

1 AN ACT concerning revenue.

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

4 Section 5. The Use Tax Act is amended by changing Sections  
5 3-5.5, 3-10, and 9 as follows:

6 (35 ILCS 105/3-5.5)

7 Sec. 3-5.5. Food and drugs sold by not-for-profit  
8 organizations; exemption. The Department shall not collect the  
9 1% tax imposed on food for human consumption that is to be  
10 consumed off the premises where it is sold (other than  
11 alcoholic beverages, soft drinks, and food that has been  
12 prepared for immediate consumption) and prescription and  
13 nonprescription medicines, drugs, medical appliances, female  
14 and male condoms, incontinence products, diapers, baby wipes,  
15 and insulin, urine testing materials, syringes, and needles  
16 used by diabetics, for human use from any not-for-profit  
17 organization, that sells food in a food distribution program at  
18 a price below the retail cost of the food to purchasers who, as  
19 a condition of participation in the program, are required to  
20 perform community service, located in a county or municipality  
21 that notifies the Department, in writing, that the county or  
22 municipality does not want the tax to be collected from any of  
23 such organizations located in the county or municipality.

1 (Source: P.A. 88-374.)

2 (35 ILCS 105/3-10)

3 Sec. 3-10. Rate of tax. Unless otherwise provided in this  
4 Section, the tax imposed by this Act is at the rate of 6.25% of  
5 either the selling price or the fair market value, if any, of  
6 the tangible personal property. In all cases where property  
7 functionally used or consumed is the same as the property that  
8 was purchased at retail, then the tax is imposed on the selling  
9 price of the property. In all cases where property functionally  
10 used or consumed is a by-product or waste product that has been  
11 refined, manufactured, or produced from property purchased at  
12 retail, then the tax is imposed on the lower of the fair market  
13 value, if any, of the specific property so used in this State  
14 or on the selling price of the property purchased at retail.  
15 For purposes of this Section "fair market value" means the  
16 price at which property would change hands between a willing  
17 buyer and a willing seller, neither being under any compulsion  
18 to buy or sell and both having reasonable knowledge of the  
19 relevant facts. The fair market value shall be established by  
20 Illinois sales by the taxpayer of the same property as that  
21 functionally used or consumed, or if there are no such sales by  
22 the taxpayer, then comparable sales or purchases of property of  
23 like kind and character in Illinois.

24 Beginning on July 1, 2000 and through December 31, 2000,  
25 with respect to motor fuel, as defined in Section 1.1 of the

1 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
2 the Use Tax Act, the tax is imposed at the rate of 1.25%.

3 Beginning on August 6, 2010 through August 15, 2010, with  
4 respect to sales tax holiday items as defined in Section 3-6 of  
5 this Act, the tax is imposed at the rate of 1.25%.

6 With respect to gasohol, the tax imposed by this Act  
7 applies to (i) 70% of the proceeds of sales made on or after  
8 January 1, 1990, and before July 1, 2003, (ii) 80% of the  
9 proceeds of sales made on or after July 1, 2003 and on or  
10 before July 1, 2017, and (iii) 100% of the proceeds of sales  
11 made thereafter. If, at any time, however, the tax under this  
12 Act on sales of gasohol is imposed at the rate of 1.25%, then  
13 the tax imposed by this Act applies to 100% of the proceeds of  
14 sales of gasohol made during that time.

15 With respect to majority blended ethanol fuel, the tax  
16 imposed by this Act does not apply to the proceeds of sales  
17 made on or after July 1, 2003 and on or before December 31,  
18 2023 but applies to 100% of the proceeds of sales made  
19 thereafter.

20 With respect to biodiesel blends with no less than 1% and  
21 no more than 10% biodiesel, the tax imposed by this Act applies  
22 to (i) 80% of the proceeds of sales made on or after July 1,  
23 2003 and on or before December 31, 2018 and (ii) 100% of the  
24 proceeds of sales made thereafter. If, at any time, however,  
25 the tax under this Act on sales of biodiesel blends with no  
26 less than 1% and no more than 10% biodiesel is imposed at the

1 rate of 1.25%, then the tax imposed by this Act applies to 100%  
2 of the proceeds of sales of biodiesel blends with no less than  
3 1% and no more than 10% biodiesel made during that time.

4 With respect to 100% biodiesel and biodiesel blends with  
5 more than 10% but no more than 99% biodiesel, the tax imposed  
6 by this Act does not apply to the proceeds of sales made on or  
7 after July 1, 2003 and on or before December 31, 2023 but  
8 applies to 100% of the proceeds of sales made thereafter.

9 With respect to food for human consumption that is to be  
10 consumed off the premises where it is sold (other than  
11 alcoholic beverages, soft drinks, and food that has been  
12 prepared for immediate consumption) and prescription and  
13 nonprescription medicines, drugs, medical appliances, female  
14 and male condoms, incontinence products, diapers, baby wipes,  
15 products classified as Class III medical devices by the United  
16 States Food and Drug Administration that are used for cancer  
17 treatment pursuant to a prescription, as well as any  
18 accessories and components related to those devices,  
19 modifications to a motor vehicle for the purpose of rendering  
20 it usable by a person with a disability, and insulin, urine  
21 testing materials, syringes, and needles used by diabetics, for  
22 human use, the tax is imposed at the rate of 1%. For the  
23 purposes of this Section, until September 1, 2009: the term  
24 "soft drinks" means any complete, finished, ready-to-use,  
25 non-alcoholic drink, whether carbonated or not, including but  
26 not limited to soda water, cola, fruit juice, vegetable juice,

1 carbonated water, and all other preparations commonly known as  
2 soft drinks of whatever kind or description that are contained  
3 in any closed or sealed bottle, can, carton, or container,  
4 regardless of size; but "soft drinks" does not include coffee,  
5 tea, non-carbonated water, infant formula, milk or milk  
6 products as defined in the Grade A Pasteurized Milk and Milk  
7 Products Act, or drinks containing 50% or more natural fruit or  
8 vegetable juice.

9 Notwithstanding any other provisions of this Act,  
10 beginning September 1, 2009, "soft drinks" means non-alcoholic  
11 beverages that contain natural or artificial sweeteners. "Soft  
12 drinks" do not include beverages that contain milk or milk  
13 products, soy, rice or similar milk substitutes, or greater  
14 than 50% of vegetable or fruit juice by volume.

15 Until August 1, 2009, and notwithstanding any other  
16 provisions of this Act, "food for human consumption that is to  
17 be consumed off the premises where it is sold" includes all  
18 food sold through a vending machine, except soft drinks and  
19 food products that are dispensed hot from a vending machine,  
20 regardless of the location of the vending machine. Beginning  
21 August 1, 2009, and notwithstanding any other provisions of  
22 this Act, "food for human consumption that is to be consumed  
23 off the premises where it is sold" includes all food sold  
24 through a vending machine, except soft drinks, candy, and food  
25 products that are dispensed hot from a vending machine,  
26 regardless of the location of the vending machine.

1           Notwithstanding any other provisions of this Act,  
2 beginning September 1, 2009, "food for human consumption that  
3 is to be consumed off the premises where it is sold" does not  
4 include candy. For purposes of this Section, "candy" means a  
5 preparation of sugar, honey, or other natural or artificial  
6 sweeteners in combination with chocolate, fruits, nuts or other  
7 ingredients or flavorings in the form of bars, drops, or  
8 pieces. "Candy" does not include any preparation that contains  
9 flour or requires refrigeration.

10           Notwithstanding any other provisions of this Act,  
11 beginning September 1, 2009, "nonprescription medicines and  
12 drugs" does not include grooming and hygiene products. For  
13 purposes of this Section, "grooming and hygiene products"  
14 includes, but is not limited to, soaps and cleaning solutions,  
15 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
16 lotions and screens, unless those products are available by  
17 prescription only, regardless of whether the products meet the  
18 definition of "over-the-counter-drugs". For the purposes of  
19 this paragraph, "over-the-counter-drug" means a drug for human  
20 use that contains a label that identifies the product as a drug  
21 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
22 label includes:

23           (A) A "Drug Facts" panel; or

24           (B) A statement of the "active ingredient(s)" with a  
25 list of those ingredients contained in the compound,  
26 substance or preparation.

1           Beginning on the effective date of this amendatory Act of  
2 the 98th General Assembly, "prescription and nonprescription  
3 medicines and drugs" includes medical cannabis purchased from a  
4 registered dispensing organization under the Compassionate Use  
5 of Medical Cannabis Pilot Program Act.

