



Rep. Will Guzzardi

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LRB101 06876 HLH 61135 a

1 AMENDMENT TO HOUSE BILL 2079

2 AMENDMENT NO. _____. Amend House Bill 2079 by replacing
3 everything after the enacting clause with the following:

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

6 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

7 Sec. 9. Except as to motor vehicles, watercraft, aircraft,
8 and trailers that are required to be registered with an agency
9 of this State, each retailer required or authorized to collect
10 the tax imposed by this Act shall pay to the Department the
11 amount of such tax (except as otherwise provided) at the time
12 when he is required to file his return for the period during
13 which such tax was collected, less a discount of 2.1% prior to
14 January 1, 1990, ~~and~~ 1.75% on and after January 1, 1990 and
15 prior to January 1, 2020, and 2% on and after January 1, 2020
16 ~~or \$5 per calendar year, whichever is greater~~, which is allowed

1 to reimburse the retailer for expenses incurred in collecting
2 the tax, keeping records, preparing and filing returns,
3 remitting the tax and supplying data to the Department on
4 request. On and after January 1, 1990 and prior to January 1,
5 2020, in no event shall the discount allowed to any vendor be
6 less than \$5 in any calendar year. On and after January 1,
7 2020, in no event shall the discount allowed to any vendor be
8 less than \$5 in any calendar year or more than \$10,000 in any
9 calendar year. In the case of retailers who report and pay the
10 tax on a transaction by transaction basis, as provided in this
11 Section, such discount shall be taken with each such tax
12 remittance instead of when such retailer files his periodic
13 return. The discount allowed under this Section is allowed only
14 for returns that are filed in the manner required by this Act.
15 The Department may disallow the discount for retailers whose
16 certificate of registration is revoked at the time the return
17 is filed, but only if the Department's decision to revoke the
18 certificate of registration has become final. A retailer need
19 not remit that part of any tax collected by him to the extent
20 that he is required to remit and does remit the tax imposed by
21 the Retailers' Occupation Tax Act, with respect to the sale of
22 the same property.

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

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

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

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

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

2 1. The name of the seller;

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

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

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

13 5. The amount of tax due;

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

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

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

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

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

25 Any taxpayer not required to make payments by electronic
26 funds transfer may make payments by electronic funds transfer

1 with the permission of the Department.

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

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

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

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

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

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

25 If any such payment provided for in this Section exceeds
26 the taxpayer's liabilities under this Act, the Retailers'

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

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

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

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

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

1 business.

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

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

1 an agency of this State, every person who is engaged in the
2 business of leasing or renting such items and who, in
3 connection with such business, sells any such item to a
4 retailer for the purpose of resale is, notwithstanding any
5 other provision of this Section to the contrary, authorized to
6 meet the return-filing requirement of this Act by reporting the
7 transfer of all the aircraft, watercraft, motor vehicles, or
8 trailers transferred for resale during a month to the
9 Department on the same uniform invoice-transaction reporting
10 return form on or before the 20th of the month following the
11 month in which the transfer takes place. Notwithstanding any
12 other provision of this Act to the contrary, all returns filed
13 under this paragraph must be filed by electronic means in the
14 manner and form as required by the Department.

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
12 imposed under this Act.

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

20 Beginning January 1, 1990, each month the Department shall
21 pay into the State and Local Sales Tax Reform Fund, a special
22 fund in the State Treasury, 20% of the net revenue realized for
23 the preceding month from the 6.25% general rate on the selling
24 price of tangible personal property, other than tangible
25 personal property which is purchased outside Illinois at retail
26 from a retailer and which is titled or registered by an agency

1 of this State's government.

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

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

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

24 Beginning July 1, 2011, each month the Department shall pay
25 into the Clean Air Act Permit Fund 80% of the net revenue
26 realized for the preceding month from the 6.25% general rate on

1 the selling price of sorbents used in Illinois in the process
2 of sorbent injection as used to comply with the Environmental
3 Protection Act or the federal Clean Air Act, but the total
4 payment into the Clean Air Act Permit Fund under this Act and
5 the Retailers' Occupation Tax Act shall not exceed \$2,000,000
6 in any fiscal year.

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

22 Beginning July 1, 2015, of the remainder of the moneys
23 received by the Department under this Act, the Service Use Tax
24 Act, the Service Occupation Tax Act, and the Retailers'
25 Occupation Tax Act, each month the Department shall deposit
26 \$500,000 into the State Crime Laboratory Fund.

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

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

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

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

26 Fiscal Year Total Deposit

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

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

15 and

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

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

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

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

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

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

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

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

1 Compliance and Administration Fund as provided in this Section,
2 beginning on July 1, 2018 the Department shall pay each month
3 into the Downstate Public Transportation Fund the moneys
4 required to be so paid under Section 2-3 of the Downstate
5 Public Transportation Act.

