, 2 (except that  
11 the reference to State in the definition of supplier  
12 maintaining a place of business in this State shall mean the  
13 territory of the commission), 2a, 3 through 3-50 (in respect to  
14 all provisions therein other than the State rate of tax except  
15 that food for human consumption that is to be consumed off the  
16 premises where it is sold (other than alcoholic beverages, soft  
17 drinks, and food that has been prepared for immediate  
18 consumption) and prescription and nonprescription medicines,  
19 drugs, medical appliances and insulin, urine testing  
20 materials, syringes, and needles used by diabetics, for human  
21 use, shall not be subject to tax hereunder), 4 (except that the  
22 reference to the State shall be to the territory of the  
23 commission), 5, 7, 8 (except that the jurisdiction to which the  
24 tax shall be a debt to the extent indicated in that Section 8  
25 shall be the commission), 9 (except as to the disposition of  
26 taxes and penalties collected and except that the returned

1 merchandise credit for this tax may not be taken against any  
2 State tax, and except that the retailer's discount is not  
3 allowed for taxes paid on aviation fuel sold on or after  
4 December 1, 2017), 10, 11, 12 (except the reference therein to  
5 Section 2b of the Retailers' Occupation Tax Act), 13 (except  
6 that any reference to the State shall mean the territory of the  
7 commission), the first paragraph of Section 15, 15.5, 16, 17,  
8 18, 19, and 20 of the Service Occupation Tax Act as fully as if  
9 those provisions were set forth herein.

10 Persons subject to any tax imposed under the authority  
11 granted in this paragraph may reimburse themselves for their  
12 serviceman's tax liability hereunder by separately stating the  
13 tax as an additional charge, which charge may be stated in  
14 combination, in a single amount, with State tax that servicemen  
15 are authorized to collect under the Service Use Tax Act, and  
16 any tax for which servicemen may be liable under subsection (f)  
17 of Section 4.03 of the Regional Transportation Authority Act,  
18 in accordance with such bracket schedules as the Department may  
19 prescribe.

20 Whenever the Department determines that a refund should be  
21 made under this paragraph to a claimant instead of issuing a  
22 credit memorandum, the Department shall notify the State  
23 Comptroller, who shall cause the warrant to be drawn for the  
24 amount specified, and to the person named, in the notification  
25 from the Department. The refund shall be paid by the State  
26 Treasurer out of a county water commission tax fund established



1 under subsection ~~paragraph~~ (g) of this Section.

2 Nothing in this paragraph shall be construed to authorize a  
3 county water commission to impose a tax upon the privilege of  
4 engaging in any business which under the Constitution of the  
5 United States may not be made the subject of taxation by the  
6 State.

7 (d) If a tax has been imposed under subsection (b), a tax  
8 shall also be imposed upon the privilege of using, in the  
9 territory of the commission, any item of tangible personal  
10 property that is purchased outside the territory at retail from  
11 a retailer, and that is titled or registered with an agency of  
12 this State's government, at a rate of 1/4% of the selling price  
13 of the tangible personal property within the territory, as  
14 "selling price" is defined in the Use Tax Act. The tax shall be  
15 collected from persons whose Illinois address for titling or  
16 registration purposes is given as being in the territory. The  
17 tax shall be collected by the Department of Revenue for a  
18 county water commission. The tax must be paid to the State, or  
19 an exemption determination must be obtained from the Department  
20 of Revenue, before the title or certificate of registration for  
21 the property may be issued. The tax or proof of exemption may  
22 be transmitted to the Department by way of the State agency  
23 with which, or the State officer with whom, the tangible  
24 personal property must be titled or registered if the  
25 Department and the State agency or State officer determine that  
26 this procedure will expedite the processing of applications for

1 title or registration.

2 The Department shall have full power to administer and  
3 enforce this paragraph; to collect all taxes, penalties, and  
4 interest due hereunder; to dispose of taxes, penalties, and  
5 interest so collected in the manner hereinafter provided; and  
6 to determine all rights to credit memoranda or refunds arising  
7 on account of the erroneous payment of tax, penalty, or  
8 interest hereunder. In the administration of, and compliance  
9 with this paragraph, the Department and persons who are subject  
10 to this paragraph shall have the same rights, remedies,  
11 privileges, immunities, powers, and duties, and be subject to  
12 the same conditions, restrictions, limitations, penalties,  
13 exclusions, exemptions, and definitions of terms and employ the  
14 same modes of procedure, as are prescribed in Sections 2  
15 (except the definition of "retailer maintaining a place of  
16 business in this State"), 3 through 3-80 (except provisions  
17 pertaining to the State rate of tax, and except provisions  
18 concerning collection or refunding of the tax by retailers, and  
19 except that food for human consumption that is to be consumed  
20 off the premises where it is sold (other than alcoholic  
21 beverages, soft drinks, and food that has been prepared for  
22 immediate consumption) and prescription and nonprescription  
23 medicines, drugs, medical appliances and insulin, urine  
24 testing materials, syringes, and needles used by diabetics, for  
25 human use, shall not be subject to tax hereunder), 4, 11, 12,  
26 12a, 14, 15, 19 (except the portions pertaining to claims by

1 retailers and except the last paragraph concerning refunds),  
2 20, 21, and 22 of the Use Tax Act and Section 3-7 of the Uniform  
3 Penalty and Interest Act that are not inconsistent with this  
4 paragraph, as fully as if those provisions were set forth  
5 herein.