6           If the property that is purchased at retail from a retailer  
7 is acquired outside Illinois and used outside Illinois before  
8 being brought to Illinois for use here and is taxable under  
9 this Act, the "selling price" on which the tax is computed  
10 shall be reduced by an amount that represents a reasonable  
11 allowance for depreciation for the period of prior out-of-state  
12 use.

13           (Source: P.A. 99-143, eff. 7-27-15; 99-858, eff. 8-19-16;  
14 100-22, eff. 7-6-17.)

15           (35 ILCS 105/9) (from Ch. 120, par. 439.9)

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

17           Sec. 9. Except as to motor vehicles, watercraft, aircraft,  
18 and trailers that are required to be registered with an agency  
19 of this State, each retailer required or authorized to collect  
20 the tax imposed by this Act shall pay to the Department the  
21 amount of such tax (except as otherwise provided) at the time  
22 when he is required to file his return for the period during  
23 which such tax was collected, less a discount of 2.1% prior to  
24 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5  
25 per calendar year, whichever is greater, which is allowed to

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

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



1 period.

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

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

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

8           5. The amount of tax due;

9           5-5. The signature of the taxpayer; and

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

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

1 of the taxpayer to the Department for the preceding 4 complete  
2 calendar quarters (excluding the month of highest liability and  
3 the month of lowest liability in such 4 quarter period). If the  
4 month during which such tax liability is incurred begins on or  
5 after January 1, 1985, and prior to January 1, 1987, each  
6 payment shall be in an amount equal to 22.5% of the taxpayer's  
7 actual liability for the month or 27.5% of the taxpayer's  
8 liability for the same calendar month of the preceding year. If  
9 the month during which such tax liability is incurred begins on  
10 or after January 1, 1987, and prior to January 1, 1988, each  
11 payment shall be in an amount equal to 22.5% of the taxpayer's  
12 actual liability for the month or 26.25% of the taxpayer's  
13 liability for the same calendar month of the preceding year. If  
14 the month during which such tax liability is incurred begins on  
15 or after January 1, 1988, and prior to January 1, 1989, or  
16 begins on or after January 1, 1996, each payment shall be in an  
17 amount equal to 22.5% of the taxpayer's actual liability for  
18 the month or 25% of the taxpayer's liability for the same  
19 calendar month of the preceding year. If the month during which  
20 such tax liability is incurred begins on or after January 1,  
21 1989, and prior to January 1, 1996, each payment shall be in an  
22 amount equal to 22.5% of the taxpayer's actual liability for  
23 the month or 25% of the taxpayer's liability for the same  
24 calendar month of the preceding year or 100% of the taxpayer's  
25 actual liability for the quarter monthly reporting period. The  
26 amount of such quarter monthly payments shall be credited

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

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

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

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

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



1 April, May and June of a given year being due by July 20 of such  
2 year; with the return for July, August and September of a given  
3 year being due by October 20 of such year, and with the return  
4 for October, November and December of a given year being due by  
5 January 20 of the following year.

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

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

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

22 In addition, with respect to motor vehicles, watercraft,  
23 aircraft, and trailers that are required to be registered with  
24 an agency of this State, every retailer selling this kind of  
25 tangible personal property shall file, with the Department,  
26 upon a form to be prescribed and supplied by the Department, a

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

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

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

14 The transaction reporting return in the case of watercraft  
15 and aircraft must show the name and address of the seller; the  
16 name and address of the purchaser; the amount of the selling  
17 price including the amount allowed by the retailer for  
18 traded-in property, if any; the amount allowed by the retailer  
19 for the traded-in tangible personal property, if any, to the  
20 extent to which Section 2 of this Act allows an exemption for  
21 the value of traded-in property; the balance payable after  
22 deducting such trade-in allowance from the total selling price;  
23 the amount of tax due from the retailer with respect to such  
24 transaction; the amount of tax collected from the purchaser by  
25 the retailer on such transaction (or satisfactory evidence that  
26 such tax is not due in that particular instance, if that is

1 claimed to be the fact); the place and date of the sale, a  
2 sufficient identification of the property sold, and such other  
3 information as the Department may reasonably require.

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

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

1 certificate or other evidence of title or registration to such  
2 tangible personal property.

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

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

1 same amount and in the same form in which it would be remitted  
2 if the tax had been remitted to the Department by the retailer.

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

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

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

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

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

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

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

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

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



1 the selling price of tangible personal property which is  
2 purchased outside Illinois at retail from a retailer and which  
3 is titled or registered by an agency of this State's  
4 government.

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

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

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

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

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

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

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

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

1 set forth in Section 12 of the Build Illinois Bond Act.

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

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

1	2005	108,000,000
2	2006	113,000,000
3	2007	119,000,000
4	2008	126,000,000
5	2009	132,000,000
6	2010	139,000,000
7	2011	146,000,000
8	2012	153,000,000
9	2013	161,000,000
10	2014	170,000,000
11	2015	179,000,000
12	2016	189,000,000
13	2017	199,000,000
14	2018	210,000,000
15	2019	221,000,000
16	2020	233,000,000
17	2021	246,000,000
18	2022	260,000,000
19	2023	275,000,000
20	2024	275,000,000
21	2025	275,000,000
22	2026	279,000,000
23	2027	292,000,000
24	2028	307,000,000
25	2029	322,000,000
26	2030	338,000,000

1                                   2031                                   350,000,000

2                                   2032                                   350,000,000

3                                   and

4                                   each fiscal year

5                                   thereafter that bonds

6                                   are outstanding under

7                                   Section 13.2 of the

8                                   Metropolitan Pier and

9                                   Exposition Authority Act,

10                                  but not after fiscal year 2060.

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

24                                  Subject to payment of amounts into the Build Illinois Fund  
25                                  and the McCormick Place Expansion Project Fund pursuant to the  
26                                  preceding paragraphs or in any amendments thereto hereafter

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

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

19 Subject to payment of amounts into the Build Illinois Fund,  
20 the McCormick Place Expansion Project Fund, the Illinois Tax  
21 Increment Fund, and the Energy Infrastructure Fund pursuant to  
22 the preceding paragraphs or in any amendments to this Section  
23 hereafter enacted, beginning on the first day of the first  
24 calendar month to occur on or after August 26, 2014 (the  
25 effective date of Public Act 98-1098), each month, from the  
26 collections made under Section 9 of the Use Tax Act, Section 9



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

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

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

25 Net revenue realized for a month shall be the revenue  
26 collected by the State pursuant to this Act, less the amount

1 paid out during that month as refunds to taxpayers for  
2 overpayment of liability.

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

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

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

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

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

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

24 Except as provided in this Section, on or before the  
25 twentieth day of each calendar month, such retailer shall file  
26 a return for the preceding calendar month. Such return shall be

1 filed on forms prescribed by the Department and shall furnish  
2 such information as the Department may reasonably require. On  
3 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 The Department may require returns to be filed on a  
13 quarterly basis. If so required, a return for each calendar  
14 quarter shall be filed on or before the twentieth day of the  
15 calendar month following the end of such calendar quarter. The  
16 taxpayer shall also file a return with the Department for each  
17 of the first two months of each calendar quarter, on or before  
18 the twentieth day of the following calendar month, stating:

19 1. The name of the seller;

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

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

1 less all deductions allowed by law;

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

4 5. The amount of tax due;

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

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

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

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

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

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

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

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

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

26 Before October 1, 2000, if the taxpayer's average monthly

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

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



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

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

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

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

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

1 January 20 of the following year.

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

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

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

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

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

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

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

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

26 Such transaction reporting return shall be filed not later

1 than 20 days after the date of delivery of the item that is  
2 being sold, but may be filed by the retailer at any time sooner  
3 than that if he chooses to do so. The transaction reporting  
4 return and tax remittance or proof of exemption from the tax  
5 that is imposed by this Act may be transmitted to the  
6 Department by way of the State agency with which, or State  
7 officer with whom, the tangible personal property must be  
8 titled or registered (if titling or registration is required)  
9 if the Department and such agency or State officer determine  
10 that this procedure will expedite the processing of  
11 applications for title or registration.

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

25 No retailer's failure or refusal to remit tax under this  
26 Act precludes a user, who has paid the proper tax to the

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

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

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



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

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

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

1 Act, to furnish all the return information required by both  
2 Acts on the one form.

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

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

23 Beginning January 1, 1990, each month the Department shall  
24 pay into the County and Mass Transit District Fund 4% of the  
25 net revenue realized for the preceding month from the 6.25%  
26 general rate on the selling price of tangible personal property

1 which is purchased outside Illinois at retail from a retailer  
2 and which is titled or registered by an agency of this State's  
3 government.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

1 price of tangible personal property.