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

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 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;
5 99-933, eff. 1-27-17; 100-303, eff. 8-24-17; 100-363, eff.
6 7-1-18; 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19.)

7 Section 15. The Service Use Tax Act is amended by changing
8 Section 9 as follows:

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

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 and prior to
16 January 1, 2020, and 2% on and after January 1, 2020 ~~, or \$5 per~~
17 ~~calendar year, whichever is greater,~~ which is allowed to
18 reimburse the serviceman for expenses incurred in collecting
19 the tax, keeping records, preparing and filing returns,
20 remitting the tax and supplying data to the Department on
21 request. On and after January 1, 1990 and prior to January 1,
22 2020, in no event shall the discount allowed to any vendor be
23 less than \$5 in any calendar year. On and after January 1,
24 2020, in no event shall the discount allowed to any vendor be

1 less than \$5 in any calendar year or more than \$10,000 in any
2 calendar year. The discount allowed under this Section is
3 allowed only for returns that are filed in the manner required
4 by this Act. The Department may disallow the discount for
5 servicemen whose certificate of registration is revoked at the
6 time the return is filed, but only if the Department's decision
7 to revoke the certificate of registration has become final. A
8 serviceman need not remit that part of any tax collected by him
9 to the extent that he is required to pay and does pay the tax
10 imposed by the Service Occupation Tax Act with respect to his
11 sale of service involving the incidental transfer by him of the
12 same property.

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

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

8 1. The name of the seller;

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

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

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

17 5. The amount of tax due;

18 5-5. The signature of the taxpayer; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 Beginning January 1, 1990, each month the Department shall
22 pay into the State and Local Tax Reform Fund, a special fund in
23 the State Treasury, the net revenue realized for the preceding
24 month from the 1% tax imposed under this Act.

25 Beginning January 1, 1990, each month the Department shall
26 pay into the State and Local Sales Tax Reform Fund 20% of the

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

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

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
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 Use Tax Act, the Service Occupation Tax Act, and the
26 Retailers' Occupation Tax Act shall not exceed \$18,000,000 in

1 any State fiscal year. As used in this paragraph, the "average
2 monthly deficit" shall be equal to the difference between the
3 average monthly claims for payment by the fund and the average
4 monthly revenues deposited into the fund, excluding payments
5 made 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, this Act, the
8 Service Occupation Tax Act, and the Retailers' Occupation Tax
9 Act, each month the Department shall deposit \$500,000 into the
10 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.

	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), each month, from the
23 collections made under Section 9 of the Use Tax Act, Section 9
24 of the Service Use Tax Act, Section 9 of the Service Occupation
25 Tax Act, and Section 3 of the Retailers' Occupation Tax Act,
26 the Department shall pay into the Tax Compliance and

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

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

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

24 As soon as possible after the first day of each month, upon
25 certification of the Department of Revenue, the Comptroller
26 shall order transferred and the Treasurer shall transfer from

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

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

9 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;
10 100-303, eff. 8-24-17; 100-363, eff. 7-1-18; 100-863, eff.
11 8-14-18; 100-1171, eff. 1-4-19.)

12 Section 20. The Service Occupation Tax Act is amended by
13 changing Section 9 as follows:

14 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

15 Sec. 9. Each serviceman required or authorized to collect
16 the tax herein imposed shall pay to the Department the amount
17 of such tax at the time when he is required to file his return
18 for the period during which such tax was collectible, less a
19 discount of 2.1% prior to January 1, 1990, ~~and~~ 1.75% on and
20 after January 1, 1990 and prior to January 1, 2020, and 2% on
21 and after January 1, 2020 ~~, or \$5 per calendar year, whichever~~
22 ~~is greater~~, which is allowed to reimburse the serviceman for
23 expenses incurred in collecting the tax, keeping records,
24 preparing and filing returns, remitting the tax and supplying

1 data to the Department on request. On and after January 1, 1990
2 and prior to January 1, 2020, in no event shall the discount
3 allowed to any vendor be less than \$5 in any calendar year. On
4 and after January 1, 2020, in no event shall the discount
5 allowed to any vendor be less than \$5 in any calendar year or
6 more than \$10,000 in any calendar year. The discount allowed
7 under this Section is allowed only for returns that are filed
8 in the manner required by this Act. The Department may disallow
9 the discount for servicemen whose certificate of registration
10 is revoked at the time the return is filed, but only if the
11 Department's decision to revoke the certificate of
12 registration has become final.

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

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

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

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

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

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

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

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

1 imposed under this Act, including any audit liability.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 Beginning January 1, 1990, each month the Department shall
17 pay into the Local Government Tax Fund the revenue realized for
18 the preceding month from the 1% tax imposed under this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 price of tangible personal property.