6 Whenever the Department determines that a refund should be  
7 made under this paragraph to a claimant instead of issuing a  
8 credit memorandum, the Department shall notify the State  
9 Comptroller, who shall cause the order to be drawn for the  
10 amount specified, and to the person named, in the notification  
11 from the Department. The refund shall be paid by the State  
12 Treasurer out of a county water commission tax fund established  
13 under subsection ~~paragraph~~ (g) of this Section.

14 (e) A certificate of registration issued by the State  
15 Department of Revenue to a retailer under the Retailers'  
16 Occupation Tax Act or under the Service Occupation Tax Act  
17 shall permit the registrant to engage in a business that is  
18 taxed under the tax imposed under subsection ~~paragraphs~~ (b),  
19 (c), or (d) of this Section and no additional registration  
20 shall be required under the tax. A certificate issued under the  
21 Use Tax Act or the Service Use Tax Act shall be applicable with  
22 regard to any tax imposed under subsection ~~paragraph~~ (c) of  
23 this Section.

24 (f) Any ordinance imposing or discontinuing any tax under  
25 this Section shall be adopted and a certified copy thereof  
26 filed with the Department on or before June 1, whereupon the

1 Department of Revenue shall proceed to administer and enforce  
2 this Section on behalf of the county water commission as of  
3 September 1 next following the adoption and filing. Beginning  
4 January 1, 1992, an ordinance or resolution imposing or  
5 discontinuing the tax hereunder shall be adopted and a  
6 certified copy thereof filed with the Department on or before  
7 the first day of July, whereupon the Department shall proceed  
8 to administer and enforce this Section as of the first day of  
9 October next following such adoption and filing. Beginning  
10 January 1, 1993, an ordinance or resolution imposing or  
11 discontinuing the tax hereunder shall be adopted and a  
12 certified copy thereof filed with the Department on or before  
13 the first day of October, whereupon the Department shall  
14 proceed to administer and enforce this Section as of the first  
15 day of January next following such adoption and filing.

16 (g) The State Department of Revenue shall, upon collecting  
17 any taxes as provided in this Section, pay the taxes over to  
18 the State Treasurer as trustee for the commission. The taxes  
19 shall be held in a trust fund outside the State Treasury.

20 As soon as possible after the first day of each month,  
21 beginning January 1, 2011, upon certification of the Department  
22 of Revenue, the Comptroller shall order transferred, and the  
23 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
24 local sales tax increment, as defined in the Innovation  
25 Development and Economy Act, collected under this Section  
26 during the second preceding calendar month for sales within a

1 STAR bond district.

2 After the monthly transfer to the STAR Bonds Revenue Fund,  
3 on or before the 25th day of each calendar month, the State  
4 Department of Revenue shall prepare and certify to the  
5 Comptroller of the State of Illinois the amount to be paid to  
6 the commission, which shall be the amount (not including credit  
7 memoranda) collected under this Section during the second  
8 preceding calendar month by the Department plus an amount the  
9 Department determines is necessary to offset any amounts that  
10 were erroneously paid to a different taxing body, and not  
11 including any amount equal to the amount of refunds made during  
12 the second preceding calendar month by the Department on behalf  
13 of the commission, and not including any amount that the  
14 Department determines is necessary to offset any amounts that  
15 were payable to a different taxing body but were erroneously  
16 paid to the commission, and less any amounts that are  
17 transferred to the STAR Bonds Revenue Fund, less 2% of the  
18 remainder, which shall be transferred into the Tax Compliance  
19 and Administration Fund. The Department, at the time of each  
20 monthly disbursement to the commission, shall prepare and  
21 certify to the State Comptroller the amount to be transferred  
22 into the Tax Compliance and Administration Fund under this  
23 subsection. Within 10 days after receipt by the Comptroller of  
24 the certification of the amount to be paid to the commission  
25 and the Tax Compliance and Administration Fund, the Comptroller  
26 shall cause an order to be drawn for the payment for the amount

1 in accordance with the direction in the certification.

2 (h) Beginning June 1, 2016, any tax imposed pursuant to  
3 this Section may no longer be imposed or collected, unless a  
4 continuation of the tax is approved by the voters at a  
5 referendum as set forth in this Section.

6 (Source: P.A. 99-217, eff. 7-31-15; 99-642, eff. 7-28-16;  
7 100-23, eff. 7-6-17; revised 10-3-17.)