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

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

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

8 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% thereof shall be paid into the State  
18 Treasury and 25% shall be reserved in a special account and  
19 used only for the transfer to the Common School Fund as part of  
20 the monthly transfer from the General Revenue Fund in  
21 accordance with Section 8a of the State Finance Act.

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

1 for the second preceding month. Beginning April 1, 2000, this  
2 transfer is no longer required and shall not be made.

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

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

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

17 Section 10. The Service Use Tax Act is amended by changing  
18 Sections 3-5.5, 3-10, and 9 as follows:

19 (35 ILCS 110/3-5.5)

20 Sec. 3-5.5. Food and drugs sold by not-for-profit  
21 organizations; exemption. The Department shall not collect the  
22 1% tax imposed on food for human consumption that is to be  
23 consumed off the premises where it is sold (other than  
24 alcoholic beverages, soft drinks, and food that has been

1 prepared for immediate consumption) and prescription and  
2 nonprescription medicines, drugs, medical appliances, female  
3 and male condoms, and insulin, urine testing materials,  
4 syringes, and needles used by diabetics, for human use from any  
5 not-for-profit organization, that sells food in a food  
6 distribution program at a price below the retail cost of the  
7 food to purchasers who, as a condition of participation in the  
8 program, are required to perform community service, located in  
9 a county or municipality that notifies the Department, in  
10 writing, that the county or municipality does not want the tax  
11 to be collected from any of such organizations located in the  
12 county or municipality.

13 (Source: P.A. 88-374.)

14 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

15 Sec. 3-10. Rate of tax. Unless otherwise provided in this  
16 Section, the tax imposed by this Act is at the rate of 6.25% of  
17 the selling price of tangible personal property transferred as  
18 an incident to the sale of service, but, for the purpose of  
19 computing this tax, in no event shall the selling price be less  
20 than the cost price of the property to the serviceman.

21 Beginning on July 1, 2000 and through December 31, 2000,  
22 with respect to motor fuel, as defined in Section 1.1 of the  
23 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
24 the Use Tax Act, the tax is imposed at the rate of 1.25%.

25 With respect to gasohol, as defined in the Use Tax Act, the

1 tax imposed by this Act applies to (i) 70% of the selling price  
2 of property transferred as an incident to the sale of service  
3 on or after January 1, 1990, and before July 1, 2003, (ii) 80%  
4 of the selling price of property transferred as an incident to  
5 the sale of service on or after July 1, 2003 and on or before  
6 July 1, 2017, and (iii) 100% of the selling price thereafter.  
7 If, at any time, however, the tax under this Act on sales of  
8 gasohol, as defined in the Use Tax Act, is imposed at the rate  
9 of 1.25%, then the tax imposed by this Act applies to 100% of  
10 the proceeds of sales of gasohol made during that time.

11 With respect to majority blended ethanol fuel, as defined  
12 in the Use Tax Act, the tax imposed by this Act does not apply  
13 to the selling price of property transferred as an incident to  
14 the sale of service on or after July 1, 2003 and on or before  
15 December 31, 2023 but applies to 100% of the selling price  
16 thereafter.

17 With respect to biodiesel blends, as defined in the Use Tax  
18 Act, with no less than 1% and no more than 10% biodiesel, the  
19 tax imposed by this Act applies to (i) 80% of the selling price  
20 of property transferred as an incident to the sale of service  
21 on or after July 1, 2003 and on or before December 31, 2018 and  
22 (ii) 100% of the proceeds of the selling price thereafter. If,  
23 at any time, however, the tax under this Act on sales of  
24 biodiesel blends, as defined in the Use Tax Act, with no less  
25 than 1% and no more than 10% biodiesel is imposed at the rate  
26 of 1.25%, then the tax imposed by this Act applies to 100% of

1 the proceeds of sales of biodiesel blends with no less than 1%  
2 and no more than 10% biodiesel made during that time.

3 With respect to 100% biodiesel, as defined in the Use Tax  
4 Act, and biodiesel blends, as defined in the Use Tax Act, with  
5 more than 10% but no more than 99% biodiesel, the tax imposed  
6 by this Act does not apply to the proceeds of the selling price  
7 of property transferred as an incident to the sale of service  
8 on or after July 1, 2003 and on or before December 31, 2023 but  
9 applies to 100% of the selling price thereafter.

10 At the election of any registered serviceman made for each  
11 fiscal year, sales of service in which the aggregate annual  
12 cost price of tangible personal property transferred as an  
13 incident to the sales of service is less than 35%, or 75% in  
14 the case of servicemen transferring prescription drugs or  
15 servicemen engaged in graphic arts production, of the aggregate  
16 annual total gross receipts from all sales of service, the tax  
17 imposed by this Act shall be based on the serviceman's cost  
18 price of the tangible personal property transferred as an  
19 incident to the sale of those services.

20 The tax shall be imposed at the rate of 1% on food prepared  
21 for immediate consumption and transferred incident to a sale of  
22 service subject to this Act or the Service Occupation Tax Act  
23 by an entity licensed under the Hospital Licensing Act, the  
24 Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD  
25 Act, the Specialized Mental Health Rehabilitation Act of 2013,  
26 or the Child Care Act of 1969. The tax shall also be imposed at



1 the rate of 1% on food for human consumption that is to be  
2 consumed off the premises where it is sold (other than  
3 alcoholic beverages, soft drinks, and food that has been  
4 prepared for immediate consumption and is not otherwise  
5 included in this paragraph) female and male condoms,  
6 incontinence products, diapers, baby wipes, and prescription  
7 and nonprescription medicines, drugs, medical appliances,  
8 products classified as Class III medical devices by the United  
9 States Food and Drug Administration that are used for cancer  
10 treatment pursuant to a prescription, as well as any  
11 accessories and components related to those devices,  
12 modifications to a motor vehicle for the purpose of rendering  
13 it usable by a person with a disability, and insulin, urine  
14 testing materials, syringes, and needles used by diabetics, for  
15 human use. For the purposes of this Section, until September 1,  
16 2009: the term "soft drinks" means any complete, finished,  
17 ready-to-use, non-alcoholic drink, whether carbonated or not,  
18 including but not limited to soda water, cola, fruit juice,  
19 vegetable juice, carbonated water, and all other preparations  
20 commonly known as soft drinks of whatever kind or description  
21 that are contained in any closed or sealed bottle, can, carton,  
22 or container, regardless of size; but "soft drinks" does not  
23 include coffee, tea, non-carbonated water, infant formula,  
24 milk or milk products as defined in the Grade A Pasteurized  
25 Milk and Milk Products Act, or drinks containing 50% or more  
26 natural fruit or vegetable juice.

1           Notwithstanding any other provisions of this Act,  
2 beginning September 1, 2009, "soft drinks" means non-alcoholic  
3 beverages that contain natural or artificial sweeteners. "Soft  
4 drinks" do not include beverages that contain milk or milk  
5 products, soy, rice or similar milk substitutes, or greater  
6 than 50% of vegetable or fruit juice by volume.

7           Until August 1, 2009, and notwithstanding any other  
8 provisions of this Act, "food for human consumption that is to  
9 be consumed off the premises where it is sold" includes all  
10 food sold through a vending machine, except soft drinks and  
11 food products that are dispensed hot from a vending machine,  
12 regardless of the location of the vending machine. Beginning  
13 August 1, 2009, and notwithstanding any other provisions of  
14 this Act, "food for human consumption that is to be consumed  
15 off the premises where it is sold" includes all food sold  
16 through a vending machine, except soft drinks, candy, and food  
17 products that are dispensed hot from a vending machine,  
18 regardless of the location of the vending machine.

19           Notwithstanding any other provisions of this Act,  
20 beginning September 1, 2009, "food for human consumption that  
21 is to be consumed off the premises where it is sold" does not  
22 include candy. For purposes of this Section, "candy" means a  
23 preparation of sugar, honey, or other natural or artificial  
24 sweeteners in combination with chocolate, fruits, nuts or other  
25 ingredients or flavorings in the form of bars, drops, or  
26 pieces. "Candy" does not include any preparation that contains

1 flour or requires refrigeration.