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

15 Subject to payment of amounts into the Build Illinois Fund,
16 the McCormick Place Expansion Project Fund, the Illinois Tax
17 Increment Fund, and the Energy Infrastructure Fund pursuant to
18 the preceding paragraphs or in any amendments to this Section
19 hereafter enacted, beginning on the first day of the first
20 calendar month to occur on or after 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% shall be paid into the General
18 Revenue Fund of the State Treasury and 25% shall be reserved in
19 a special account and used only for the transfer to the Common
20 School Fund as part of the monthly transfer from the General
21 Revenue Fund in accordance with Section 8a of the State Finance
22 Act.

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

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

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

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

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

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

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

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

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

26 Net revenue realized for a month shall be the revenue

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

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

12 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;
13 100-303, eff. 8-24-17; 100-363, eff. 7-1-18; 100-863, eff.
14 8-14-18; 100-1171, eff. 1-4-19.)

15 Section 25. The Retailers' Occupation Tax Act is amended by
16 changing Section 3 as follows:

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

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

- 23 1. The name of the seller;
- 24 2. His residence address and the address of his

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

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

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

15 5. Deductions allowed by law;

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

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

21 8. The amount of tax due;

22 9. The signature of the taxpayer; and

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

25 On and after January 1, 2018, except for returns for motor
26 vehicles, watercraft, aircraft, and trailers that are required

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

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

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

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

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

17 1. The name of the seller;

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

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

26 4. The amount of credit provided in Section 2d of this

1 Act;

2 5. The amount of tax due; and

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

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

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

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

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

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

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

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

1 for a minimum of one year beginning on October 1.

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

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

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

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

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

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

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

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

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

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

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

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

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 person who is engaged in the
25 business of leasing or renting such items and who, in
26 connection with such business, sells any such item to a

1 retailer for the purpose of resale is, notwithstanding any
2 other provision of this Section to the contrary, authorized to
3 meet the return-filing requirement of this Act by reporting the
4 transfer of all the aircraft, watercraft, motor vehicles, or
5 trailers transferred for resale during a month to the
6 Department on the same uniform invoice-transaction reporting
7 return form on or before the 20th of the month following the
8 month in which the transfer takes place. Notwithstanding any
9 other provision of this Act to the contrary, all returns filed
10 under this paragraph must be filed by electronic means in the
11 manner and form as required by the Department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 Except as provided in this Section, the retailer filing the
22 return under this Section shall, at the time of filing such
23 return, pay to the Department the amount of tax imposed by this
24 Act less a discount of 2.1% prior to January 1, 1990, ~~and~~ 1.75%
25 on and after January 1, 1990 and prior to January 1, 2020, and
26 2% on and after January 1, 2020, ~~or \$5 per calendar year,~~

1 ~~whichever is greater~~, which is allowed to reimburse the
2 retailer for the expenses incurred in keeping records,
3 preparing and filing returns, remitting the tax and supplying
4 data to the Department on request. On and after January 1, 1990
5 and prior to January 1, 2020, in no event shall the discount
6 allowed to any vendor be less than \$5 in any calendar year. On
7 and after January 1, 2020, in no event shall the discount
8 allowed to any vendor be less than \$5 in any calendar year or
9 more than \$10,000 in any calendar year. Any prepayment made
10 pursuant to Section 2d of this Act shall be included in the
11 amount on which such 2.1% or 1.75% discount is computed. In the
12 case of retailers who report and pay the tax on a transaction
13 by transaction basis, as provided in this Section, such
14 discount shall be taken with each such tax remittance instead
15 of when such retailer files his periodic return. The discount
16 allowed under this Section is allowed only for returns that are
17 filed in the manner required by this Act. The Department may
18 disallow the discount for retailers whose certificate of
19 registration is revoked at the time the return is filed, but
20 only if the Department's decision to revoke the certificate of
21 registration has become final.

22 Before October 1, 2000, if the taxpayer's average monthly
23 tax liability to the Department under this Act, the Use Tax
24 Act, the Service Occupation Tax Act, and the Service Use Tax
25 Act, excluding any liability for prepaid sales tax to be
26 remitted in accordance with Section 2d of this Act, was \$10,000