8 Section 80. The Environmental Impact Fee Law is amended by  
9 changing Sections 315 and 320 as follows:

10 (415 ILCS 125/315)

11 (Section scheduled to be repealed on January 1, 2025)

12 Sec. 315. Fee on receivers of fuel for sale or use;  
13 collection and reporting. A person that is required to pay the  
14 fee imposed by this Law shall pay the fee to the Department by  
15 return showing all fuel purchased, acquired, or received and  
16 sold, distributed or used during the preceding calendar month,  
17 including losses of fuel as the result of evaporation or  
18 shrinkage due to temperature variations, and such other  
19 reasonable information as the Department may require. Losses of  
20 fuel as the result of evaporation or shrinkage due to  
21 temperature variations may not exceed 1% of the total gallons  
22 in storage at the beginning of the month, plus the receipts of  
23 gallonage during the month, minus the gallonage remaining in  
24 storage at the end of the month. Any loss reported that is in

1 excess of this amount shall be subject to the fee imposed by  
2 Section 310 of this Law. On and after July 1, 2001, for each  
3 6-month period January through June, net losses of fuel (for  
4 each category of fuel that is required to be reported on a  
5 return) as the result of evaporation or shrinkage due to  
6 temperature variations may not exceed 1% of the total gallons  
7 in storage at the beginning of each January, plus the receipts  
8 of gallonage each January through June, minus the gallonage  
9 remaining in storage at the end of each June. On and after July  
10 1, 2001, for each 6-month period July through December, net  
11 losses of fuel (for each category of fuel that is required to  
12 be reported on a return) as the result of evaporation or  
13 shrinkage due to temperature variations may not exceed 1% of  
14 the total gallons in storage at the beginning of each July,  
15 plus the receipts of gallonage each July through December,  
16 minus the gallonage remaining in storage at the end of each  
17 December. Any net loss reported that is in excess of this  
18 amount shall be subject to the fee imposed by Section 310 of  
19 this Law. For purposes of this Section, "net loss" means the  
20 number of gallons gained through temperature variations minus  
21 the number of gallons lost through temperature variations or  
22 evaporation for each of the respective 6-month periods.

23 The return shall be prescribed by the Department and shall  
24 be filed between the 1st and 20th days of each calendar month.  
25 The Department may, in its discretion, combine the return filed  
26 under this Law with the return filed under Section 2b of the

1 Motor Fuel Tax Law. If the return is timely filed, the receiver  
2 may take a discount of 2% through June 30, 2003 and 1.75%  
3 thereafter to reimburse himself for the expenses incurred in  
4 keeping records, preparing and filing returns, collecting and  
5 remitting the fee, and supplying data to the Department on  
6 request. However, the discount applies only to the amount of  
7 the fee payment that accompanies a return that is timely filed  
8 in accordance with this Section. The discount is not permitted  
9 on fees paid on aviation fuel sold or used on and after  
10 December 1, 2017. This exception for aviation fuel only applies  
11 for so long as the revenue use requirements of 49 U.S.C. §47017  
12 (b) and 49 U.S.C. §47133 are binding on the State.

13 Beginning on January 1, 2018, each retailer required or  
14 authorized to collect the fee imposed by this Act on aviation  
15 fuel at retail in this State during the preceding calendar  
16 month shall, instead of reporting and paying tax on aviation  
17 fuel as otherwise required by this Section, file an aviation  
18 fuel tax return with the Department, on or before the twentieth  
19 day of each calendar month. The requirements related to the  
20 return shall be as otherwise provided in this Section.  
21 Notwithstanding any other provisions of this Act to the  
22 contrary, retailers collecting fees on aviation fuel shall file  
23 all aviation fuel tax returns and shall make all aviation fuel  
24 fee payments by electronic means in the manner and form  
25 required by the Department. For purposes of this paragraph,  
26 "aviation fuel" means a product that is intended for use or



1 offered for sale as fuel for an aircraft.

2 (Source: P.A. 92-30, eff. 7-1-01; 93-32, eff. 6-20-03.)

3 (415 ILCS 125/320)

4 (Section scheduled to be repealed on January 1, 2025)

5 Sec. 320. Deposit of fee receipts. Except as otherwise  
6 provided in this paragraph, all ~~All~~ money received by the  
7 Department under this Law shall be deposited in the Underground  
8 Storage Tank Fund created by Section 57.11 of the Environmental  
9 Protection Act. All money received for aviation fuel by the  
10 Department under this Law on or after December 1, 2017, shall  
11 be immediately paid over by the Department to the State  
12 Aviation Program Fund. The Department shall only pay such  
13 moneys into the State Aviation Program Fund under this Act for  
14 so long as the revenue use requirements of 49 U.S.C. §47107(b)  
15 and 49 U.S.C. §47133 are binding on the State. For purposes of  
16 this section, "aviation fuel" means a product that is intended  
17 for use or offered for sale as fuel for an aircraft.

18 (Source: P.A. 89-428, eff. 1-1-96; 89-457, eff. 5-22-96; 90-14,  
19 eff. 7-1-97.)

20 Section 95. No acceleration or delay. Where this Act makes  
21 changes in a statute that is represented in this Act by text  
22 that is not yet or no longer in effect (for example, a Section  
23 represented by multiple versions), the use of that text does  
24 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other  
2 Public Act.

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