2 Notwithstanding any other provisions of this Act,  
3 beginning September 1, 2009, "nonprescription medicines and  
4 drugs" does not include grooming and hygiene products. For  
5 purposes of this Section, "grooming and hygiene products"  
6 includes, but is not limited to, soaps and cleaning solutions,  
7 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
8 lotions and screens, unless those products are available by  
9 prescription only, regardless of whether the products meet the  
10 definition of "over-the-counter-drugs". For the purposes of  
11 this paragraph, "over-the-counter-drug" means a drug for human  
12 use that contains a label that identifies the product as a drug  
13 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
14 label includes:

15 (A) A "Drug Facts" panel; or

16 (B) A statement of the "active ingredient(s)" with a  
17 list of those ingredients contained in the compound,  
18 substance or preparation.

19 Beginning on January 1, 2014 (the effective date of Public  
20 Act 98-122), "prescription and nonprescription medicines and  
21 drugs" includes medical cannabis purchased from a registered  
22 dispensing organization under the Compassionate Use of Medical  
23 Cannabis Pilot Program Act.

24 If the property that is acquired from a serviceman is  
25 acquired outside Illinois and used outside Illinois before  
26 being brought to Illinois for use here and is taxable under

1 this Act, the "selling price" on which the tax is computed  
2 shall be reduced by an amount that represents a reasonable  
3 allowance for depreciation for the period of prior out-of-state  
4 use.

5 (Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15;  
6 99-642, eff. 7-28-16; 99-858, eff. 8-19-16; 100-22, eff.  
7 7-6-17.)

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  
20 allowed under this Section is allowed only for returns that are  
21 filed in the manner required by this Act. The Department may  
22 disallow the discount for servicemen whose certificate of  
23 registration is revoked at the time the return is filed, but  
24 only if the Department's decision to revoke the certificate of  
25 registration has become final. A serviceman need not remit that

1 part of any tax collected by him to the extent that he is  
2 required to pay and does pay the tax imposed by the Service  
3 Occupation Tax Act with respect to his sale of service  
4 involving the incidental transfer by him of the same property.

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. Such return shall be filed on a  
10 form prescribed by the Department and shall contain such  
11 information as the Department may reasonably require. On and  
12 after January 1, 2018, with respect to servicemen whose annual  
13 gross receipts average \$20,000 or more, all returns required to  
14 be filed pursuant to this Act shall be filed electronically.  
15 Servicemen who demonstrate that they do not have access to the  
16 Internet or demonstrate hardship in filing electronically may  
17 petition the Department to waive the electronic filing  
18 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          If a taxpayer fails to sign a return within 30 days after  
14          the proper notice and demand for signature by the Department,  
15          the return shall be considered valid and any amount shown to be  
16          due on the return shall be deemed assessed.

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

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

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

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

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

1 in the manner authorized by the Department.

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

5 If the serviceman is otherwise required to file a monthly  
6 return and if the serviceman'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 year  
10 being due by April 20 of such year; with the return for April,  
11 May and June of a given year being due by July 20 of such year;  
12 with the return for July, August and September of a given year  
13 being due by October 20 of such year, and with the return for  
14 October, November and December of a given year being due by  
15 January 20 of the following year.

16 If the serviceman is otherwise required to file a monthly  
17 or quarterly return and if the serviceman'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 serviceman may file his return, in the



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

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

23 Any serviceman filing a return hereunder shall also include  
24 the total tax upon the selling price of tangible personal  
25 property purchased for use by him as an incident to a sale of  
26 service, and such serviceman shall remit the amount of such tax

1 to the Department when filing such return.

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 Service Occupation Tax  
6 Act, to furnish all the return information required by both  
7 Acts on the one form.

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

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

1     diabetics.

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

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

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

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

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

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

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

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

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

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

1	2005	108,000,000
2	2006	113,000,000
3	2007	119,000,000
4	2008	126,000,000
5	2009	132,000,000
6	2010	139,000,000
7	2011	146,000,000
8	2012	153,000,000
9	2013	161,000,000
10	2014	170,000,000
11	2015	179,000,000
12	2016	189,000,000
13	2017	199,000,000
14	2018	210,000,000
15	2019	221,000,000
16	2020	233,000,000
17	2021	246,000,000
18	2022	260,000,000
19	2023	275,000,000
20	2024	275,000,000
21	2025	275,000,000
22	2026	279,000,000
23	2027	292,000,000
24	2028	307,000,000
25	2029	322,000,000
26	2030	338,000,000



1                                   2031                                   350,000,000

2                                   2032                                   350,000,000

3                                   and

4                                   each fiscal year

5                                   thereafter that bonds

6                                   are outstanding under

7                                   Section 13.2 of the

8                                   Metropolitan Pier and

9                                   Exposition Authority Act,

10                                  but not after fiscal year 2060.

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

24                                  Subject to payment of amounts into the Build Illinois Fund  
25                                  and the McCormick Place Expansion Project Fund pursuant to the  
26                                  preceding paragraphs or in any amendments thereto hereafter

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

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

19 Subject to payment of amounts into the Build Illinois Fund,  
20 the McCormick Place Expansion Project Fund, the Illinois Tax  
21 Increment Fund, and the Energy Infrastructure Fund pursuant to  
22 the preceding paragraphs or in any amendments to this Section  
23 hereafter enacted, beginning on the first day of the first  
24 calendar month to occur on or after August 26, 2014 (the  
25 effective date of Public Act 98-1098) ~~this amendatory Act of~~  
26 ~~the 98th General Assembly~~, each month, from the collections

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

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

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

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

5 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
6 100-303, eff. 8-24-17; revised 1-22-18.)

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

8 Sec. 9. Each serviceman required or authorized to collect  
9 the tax herein imposed shall pay to the Department the amount  
10 of such tax (except as otherwise provided) at the time when he  
11 is required to file his return for the period during which such  
12 tax was collected, less a discount of 2.1% prior to January 1,  
13 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar  
14 year, whichever is greater, which is allowed to reimburse the  
15 serviceman for expenses incurred in collecting the tax, keeping  
16 records, preparing and filing returns, remitting the tax and  
17 supplying data to the Department on request. The discount  
18 allowed under this Section is allowed only for returns that are  
19 filed in the manner required by this Act. The Department may  
20 disallow the discount for servicemen whose certificate of  
21 registration is revoked at the time the return is filed, but  
22 only if the Department's decision to revoke the certificate of  
23 registration has become final. A serviceman need not remit that  
24 part of any tax collected by him to the extent that he is  
25 required to pay and does pay the tax imposed by the Service

1 Occupation Tax Act with respect to his sale of service  
2 involving the incidental transfer by him of the same property.

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

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

- 24 1. The name of the seller;
- 25 2. The address of the principal place of business from  
26 which he engages in business as a serviceman in this State;

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

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

7           5. The amount of tax due;

8           5-5. The signature of the taxpayer; and

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

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

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

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

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

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

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

26 The Department shall adopt such rules as are necessary to

1 effectuate a program of electronic funds transfer and the  
2 requirements of this Section.

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

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

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

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



1 this Act, such serviceman shall file a final return under this  
2 Act with the Department not more than 1 month after  
3 discontinuing such business.

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

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

26 If experience indicates such action to be practicable, the

1 Department may prescribe and furnish a combination or joint  
2 return which will enable servicemen, who are required to file  
3 returns hereunder and also under the Service Occupation Tax  
4 Act, to furnish all the return information required by both  
5 Acts on the one form.

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

11 Beginning January 1, 1990, each month the Department shall  
12 pay into the State and Local Tax Reform Fund, a special fund in  
13 the State Treasury, the net revenue realized for the preceding  
14 month from the 1% tax on sales of food for human consumption  
15 which is to be consumed off the premises where it is sold  
16 (other than alcoholic beverages, soft drinks and food which has  
17 been prepared for immediate consumption) female and male  
18 condoms, incontinence products, diapers, baby wipes, and  
19 prescription and nonprescription medicines, drugs, medical  
20 appliances, products classified as Class III medical devices,  
21 by 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 State and Local Sales Tax Reform Fund 20% of the  
2 net revenue realized for the preceding month from the 6.25%  
3 general rate on transfers of tangible personal property, other  
4 than tangible personal property which is purchased outside  
5 Illinois at retail from a retailer and which is titled or  
6 registered by an agency of this State's government.