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

1 payment shall be in an amount equal to 22.5% of the taxpayer's
2 actual liability for the month or 27.5% of the taxpayer's
3 liability for the same calendar month of the preceding year. If
4 the month during which such tax liability is incurred begins on
5 or after January 1, 1987 and prior to January 1, 1988, each
6 payment shall be in an amount equal to 22.5% of the taxpayer's
7 actual liability for the month or 26.25% of the taxpayer's
8 liability for the same calendar month of the preceding year. If
9 the month during which such tax liability is incurred begins on
10 or after January 1, 1988, and prior to January 1, 1989, or
11 begins on or after January 1, 1996, each payment shall be in an
12 amount equal to 22.5% of the taxpayer's actual liability for
13 the month or 25% of the taxpayer's liability for the same
14 calendar month of the preceding year. If the month during which
15 such tax liability is incurred begins on or after January 1,
16 1989, and prior to January 1, 1996, each payment shall be in an
17 amount equal to 22.5% of the taxpayer's actual liability for
18 the month or 25% of the taxpayer's liability for the same
19 calendar month of the preceding year or 100% of the taxpayer's
20 actual liability for the quarter monthly reporting period. The
21 amount of such quarter monthly payments shall be credited
22 against the final tax liability of the taxpayer's return for
23 that month. Before October 1, 2000, once applicable, the
24 requirement of the making of quarter monthly payments to the
25 Department by taxpayers having an average monthly tax liability
26 of \$10,000 or more as determined in the manner provided above

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

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

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

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

1 previously made payments for that month in excess of the
2 minimum payments previously due.

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

1 quarters is less than \$20,000. If any such quarter monthly
2 payment is not paid at the time or in the amount required, the
3 taxpayer shall be liable for penalties and interest on such
4 difference, except insofar as the taxpayer has previously made
5 payments for that month in excess of the minimum payments
6 previously due.

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

1 due multiplied by the vendor discount amount, and that taxpayer
2 shall be liable for penalties and interest on such difference.

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

8 Beginning January 1, 1990, each month the Department shall
9 pay into the Local Government Tax Fund, a special fund in the
10 State treasury which is hereby created, the net revenue
11 realized for the preceding month from the 1% tax imposed under
12 this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 Subject to payment of amounts into the Build Illinois Fund

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

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

1 the cash receipts collected during the preceding fiscal year by
2 the Audit Bureau of the Department under the Use Tax Act, the
3 Service Use Tax Act, the Service Occupation Tax Act, the
4 Retailers' Occupation Tax Act, and associated local occupation
5 and use taxes administered by the Department.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 Any person engaged in the business of selling tangible
26 personal property at retail as a concessionaire or other type

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

19 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;
20 99-933, eff. 1-27-17; 100-303, eff. 8-24-17; 100-363, eff.
21 7-1-18; 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19.)

22 Section 30. The Cigarette Tax Act is amended by changing
23 Section 2 as follows:

24 (35 ILCS 130/2) (from Ch. 120, par. 453.2)

1 Sec. 2. Tax imposed; rate; collection, payment, and
2 distribution; discount.

3 (a) A tax is imposed upon any person engaged in business as
4 a retailer of cigarettes in this State at the rate of 5 1/2
5 mills per cigarette sold, or otherwise disposed of in the
6 course of such business in this State. In addition to any other
7 tax imposed by this Act, a tax is imposed upon any person
8 engaged in business as a retailer of cigarettes in this State
9 at a rate of 1/2 mill per cigarette sold or otherwise disposed
10 of in the course of such business in this State on and after
11 January 1, 1947, and shall be paid into the Metropolitan Fair
12 and Exposition Authority Reconstruction Fund or as otherwise
13 provided in Section 29. On and after December 1, 1985, in
14 addition to any other tax imposed by this Act, a tax is imposed
15 upon any person engaged in business as a retailer of cigarettes
16 in this State at a rate of 4 mills per cigarette sold or
17 otherwise disposed of in the course of such business in this
18 State. Of the additional tax imposed by this amendatory Act of
19 1985, \$9,000,000 of the moneys received by the Department of
20 Revenue pursuant to this Act shall be paid each month into the
21 Common School Fund. On and after the effective date of this
22 amendatory Act of 1989, in addition to any other tax imposed by
23 this Act, a tax is imposed upon any person engaged in business
24 as a retailer of cigarettes at the rate of 5 mills per
25 cigarette sold or otherwise disposed of in the course of such
26 business in this State. On and after the effective date of this

1 amendatory Act of 1993, in addition to any other tax imposed by
2 this Act, a tax is imposed upon any person engaged in business
3 as a retailer of cigarettes at the rate of 7 mills per
4 cigarette sold or otherwise disposed of in the course of such
5 business in this State. On and after December 15, 1997, in
6 addition to any other tax imposed by this Act, a tax is imposed
7 upon any person engaged in business as a retailer of cigarettes
8 at the rate of 7 mills per cigarette sold or otherwise disposed
9 of in the course of such business of this State. All of the
10 moneys received by the Department of Revenue pursuant to this
11 Act and the Cigarette Use Tax Act from the additional taxes
12 imposed by this amendatory Act of 1997, shall be paid each
13 month into the Common School Fund. On and after July 1, 2002,
14 in addition to any other tax imposed by this Act, a tax is
15 imposed upon any person engaged in business as a retailer of
16 cigarettes at the rate of 20.0 mills per cigarette sold or
17 otherwise disposed of in the course of such business in this
18 State. Beginning on June 24, 2012, in addition to any other tax
19 imposed by this Act, a tax is imposed upon any person engaged
20 in business as a retailer of cigarettes at the rate of 50 mills
21 per cigarette sold or otherwise disposed of in the course of
22 such business in this State. All moneys received by the
23 Department of Revenue under this Act and the Cigarette Use Tax
24 Act from the additional taxes imposed by this amendatory Act of
25 the 97th General Assembly shall be paid each month into the
26 Healthcare Provider Relief Fund. The payment of such taxes