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

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

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

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

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

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

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

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

25 Subject to payment of amounts into the Build Illinois Fund  
26 as provided in the preceding paragraph or in any amendment

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

		Total
	Fiscal Year	Deposit
11		
12	1993	\$0
13	1994	53,000,000
14	1995	58,000,000
15	1996	61,000,000
16	1997	64,000,000
17	1998	68,000,000
18	1999	71,000,000
19	2000	75,000,000
20	2001	80,000,000
21	2002	93,000,000
22	2003	99,000,000
23	2004	103,000,000
24	2005	108,000,000
25	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 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 July 1, 1993 and ending on September 30,  
26                   2013, the Department shall each month pay into the Illinois Tax

1 Increment Fund 0.27% of 80% of the net revenue realized for the  
2 preceding month from the 6.25% general rate on the selling  
3 price of tangible personal property.

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

17 Subject to payment of amounts into the Build Illinois Fund,  
18 the McCormick Place Expansion Project Fund, the Illinois Tax  
19 Increment Fund, and the Energy Infrastructure Fund pursuant to  
20 the preceding paragraphs or in any amendments to this Section  
21 hereafter enacted, beginning on the first day of the first  
22 calendar month to occur on or after August 26, 2014 (the  
23 effective date of Public Act 98-1098) ~~this amendatory Act of~~  
24 ~~the 98th General Assembly~~, each month, from the collections  
25 made under Section 9 of the Use Tax Act, Section 9 of the  
26 Service Use Tax Act, Section 9 of the Service Occupation Tax

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

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

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

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

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

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

11 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
12 100-303, eff. 8-24-17; 100-363, eff. 7-1-18; revised 1-22-18.)

13 Section 15. The Service Occupation Tax Act is amended by  
14 changing Sections 3-5.5, 3-10, and 9 as follows:

15 (35 ILCS 115/3-5.5)

16 Sec. 3-5.5. Food and drugs sold by not-for-profit  
17 organizations; exemption. The Department shall not collect the  
18 1% tax imposed on food for human consumption that is to be  
19 consumed off the premises where it is sold (other than  
20 alcoholic beverages, soft drinks, and food that has been  
21 prepared for immediate consumption) and prescription and  
22 nonprescription medicines, drugs, medical appliances, female  
23 and male condoms, and insulin, urine testing materials,  
24 syringes, and needles used by diabetics, for human use from any

1 not-for-profit organization, that sells food in a food  
2 distribution program at a price below the retail cost of the  
3 food to purchasers who, as a condition of participation in the  
4 program, are required to perform community service, located in  
5 a county or municipality that notifies the Department, in  
6 writing, that the county or municipality does not want the tax  
7 to be collected from any of such organizations located in the  
8 county or municipality.

9 (Source: P.A. 88-374.)

10 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

11 Sec. 3-10. Rate of tax. Unless otherwise provided in this  
12 Section, the tax imposed by this Act is at the rate of 6.25% of  
13 the "selling price", as defined in Section 2 of the Service Use  
14 Tax Act, of the tangible personal property. For the purpose of  
15 computing this tax, in no event shall the "selling price" be  
16 less than the cost price to the serviceman of the tangible  
17 personal property transferred. The selling price of each item  
18 of tangible personal property transferred as an incident of a  
19 sale of service may be shown as a distinct and separate item on  
20 the serviceman's billing to the service customer. If the  
21 selling price is not so shown, the selling price of the  
22 tangible personal property is deemed to be 50% of the  
23 serviceman's entire billing to the service customer. When,  
24 however, a serviceman contracts to design, develop, and produce  
25 special order machinery or equipment, the tax imposed by this

1 Act shall be based on the serviceman's cost price of the  
2 tangible personal property transferred incident to the  
3 completion of the contract.

4 Beginning on July 1, 2000 and through December 31, 2000,  
5 with respect to motor fuel, as defined in Section 1.1 of the  
6 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
7 the Use Tax Act, the tax is imposed at the rate of 1.25%.

8 With respect to gasohol, as defined in the Use Tax Act, the  
9 tax imposed by this Act shall apply to (i) 70% of the cost  
10 price of property transferred as an incident to the sale of  
11 service on or after January 1, 1990, and before July 1, 2003,  
12 (ii) 80% of the selling price of property transferred as an  
13 incident to the sale of service on or after July 1, 2003 and on  
14 or before July 1, 2017, and (iii) 100% of the cost price  
15 thereafter. If, at any time, however, the tax under this Act on  
16 sales of gasohol, as defined in the Use Tax Act, is imposed at  
17 the rate of 1.25%, then the tax imposed by this Act applies to  
18 100% of the proceeds of sales of gasohol made during that time.

19 With respect to majority blended ethanol fuel, as defined  
20 in the Use Tax Act, the tax imposed by this Act does not apply  
21 to the selling price of property transferred as an incident to  
22 the sale of service on or after July 1, 2003 and on or before  
23 December 31, 2023 but applies to 100% of the selling price  
24 thereafter.

25 With respect to biodiesel blends, as defined in the Use Tax  
26 Act, with no less than 1% and no more than 10% biodiesel, the

1 tax imposed by this Act applies to (i) 80% of the selling price  
2 of property transferred as an incident to the sale of service  
3 on or after July 1, 2003 and on or before December 31, 2018 and  
4 (ii) 100% of the proceeds of the selling price thereafter. If,  
5 at any time, however, the tax under this Act on sales of  
6 biodiesel blends, as defined in the Use Tax Act, with no less  
7 than 1% and no more than 10% biodiesel is imposed at the rate  
8 of 1.25%, then the tax imposed by this Act applies to 100% of  
9 the proceeds of sales of biodiesel blends with no less than 1%  
10 and no more than 10% biodiesel made during that time.

11 With respect to 100% biodiesel, as defined in the Use Tax  
12 Act, and biodiesel blends, as defined in the Use Tax Act, with  
13 more than 10% but no more than 99% biodiesel material, the tax  
14 imposed by this Act does not apply to the proceeds of the  
15 selling price of property transferred as an incident to the  
16 sale of service on or after July 1, 2003 and on or before  
17 December 31, 2023 but applies to 100% of the selling price  
18 thereafter.

19 At the election of any registered serviceman made for each  
20 fiscal year, sales of service in which the aggregate annual  
21 cost price of tangible personal property transferred as an  
22 incident to the sales of service is less than 35%, or 75% in  
23 the case of servicemen transferring prescription drugs or  
24 servicemen engaged in graphic arts production, of the aggregate  
25 annual total gross receipts from all sales of service, the tax  
26 imposed by this Act shall be based on the serviceman's cost

1 price of the tangible personal property transferred incident to  
2 the sale of those services.

3 The tax shall be imposed at the rate of 1% on food prepared  
4 for immediate consumption and transferred incident to a sale of  
5 service subject to this Act or the Service Occupation Tax Act  
6 by an entity licensed under the Hospital Licensing Act, the  
7 Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD  
8 Act, the Specialized Mental Health Rehabilitation Act of 2013,  
9 or the Child Care Act of 1969. The tax shall also be imposed at  
10 the rate of 1% on food for human consumption that is to be  
11 consumed off the premises where it is sold (other than  
12 alcoholic beverages, soft drinks, and food that has been  
13 prepared for immediate consumption and is not otherwise  
14 included in this paragraph) female and male condoms,  
15 incontinence products, diapers, baby wipes, and prescription  
16 and nonprescription medicines, drugs, medical appliances,  
17 products classified as Class III medical devices by the United  
18 States Food and Drug Administration that are used for cancer  
19 treatment pursuant to a prescription, as well as any  
20 accessories and components related to those devices,  
21 modifications to a motor vehicle for the purpose of rendering  
22 it usable by a person with a disability, and insulin, urine  
23 testing materials, syringes, and needles used by diabetics, for  
24 human use. For the purposes of this Section, until September 1,  
25 2009: the term "soft drinks" means any complete, finished,  
26 ready-to-use, non-alcoholic drink, whether carbonated or not,



1 including but not limited to soda water, cola, fruit juice,  
2 vegetable juice, carbonated water, and all other preparations  
3 commonly known as soft drinks of whatever kind or description  
4 that are contained in any closed or sealed can, carton, or  
5 container, regardless of size; but "soft drinks" does not  
6 include coffee, tea, non-carbonated water, infant formula,  
7 milk or milk products as defined in the Grade A Pasteurized  
8 Milk and Milk Products Act, or drinks containing 50% or more  
9 natural fruit or vegetable juice.

10 Notwithstanding any other provisions of this Act,  
11 beginning September 1, 2009, "soft drinks" means non-alcoholic  
12 beverages that contain natural or artificial sweeteners. "Soft  
13 drinks" do not include beverages that contain milk or milk  
14 products, soy, rice or similar milk substitutes, or greater  
15 than 50% of vegetable or fruit juice by volume.

16 Until August 1, 2009, and notwithstanding any other  
17 provisions of this Act, "food for human consumption that is to  
18 be consumed off the premises where it is sold" includes all  
19 food sold through a vending machine, except soft drinks and  
20 food products that are dispensed hot from a vending machine,  
21 regardless of the location of the vending machine. Beginning  
22 August 1, 2009, and notwithstanding any other provisions of  
23 this Act, "food for human consumption that is to be consumed  
24 off the premises where it is sold" includes all food sold  
25 through a vending machine, except soft drinks, candy, and food  
26 products that are dispensed hot from a vending machine,

1 regardless of the location of the vending machine.

2 Notwithstanding any other provisions of this Act,  
3 beginning September 1, 2009, "food for human consumption that  
4 is to be consumed off the premises where it is sold" does not  
5 include candy. For purposes of this Section, "candy" means a  
6 preparation of sugar, honey, or other natural or artificial  
7 sweeteners in combination with chocolate, fruits, nuts or other  
8 ingredients or flavorings in the form of bars, drops, or  
9 pieces. "Candy" does not include any preparation that contains  
10 flour or requires refrigeration.

11 Notwithstanding any other provisions of this Act,  
12 beginning September 1, 2009, "nonprescription medicines and  
13 drugs" does not include grooming and hygiene products. For  
14 purposes of this Section, "grooming and hygiene products"  
15 includes, but is not limited to, soaps and cleaning solutions,  
16 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
17 lotions and screens, unless those products are available by  
18 prescription only, regardless of whether the products meet the  
19 definition of "over-the-counter-drugs". For the purposes of  
20 this paragraph, "over-the-counter-drug" means a drug for human  
21 use that contains a label that identifies the product as a drug  
22 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
23 label includes:

24 (A) A "Drug Facts" panel; or

25 (B) A statement of the "active ingredient(s)" with a  
26 list of those ingredients contained in the compound,

1 substance or preparation.

2 Beginning on January 1, 2014 (the effective date of Public  
3 Act 98-122), "prescription and nonprescription medicines and  
4 drugs" includes medical cannabis purchased from a registered  
5 dispensing organization under the Compassionate Use of Medical  
6 Cannabis Pilot Program Act.

7 (Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15;  
8 99-642, eff. 7-28-16; 99-858, eff. 8-19-16; 100-22, eff.  
9 7-6-17.)

10 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

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

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

1 Department's decision to revoke the certificate of  
2 registration has become final.

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

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

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

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

- 6 1. The name of the seller;
- 7 2. The address of the principal place of business from  
8 which he engages in business as a serviceman in this State;
- 9 3. The total amount of taxable receipts received by him  
10 during the preceding calendar month, including receipts  
11 from charge and time sales, but less all deductions allowed  
12 by law;
- 13 4. The amount of credit provided in Section 2d of this  
14 Act;
- 15 5. The amount of tax due;
- 16 5-5. The signature of the taxpayer; and
- 17 6. Such other reasonable information as the Department  
18 may require.

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

23 Prior to October 1, 2003, and on and after September 1,  
24 2004 a serviceman may accept a Manufacturer's Purchase Credit  
25 certification from a purchaser in satisfaction of Service Use  
26 Tax as provided in Section 3-70 of the Service Use Tax Act if

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

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

1 January 20 of the following year.

2 If the serviceman's average monthly tax liability to the  
3 Department does not exceed \$50, the Department may authorize  
4 his returns to be filed on an annual basis, with the return for  
5 a given year being due by January 20 of the 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 serviceman may file his return, in the  
11 case of any serviceman who ceases to engage in a kind of  
12 business which makes him responsible for filing returns under  
13 this Act, such serviceman shall file a final return under this  
14 Act with the Department not more than 1 month after  
15 discontinuing such business.

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

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 servicemen, who are required to file  
24 returns hereunder and also under the Retailers' Occupation Tax  
25 Act, the Use Tax Act or the Service Use Tax Act, to furnish all  
26 the return information required by all said Acts on the one

1 form.

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

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

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

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

1 rate on the selling price of motor fuel and gasohol.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24           For greater simplicity of administration, it shall be  
25 permissible for manufacturers, importers and wholesalers whose  
26 products are sold by numerous servicemen in Illinois, and who

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

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

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

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

25 Where such tangible personal property is sold under a

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

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

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

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

3 1. The name of the seller;

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

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

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

12 5. The amount of tax due;

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

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

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

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



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

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

25 If the serviceman's average monthly tax liability to the  
26 Department does not exceed \$50, the Department may authorize

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

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

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

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

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

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

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

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

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

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

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

25           Where the serviceman has more than one business registered  
26 with the Department under separate registrations hereunder,

1 such serviceman shall file separate returns for each registered  
2 business.

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

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

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

25 Beginning January 1, 1990, each month the Department shall  
26 pay into the Local Government Tax Fund 16% of the revenue

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

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

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

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

1 revenues deposited into the fund, excluding payments made  
2 pursuant to this paragraph.

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

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

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



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

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

26           Subject to payment of amounts into the Build Illinois Fund

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

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

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

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

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

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

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

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

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

1           assessed and collected in the same manner as any other  
2           penalty provided for in this Act.

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

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

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

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

25          Net revenue realized for a month shall be the revenue  
26          collected by the State pursuant to this Act, less the amount



1 paid out during that month as refunds to taxpayers for  
2 overpayment of liability.

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

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

14 Section 20. The Retailers' Occupation Tax Act is amended by  
15 changing Sections 2-5.5, 2-10, and 3 as follows:

16 (35 ILCS 120/2-5.5)

17 Sec. 2-5.5. Food and drugs sold by not-for-profit  
18 organizations; exemption. The Department shall not collect the  
19 1% tax imposed on 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) and prescription and  
23 nonprescription medicines, drugs, medical appliances, female  
24 and male condoms, and insulin, urine testing materials,

1 syringes, and needles used by diabetics, for human use from any  
2 not-for-profit organization, that sells food in a food  
3 distribution program at a price below the retail cost of the  
4 food to purchasers who, as a condition of participation in the  
5 program, are required to perform community service, located in  
6 a county or municipality that notifies the Department, in  
7 writing, that the county or municipality does not want the tax  
8 to be collected from any of such organizations located in the  
9 county or municipality.

10 (Source: P.A. 88-374.)

11 (35 ILCS 120/2-10)

12 Sec. 2-10. Rate of tax. Unless otherwise provided in this  
13 Section, the tax imposed by this Act is at the rate of 6.25% of  
14 gross receipts from sales of tangible personal property made in  
15 the course of business.

16 Beginning on July 1, 2000 and through December 31, 2000,  
17 with respect to motor fuel, as defined in Section 1.1 of the  
18 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
19 the Use Tax Act, the tax is imposed at the rate of 1.25%.

20 Beginning on August 6, 2010 through August 15, 2010, with  
21 respect to sales tax holiday items as defined in Section 2-8 of  
22 this Act, the tax is imposed at the rate of 1.25%.

23 Within 14 days after the effective date of this amendatory  
24 Act of the 91st General Assembly, each retailer of motor fuel  
25 and gasohol shall cause the following notice to be posted in a

1 prominently visible place on each retail dispensing device that  
2 is used to dispense motor fuel or gasohol in the State of  
3 Illinois: "As of July 1, 2000, the State of Illinois has  
4 eliminated the State's share of sales tax on motor fuel and  
5 gasohol through December 31, 2000. The price on this pump  
6 should reflect the elimination of the tax." The notice shall be  
7 printed in bold print on a sign that is no smaller than 4  
8 inches by 8 inches. The sign shall be clearly visible to  
9 customers. Any retailer who fails to post or maintain a  
10 required sign through December 31, 2000 is guilty of a petty  
11 offense for which the fine shall be \$500 per day per each  
12 retail premises where a violation occurs.

13 With respect to gasohol, as defined in the Use Tax Act, the  
14 tax imposed by this Act applies to (i) 70% of the proceeds of  
15 sales made on or after January 1, 1990, and before July 1,  
16 2003, (ii) 80% of the proceeds of sales made on or after July  
17 1, 2003 and on or before July 1, 2017, and (iii) 100% of the  
18 proceeds of sales made thereafter. If, at any time, however,  
19 the tax under this Act on sales of gasohol, as defined in the  
20 Use Tax Act, is imposed at the rate of 1.25%, then the tax  
21 imposed by this Act applies to 100% of the proceeds of sales of  
22 gasohol made during that time.