1 shall be evidenced by a stamp affixed to each original package
2 of cigarettes, or an authorized substitute for such stamp
3 imprinted on each original package of such cigarettes
4 underneath the sealed transparent outside wrapper of such
5 original package, as hereinafter provided. However, such taxes
6 are not imposed upon any activity in such business in
7 interstate commerce or otherwise, which activity may not under
8 the Constitution and statutes of the United States be made the
9 subject of taxation by this State.

10 Beginning on the effective date of this amendatory Act of
11 the 92nd General Assembly and through June 30, 2006, all of the
12 moneys received by the Department of Revenue pursuant to this
13 Act and the Cigarette Use Tax Act, other than the moneys that
14 are dedicated to the Common School Fund, shall be distributed
15 each month as follows: first, there shall be paid into the
16 General Revenue Fund an amount which, when added to the amount
17 paid into the Common School Fund for that month, equals
18 \$33,300,000, except that in the month of August of 2004, this
19 amount shall equal \$83,300,000; then, from the moneys
20 remaining, if any amounts required to be paid into the General
21 Revenue Fund in previous months remain unpaid, those amounts
22 shall be paid into the General Revenue Fund; then, beginning on
23 April 1, 2003, from the moneys remaining, \$5,000,000 per month
24 shall be paid into the School Infrastructure Fund; then, if any
25 amounts required to be paid into the School Infrastructure Fund
26 in previous months remain unpaid, those amounts shall be paid

1 into the School Infrastructure Fund; then the moneys remaining,
2 if any, shall be paid into the Long-Term Care Provider Fund. To
3 the extent that more than \$25,000,000 has been paid into the
4 General Revenue Fund and Common School Fund per month for the
5 period of July 1, 1993 through the effective date of this
6 amendatory Act of 1994 from combined receipts of the Cigarette
7 Tax Act and the Cigarette Use Tax Act, notwithstanding the
8 distribution provided in this Section, the Department of
9 Revenue is hereby directed to adjust the distribution provided
10 in this Section to increase the next monthly payments to the
11 Long Term Care Provider Fund by the amount paid to the General
12 Revenue Fund and Common School Fund in excess of \$25,000,000
13 per month and to decrease the next monthly payments to the
14 General Revenue Fund and Common School Fund by that same excess
15 amount.

16 Beginning on July 1, 2006, all of the moneys received by
17 the Department of Revenue pursuant to this Act and the
18 Cigarette Use Tax Act, other than the moneys that are dedicated
19 to the Common School Fund and, beginning on the effective date
20 of this amendatory Act of the 97th General Assembly, other than
21 the moneys from the additional taxes imposed by this amendatory
22 Act of the 97th General Assembly that must be paid each month
23 into the Healthcare Provider Relief Fund, shall be distributed
24 each month as follows: first, there shall be paid into the
25 General Revenue Fund an amount that, when added to the amount
26 paid into the Common School Fund for that month, equals

1 \$29,200,000; then, from the moneys remaining, if any amounts
2 required to be paid into the General Revenue Fund in previous
3 months remain unpaid, those amounts shall be paid into the
4 General Revenue Fund; then from the moneys remaining,
5 \$5,000,000 per month shall be paid into the School
6 Infrastructure Fund; then, if any amounts required to be paid
7 into the School Infrastructure Fund in previous months remain
8 unpaid, those amounts shall be paid into the School
9 Infrastructure Fund; then the moneys remaining, if any, shall
10 be paid into the Long-Term Care Provider Fund.

11 Moneys collected from the tax imposed on little cigars
12 under Section 10-10 of the Tobacco Products Tax Act of 1995
13 shall be included with the moneys collected under the Cigarette
14 Tax Act and the Cigarette Use Tax Act when making distributions
15 to the Common School Fund, the Healthcare Provider Relief Fund,
16 the General Revenue Fund, the School Infrastructure Fund, and
17 the Long-Term Care Provider Fund under this Section.

18 When any tax imposed herein terminates or has terminated,
19 distributors who have bought stamps while such tax was in
20 effect and who therefore paid such tax, but who can show, to
21 the Department's satisfaction, that they sold the cigarettes to
22 which they affixed such stamps after such tax had terminated
23 and did not recover the tax or its equivalent from purchasers,
24 shall be allowed by the Department to take credit for such
25 absorbed tax against subsequent tax stamp purchases from the
26 Department by such distributor.