23 With respect to majority blended ethanol fuel, as defined  
24 in the Use Tax Act, the tax imposed by this Act does not apply  
25 to the proceeds of sales made on or after July 1, 2003 and on or  
26 before December 31, 2023 but applies to 100% of the proceeds of

1 sales made thereafter.

2 With respect to biodiesel blends, as defined in the Use Tax  
3 Act, with no less than 1% and no more than 10% biodiesel, the  
4 tax imposed by this Act applies to (i) 80% of the proceeds of  
5 sales made on or after July 1, 2003 and on or before December  
6 31, 2018 and (ii) 100% of the proceeds of sales made  
7 thereafter. If, at any time, however, the tax under this Act on  
8 sales of biodiesel blends, as defined in the Use Tax Act, with  
9 no less than 1% and no more than 10% biodiesel is imposed at  
10 the rate of 1.25%, then the tax imposed by this Act applies to  
11 100% of the proceeds of sales of biodiesel blends with no less  
12 than 1% and no more than 10% biodiesel made during that time.

13 With respect to 100% biodiesel, as defined in the Use Tax  
14 Act, and biodiesel blends, as defined in the Use Tax Act, with  
15 more than 10% but no more than 99% biodiesel, the tax imposed  
16 by this Act does not apply to the proceeds of sales made on or  
17 after July 1, 2003 and on or before December 31, 2023 but  
18 applies to 100% of the proceeds of sales made thereafter.

19 With respect to 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) and prescription and  
23 nonprescription medicines, drugs, medical appliances, female  
24 and male condoms, incontinence products, diapers, baby wipes,  
25 products classified as Class III medical devices by the United  
26 States Food and Drug Administration that are used for cancer

1 treatment pursuant to a prescription, as well as any  
2 accessories and components related to those devices,  
3 modifications to a motor vehicle for the purpose of rendering  
4 it usable by a person with a disability, and insulin, urine  
5 testing materials, syringes, and needles used by diabetics, for  
6 human use, the tax is imposed at the rate of 1%. For the  
7 purposes of this Section, until September 1, 2009: the term  
8 "soft drinks" means any complete, finished, ready-to-use,  
9 non-alcoholic drink, whether carbonated or not, including but  
10 not limited to soda water, cola, fruit juice, vegetable juice,  
11 carbonated water, and all other preparations commonly known as  
12 soft drinks of whatever kind or description that are contained  
13 in any closed or sealed bottle, can, carton, or container,  
14 regardless of size; but "soft drinks" does not include coffee,  
15 tea, non-carbonated water, infant formula, milk or milk  
16 products as defined in the Grade A Pasteurized Milk and Milk  
17 Products Act, or drinks containing 50% or more natural fruit or  
18 vegetable juice.

19 Notwithstanding any other provisions of this Act,  
20 beginning September 1, 2009, "soft drinks" means non-alcoholic  
21 beverages that contain natural or artificial sweeteners. "Soft  
22 drinks" do not include beverages that contain milk or milk  
23 products, soy, rice or similar milk substitutes, or greater  
24 than 50% of vegetable or fruit juice by volume.

25 Until August 1, 2009, and notwithstanding any other  
26 provisions of this Act, "food for human consumption that is to

1 be consumed off the premises where it is sold" includes all  
2 food sold through a vending machine, except soft drinks and  
3 food products that are dispensed hot from a vending machine,  
4 regardless of the location of the vending machine. Beginning  
5 August 1, 2009, and notwithstanding any other provisions of  
6 this Act, "food for human consumption that is to be consumed  
7 off the premises where it is sold" includes all food sold  
8 through a vending machine, except soft drinks, candy, and food  
9 products that are dispensed hot from a vending machine,  
10 regardless of the location of the vending machine.

11 Notwithstanding any other provisions of this Act,  
12 beginning September 1, 2009, "food for human consumption that  
13 is to be consumed off the premises where it is sold" does not  
14 include candy. For purposes of this Section, "candy" means a  
15 preparation of sugar, honey, or other natural or artificial  
16 sweeteners in combination with chocolate, fruits, nuts or other  
17 ingredients or flavorings in the form of bars, drops, or  
18 pieces. "Candy" does not include any preparation that contains  
19 flour or requires refrigeration.

20 Notwithstanding any other provisions of this Act,  
21 beginning September 1, 2009, "nonprescription medicines and  
22 drugs" does not include grooming and hygiene products. For  
23 purposes of this Section, "grooming and hygiene products"  
24 includes, but is not limited to, soaps and cleaning solutions,  
25 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
26 lotions and screens, unless those products are available by

1 prescription only, regardless of whether the products meet the  
2 definition of "over-the-counter-drugs". For the purposes of  
3 this paragraph, "over-the-counter-drug" means a drug for human  
4 use that contains a label that identifies the product as a drug  
5 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
6 label includes:

7 (A) A "Drug Facts" panel; or

8 (B) A statement of the "active ingredient(s)" with a  
9 list of those ingredients contained in the compound,  
10 substance or preparation.

11 Beginning on the effective date of this amendatory Act of  
12 the 98th General Assembly, "prescription and nonprescription  
13 medicines and drugs" includes medical cannabis purchased from a  
14 registered dispensing organization under the Compassionate Use  
15 of Medical Cannabis Pilot Program Act.

16 (Source: P.A. 99-143, eff. 7-27-15; 99-858, eff. 8-19-16;  
17 100-22, eff. 7-6-17.)

18 (35 ILCS 120/3) (from Ch. 120, par. 442)

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

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

25 1. The name of the seller;

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

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

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

16           5. Deductions allowed by law;

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

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

22           8. The amount of tax due;

23           9. The signature of the taxpayer; and

24           10. Such other reasonable information as the  
25 Department may require.

26           On and after January 1, 2018, except for returns for motor



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

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

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

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

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

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; and

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

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

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

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

22 If a total amount of less than \$1 is payable, refundable or  
23 creditable, such amount shall be disregarded if it is less than  
24 50 cents and shall be increased to \$1 if it is 50 cents or more.

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

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

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

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

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

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

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

26 In addition, with respect to motor vehicles, watercraft,

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

23 Any retailer who sells only motor vehicles, watercraft,  
24 aircraft, or trailers that are required to be registered with  
25 an agency of this State, so that all retailers' occupation tax  
26 liability is required to be reported, and is reported, on such



1 transaction reporting returns and who is not otherwise required  
2 to file monthly or quarterly returns, need not file monthly or  
3 quarterly returns. However, those retailers shall be required  
4 to file returns on an annual basis.

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

26 The transaction reporting return in the case of watercraft

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

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

1 registration.

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

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

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

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

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

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

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

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

26          Before October 1, 2000, if the taxpayer's average monthly

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

1 calendar quarters (excluding the month of highest liability and  
2 the month of lowest liability in such 4 quarter period). If the  
3 month during which such tax liability is incurred begins on or  
4 after January 1, 1985 and prior to January 1, 1987, each  
5 payment shall be in an amount equal to 22.5% of the taxpayer's  
6 actual liability for the month or 27.5% 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, 1987 and prior to January 1, 1988, 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. If  
13 the month during which such tax liability is incurred begins on  
14 or after January 1, 1988, and prior to January 1, 1989, or  
15 begins on or after 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. If the month during which  
19 such tax liability is incurred begins on or after January 1,  
20 1989, and prior to January 1, 1996, each payment shall be in an  
21 amount equal to 22.5% of the taxpayer's actual liability for  
22 the month or 25% of the taxpayer's liability for the same  
23 calendar month of the preceding year or 100% of the taxpayer's  
24 actual liability for the quarter monthly reporting period. The  
25 amount of such quarter monthly payments shall be credited  
26 against the final tax liability of the taxpayer's return for

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



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

23 The provisions of this paragraph apply before October 1,  
24 2001. Without regard to whether a taxpayer is required to make  
25 quarter monthly payments as specified above, any taxpayer who  
26 is required by Section 2d of this Act to collect and remit

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

1 calendar quarters is \$25,000 or less. If any such quarter  
2 monthly payment is not paid at the time or in the amount  
3 required, the taxpayer shall be liable for penalties and  
4 interest on such difference, except insofar as the taxpayer has  
5 previously made payments for that month in excess of the  
6 minimum payments previously due.