1 The impact of the tax levied by this Act is imposed upon
2 the retailer and shall be prepaid or pre-collected by the
3 distributor for the purpose of convenience and facility only,
4 and the amount of the tax shall be added to the price of the
5 cigarettes sold by such distributor. Collection of the tax
6 shall be evidenced by a stamp or stamps affixed to each
7 original package of cigarettes, as hereinafter provided. Any
8 distributor who purchases stamps may credit any excess payments
9 verified by the Department against amounts subsequently due for
10 the purchase of additional stamps, until such time as no excess
11 payment remains.

12 Each distributor shall collect the tax from the retailer at
13 or before the time of the sale, shall affix the stamps as
14 hereinafter required, and shall remit the tax collected from
15 retailers to the Department, as hereinafter provided. Any
16 distributor who fails to properly collect and pay the tax
17 imposed by this Act shall be liable for the tax. Any
18 distributor having cigarettes to which stamps have been affixed
19 in his possession for sale on the effective date of this
20 amendatory Act of 1989 shall not be required to pay the
21 additional tax imposed by this amendatory Act of 1989 on such
22 stamped cigarettes. Any distributor having cigarettes to which
23 stamps have been affixed in his or her possession for sale at
24 12:01 a.m. on the effective date of this amendatory Act of
25 1993, is required to pay the additional tax imposed by this
26 amendatory Act of 1993 on such stamped cigarettes. This

1 payment, less the discount provided in subsection (b), shall be
2 due when the distributor first makes a purchase of cigarette
3 tax stamps after the effective date of this amendatory Act of
4 1993, or on the first due date of a return under this Act after
5 the effective date of this amendatory Act of 1993, whichever
6 occurs first. Any distributor having cigarettes to which stamps
7 have been affixed in his possession for sale on December 15,
8 1997 shall not be required to pay the additional tax imposed by
9 this amendatory Act of 1997 on such stamped cigarettes.

10 Any distributor having cigarettes to which stamps have been
11 affixed in his or her possession for sale on July 1, 2002 shall
12 not be required to pay the additional tax imposed by this
13 amendatory Act of the 92nd General Assembly on those stamped
14 cigarettes.

15 Any retailer having cigarettes in his or her possession on
16 June 24, 2012 to which tax stamps have been affixed is not
17 required to pay the additional tax that begins on June 24, 2012
18 imposed by this amendatory Act of the 97th General Assembly on
19 those stamped cigarettes. Any distributor having cigarettes in
20 his or her possession on June 24, 2012 to which tax stamps have
21 been affixed, and any distributor having stamps in his or her
22 possession on June 24, 2012 that have not been affixed to
23 packages of cigarettes before June 24, 2012, is required to pay
24 the additional tax that begins on June 24, 2012 imposed by this
25 amendatory Act of the 97th General Assembly to the extent the
26 calendar year 2012 average monthly volume of cigarette stamps

1 in the distributor's possession exceeds the average monthly
2 volume of cigarette stamps purchased by the distributor in
3 calendar year 2011. This payment, less the discount provided in
4 subsection (b), is due when the distributor first makes a
5 purchase of cigarette stamps on or after June 24, 2012 or on
6 the first due date of a return under this Act occurring on or
7 after June 24, 2012, whichever occurs first. Those distributors
8 may elect to pay the additional tax on packages of cigarettes
9 to which stamps have been affixed and on any stamps in the
10 distributor's possession that have not been affixed to packages
11 of cigarettes over a period not to exceed 12 months from the
12 due date of the additional tax by notifying the Department in
13 writing. The first payment for distributors making such
14 election is due when the distributor first makes a purchase of
15 cigarette tax stamps on or after June 24, 2012 or on the first
16 due date of a return under this Act occurring on or after June
17 24, 2012, whichever occurs first. Distributors making such an
18 election are not entitled to take the discount provided in
19 subsection (b) on such payments.

20 Distributors making sales of cigarettes to secondary
21 distributors shall add the amount of the tax to the price of
22 the cigarettes sold by the distributors. Secondary
23 distributors making sales of cigarettes to retailers shall
24 include the amount of the tax in the price of the cigarettes
25 sold to retailers. The amount of tax shall not be less than the
26 amount of taxes imposed by the State and all local

1 jurisdictions. The amount of local taxes shall be calculated
2 based on the location of the retailer's place of business shown
3 on the retailer's certificate of registration or
4 sub-registration issued to the retailer pursuant to Section 2a
5 of the Retailers' Occupation Tax Act. The original packages of
6 cigarettes sold to the retailer shall bear all the required
7 stamps, or other indicia, for the taxes included in the price
8 of cigarettes.

9 The amount of the Cigarette Tax imposed by this Act shall
10 be separately stated, apart from the price of the goods, by
11 distributors, manufacturer representatives, secondary
12 distributors, and retailers, in all bills and sales invoices.

13 (b) The distributor shall be required to collect the taxes
14 provided under paragraph (a) hereof, and, to cover the costs of
15 such collection, shall be allowed a discount during any year
16 commencing July 1st and ending the following June 30th in
17 accordance with the schedule set out hereinbelow, which
18 discount shall be allowed at the time of purchase of the stamps
19 when purchase is required by this Act, or at the time when the
20 tax is remitted to the Department without the purchase of
21 stamps from the Department when that method of paying the tax
22 is required or authorized by this Act. Prior to December 1,
23 1985, a discount equal to $1\frac{2}{3}\%$ of the amount of the tax up to
24 and including the first \$700,000 paid hereunder by such
25 distributor to the Department during any such year; $1\frac{1}{3}\%$ of
26 the next \$700,000 of tax or any part thereof, paid hereunder by

1 such distributor to the Department during any such year; 1% of
2 the next \$700,000 of tax, or any part thereof, paid hereunder
3 by such distributor to the Department during any such year, and
4 2/3 of 1% of the amount of any additional tax paid hereunder by
5 such distributor to the Department during any such year shall
6 apply. ~~On and after December 1, 1985, a discount equal to 1.75%~~
7 ~~of the amount of the tax payable under this Act up to and~~
8 ~~including the first \$3,000,000 paid hereunder by such~~
9 ~~distributor to the Department during any such year and 1.5% of~~
10 ~~the amount of any additional tax paid hereunder by such~~
11 ~~distributor to the Department during any such year shall apply.~~
12 On and after December 1, 1985 and until January 1, 2020, the
13 discount amount shall be 1.75% of the amount of the tax payable
14 under this Act up to and including the first \$3,000,000 paid
15 hereunder by such distributor to the Department during any such
16 year and 1.5% of the amount of any additional tax paid
17 hereunder by such distributor to the Department during any such
18 year. On and after January 1, 2020, the discount amount shall
19 be 2% of the tax payable under this Act during the calendar
20 year; however, on and after January 1, 2020, in no event shall
21 the discount allowed to any distributor be less than \$5 in any
22 calendar year or more than \$10,000 in any calendar year.

23 Two or more distributors that use a common means of
24 affixing revenue tax stamps or that are owned or controlled by
25 the same interests shall be treated as a single distributor for
26 the purpose of computing the discount.

1 (c) The taxes herein imposed are in addition to all other
2 occupation or privilege taxes imposed by the State of Illinois,
3 or by any political subdivision thereof, or by any municipal
4 corporation.

5 (Source: P.A. 100-1171, eff. 1-4-19.)

6 Section 35. The Cigarette Use Tax Act is amended by
7 changing Section 3 as follows:

8 (35 ILCS 135/3) (from Ch. 120, par. 453.33)

9 Sec. 3. Stamp payment. The tax hereby imposed shall be
10 collected by a distributor maintaining a place of business in
11 this State or a distributor authorized by the Department
12 pursuant to Section 7 hereof to collect the tax, and the amount
13 of the tax shall be added to the price of the cigarettes sold
14 by such distributor. Collection of the tax shall be evidenced
15 by a stamp or stamps affixed to each original package of
16 cigarettes or by an authorized substitute for such stamp
17 imprinted on each original package of such cigarettes
18 underneath the sealed transparent outside wrapper of such
19 original package, except as hereinafter provided. Each
20 distributor who is required or authorized to collect the tax
21 herein imposed, before delivering or causing to be delivered
22 any original packages of cigarettes in this State to any
23 purchaser, shall firmly affix a proper stamp or stamps to each
24 such package, or (in the case of manufacturers of cigarettes in

1 original packages which are contained inside a sealed
2 transparent wrapper) shall imprint the required language on the
3 original package of cigarettes beneath such outside wrapper as
4 hereinafter provided. Such stamp or stamps need not be affixed
5 to the original package of any cigarettes with respect to which
6 the distributor is required to affix a like stamp or stamps by
7 virtue of the Cigarette Tax Act, however, and no tax imprint
8 need be placed underneath the sealed transparent wrapper of an
9 original package of cigarettes with respect to which the
10 distributor is required or authorized to employ a like tax
11 imprint by virtue of the Cigarette Tax Act. Any distributor who
12 purchases stamps may credit any excess payments verified by the
13 Department against amounts subsequently due for the purchase of
14 additional stamps, until such time as no excess payment
15 remains.