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

1 (excluding the month of highest liability and the month of  
2 lowest liability) is less than \$19,000 or until such taxpayer's  
3 average monthly liability to the Department as computed for  
4 each calendar quarter of the 4 preceding complete calendar  
5 quarters is less than \$20,000. If any such quarter monthly  
6 payment is not paid at the time or in the amount required, the  
7 taxpayer shall be liable for penalties and interest on such  
8 difference, except insofar as the taxpayer has previously made  
9 payments for that month in excess of the minimum payments  
10 previously due.

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

1 subsequently determined that all or any part of the credit  
2 taken was not actually due to the taxpayer, the taxpayer's 2.1%  
3 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%  
4 of the difference between the credit taken and that actually  
5 due, and that taxpayer shall be liable for penalties and  
6 interest on such difference.

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

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

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

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

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

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. Beginning September 1,  
22 2010, each month the Department shall pay into the Local  
23 Government Tax Fund 80% of the net revenue realized for the  
24 preceding month from the 1.25% rate on the selling price of  
25 sales tax holiday items.

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

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

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

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

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

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

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



1 "Annual Specified Amount" means the amounts specified below for  
2 fiscal years 1986 through 1993:

3	Fiscal Year	Annual Specified Amount
4	1986	\$54,800,000
5	1987	\$76,650,000
6	1988	\$80,480,000
7	1989	\$88,510,000
8	1990	\$115,330,000
9	1991	\$145,470,000
10	1992	\$182,730,000
11	1993	\$206,520,000;

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

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

1 sentence shall be deemed to constitute payments pursuant to  
2 clause (b) of the first sentence of this paragraph and shall  
3 reduce the amount otherwise payable for such fiscal year  
4 pursuant to that clause (b). The moneys received by the  
5 Department pursuant to this Act and required to be deposited  
6 into the Build Illinois Fund are subject to the pledge, claim  
7 and charge set forth in Section 12 of the Build Illinois Bond  
8 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 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 Build Illinois Fund  
7 and the McCormick Place Expansion Project Fund pursuant to the  
8 preceding paragraphs or in any amendments thereto hereafter  
9 enacted, beginning July 1, 1993 and ending on September 30,  
10 2013, the Department shall each month pay into the Illinois Tax  
11 Increment Fund 0.27% of 80% of the net revenue realized for the  
12 preceding month from the 6.25% general rate on the selling  
13 price of tangible personal property.

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 with the receipt of the first report of  
18 taxes paid by an eligible business and continuing for a 25-year  
19 period, the Department shall each month pay into the Energy  
20 Infrastructure Fund 80% of the net revenue realized from the  
21 6.25% general rate on the selling price of Illinois-mined coal  
22 that was sold to an eligible business. For purposes of this  
23 paragraph, the term "eligible business" means a new electric  
24 generating facility certified pursuant to Section 605-332 of  
25 the Department of Commerce and Economic Opportunity Law of the  
26 Civil Administrative Code of Illinois.

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

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

26           The Department may, upon separate written notice to a

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

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

26 (i) Until January 1, 1994, the taxpayer shall be liable



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

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

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

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

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

1 for the second preceding month. Beginning April 1, 2000, this  
2 transfer is no longer required and shall not be made.

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

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

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

1 the month during which the event with retail sales was held.  
2 Any person who fails to file a report required by this Section  
3 commits a business offense and is subject to a fine not to  
4 exceed \$250.

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

25 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
26 99-933, eff. 1-27-17; 100-303, eff. 8-24-17.)

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

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

7 1. The name of the seller;

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

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

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

23 5. Deductions allowed by law;

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

1           which the tax is imposed;

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

4           8. The amount of tax due;

5           9. The signature of the taxpayer; and

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

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

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

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

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

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

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

- 26 1. The name of the seller;

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

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

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

11          5. The amount of tax due; and

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

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

1 Liquor Control Act of 1934.

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



1 this paragraph, the term "electronic means" includes, but is  
2 not limited to, the use of a secure Internet website, e-mail,  
3 or facsimile.

4 If a total amount of less than \$1 is payable, refundable or  
5 creditable, such amount shall be disregarded if it is less than  
6 50 cents and shall be increased to \$1 if it is 50 cents or more.

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

1 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
2 a tax liability in the amount set forth in subsection (b) of  
3 Section 2505-210 of the Department of Revenue Law shall make  
4 all payments required by rules of the Department by electronic  
5 funds transfer.

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

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

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

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

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

1 less than 50 cents.

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

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

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

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

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

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

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

1 this Section, "watercraft" means a Class 2, Class 3, or Class 4  
2 watercraft as defined in Section 3-2 of the Boat Registration  
3 and Safety Act, a personal watercraft, or any boat equipped  
4 with an inboard motor.

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

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 1 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 or 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 1 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 day 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  
3 Illinois use tax may be transmitted to the Department by way of  
4 the State agency with which, or State officer with whom the  
5 tangible personal property must be titled or registered (if  
6 titling or registration is required) if the Department and such  
7 agency or State officer determine that this procedure will  
8 expedite the processing of applications for title or  
9 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 use tax  
15 receipt (or a certificate of exemption if the Department is  
16 satisfied that the particular sale is tax exempt) which such  
17 purchaser may submit to the agency with which, or State officer  
18 with whom, he must title or register the tangible personal  
19 property that is involved (if titling or registration is  
20 required) in support of such purchaser's application for an  
21 Illinois certificate or other evidence of title or registration  
22 to such 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 the 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 Refunds made by the seller during the preceding return  
24 period to purchasers, on account of tangible personal property  
25 returned to the seller, shall be allowed as a deduction under  
26 subdivision 5 of his monthly or quarterly return, as the case



1 may be, in case the seller had theretofore included the  
2 receipts from the sale of such tangible personal property in a  
3 return filed by him and had paid the tax imposed by this Act  
4 with respect to such receipts.

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

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

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

1 such retailer files his periodic return. The discount allowed  
2 under this Section is allowed only for returns that are filed  
3 in the manner required by this Act. The Department may disallow  
4 the discount for retailers whose certificate of registration is  
5 revoked at the time the return is filed, but only if the  
6 Department's decision to revoke the certificate of  
7 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) female and male condoms, incontinence products,  
2 diapers, baby wipes, and prescription and nonprescription  
3 medicines, drugs, medical appliances, products classified as  
4 Class III medical devices by the United States Food and Drug  
5 Administration that are used for cancer treatment pursuant to a  
6 prescription, as well as any accessories and components related  
7 to those devices, and insulin, urine testing materials,  
8 syringes and needles used by diabetics.

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

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

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

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

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

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

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

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

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

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

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

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

11	Fiscal Year	Annual Specified Amount
12	1986	\$54,800,000
13	1987	\$76,650,000
14	1988	\$80,480,000
15	1989	\$88,510,000
16	1990	\$115,330,000
17	1991	\$145,470,000
18	1992	\$182,730,000
19	1993	\$206,520,000;

20 and means the Certified Annual Debt Service Requirement (as  
21 defined in Section 13 of the Build Illinois Bond Act) or the  
22 Tax Act Amount, whichever is greater, for fiscal year 1994 and  
23 each fiscal year thereafter; and further provided, that if on  
24 the last business day of any month the sum of (1) the Tax Act  
25 Amount required to be deposited into the Build Illinois Bond  
26 Account in the Build Illinois Fund during such month and (2)

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

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

17 Subject to payment of amounts into the Build Illinois Fund  
18 as provided in the preceding paragraph or in any amendment  
19 thereto hereafter enacted, the following specified monthly  
20 installment of the amount requested in the certificate of the  
21 Chairman of the Metropolitan Pier and Exposition Authority  
22 provided under Section 8.25f of the State Finance Act, but not  
23 in excess of sums designated as "Total Deposit", shall be  
24 deposited in the aggregate from collections under Section 9 of  
25 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
26 9 of the Service Occupation Tax Act, and Section 3 of the

1 Retailers' Occupation Tax Act into the McCormick Place  
2 Expansion Project Fund in the specified fiscal years.

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



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

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

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

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.

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

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

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

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

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

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

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

26 The chief executive officer, proprietor, owner or highest

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

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

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

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

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

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

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

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

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

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

18 Section 95. No acceleration or delay. Where this Act makes  
19 changes in a statute that is represented in this Act by text  
20 that is not yet or no longer in effect (for example, a Section  
21 represented by multiple versions), the use of that text does  
22 not accelerate or delay the taking effect of (i) the changes  
23 made by this Act or (ii) provisions derived from any other  
24 Public Act.