16 No stamp or imprint may be affixed to, or made upon, any
17 package of cigarettes unless that package complies with all
18 requirements of the federal Cigarette Labeling and Advertising
19 Act, 15 U.S.C. 1331 and following, for the placement of labels,
20 warnings, or any other information upon a package of cigarettes
21 that is sold within the United States. Under the authority of
22 Section 6, the Department shall revoke the license of any
23 distributor that is determined to have violated this paragraph.
24 A person may not affix a stamp on a package of cigarettes,
25 cigarette papers, wrappers, or tubes if that individual package
26 has been marked for export outside the United States with a

1 label or notice in compliance with Section 290.185 of Title 27
2 of the Code of Federal Regulations. It is not a defense to a
3 proceeding for violation of this paragraph that the label or
4 notice has been removed, mutilated, obliterated, or altered in
5 any manner.

6 Only distributors licensed under this Act and
7 transporters, as defined in Section 9c of the Cigarette Tax
8 Act, may possess unstamped original packages of cigarettes.
9 Prior to shipment to an Illinois retailer or secondary
10 distributor, a stamp shall be applied to each original package
11 of cigarettes sold to the retailer or secondary distributor. A
12 distributor may apply a tax stamp only to an original package
13 of cigarettes purchased or obtained directly from an in-state
14 maker, manufacturer, or fabricator licensed as a distributor
15 under Section 4 of this Act or an out-of-state maker,
16 manufacturer, or fabricator holding a permit under Section 7 of
17 this Act. A licensed distributor may ship or otherwise cause to
18 be delivered unstamped original packages of cigarettes in,
19 into, or from this State. A licensed distributor may transport
20 unstamped original packages of cigarettes to a facility,
21 wherever located, owned or controlled by such distributor;
22 however, a distributor may not transport unstamped original
23 packages of cigarettes to a facility where retail sales of
24 cigarettes take place or to a facility where a secondary
25 distributor makes sales for resale. Any licensed distributor
26 that ships or otherwise causes to be delivered unstamped

1 original packages of cigarettes into, within, or from this
2 State shall ensure that the invoice or equivalent documentation
3 and the bill of lading or freight bill for the shipment
4 identifies the true name and address of the consignor or
5 seller, the true name and address of the consignee or
6 purchaser, and the quantity by brand style of the cigarettes so
7 transported, provided that this Section shall not be construed
8 as to impose any requirement or liability upon any common or
9 contract carrier.

10 Distributors making sales of cigarettes to secondary
11 distributors shall add the amount of the tax to the price of
12 the cigarettes sold by the distributors. Secondary
13 distributors making sales of cigarettes to retailers shall
14 include the amount of the tax in the price of the cigarettes
15 sold to retailers. The amount of tax shall not be less than the
16 amount of taxes imposed by the State and all local
17 jurisdictions. The amount of local taxes shall be calculated
18 based on the location of the retailer's place of business shown
19 on the retailer's certificate of registration or
20 sub-registration issued to the retailer pursuant to Section 2a
21 of the Retailers' Occupation Tax Act. The original packages of
22 cigarettes sold by the retailer shall bear all the required
23 stamps, or other indicia, for the taxes included in the price
24 of cigarettes.

25 Stamps, when required hereunder, shall be purchased from
26 the Department, or any person authorized by the Department, by

1 distributors. On and after July 1, 2003, payment for such
2 stamps must be made by means of electronic funds transfer. The
3 Department may refuse to sell stamps to any person who does not
4 comply with the provisions of this Act. Beginning on June 6,
5 2002 and through June 30, 2002, persons holding valid licenses
6 as distributors may purchase cigarette tax stamps up to an
7 amount equal to 115% of the distributor's average monthly
8 cigarette tax stamp purchases over the 12 calendar months prior
9 to June 6, 2002.

10 Prior to December 1, 1985, the Department shall allow a
11 distributor 21 days in which to make final payment of the
12 amount to be paid for such stamps, by allowing the distributor
13 to make payment for the stamps at the time of purchasing them
14 with a draft which shall be in such form as the Department
15 prescribes, and which shall be payable within 21 days
16 thereafter: Provided that such distributor has filed with the
17 Department, and has received the Department's approval of, a
18 bond, which is in addition to the bond required under Section 4
19 of this Act, payable to the Department in an amount equal to
20 80% of such distributor's average monthly tax liability to the
21 Department under this Act during the preceding calendar year or
22 \$500,000, whichever is less. The bond shall be joint and
23 several and shall be in the form of a surety company bond in
24 such form as the Department prescribes, or it may be in the
25 form of a bank certificate of deposit or bank letter of credit.
26 The bond shall be conditioned upon the distributor's payment of

1 the amount of any 21-day draft which the Department accepts
2 from that distributor for the delivery of stamps to that
3 distributor under this Act. The distributor's failure to pay
4 any such draft, when due, shall also make such distributor
5 automatically liable to the Department for a penalty equal to
6 25% of the amount of such draft.

7 On and after December 1, 1985 and until July 1, 2003, the
8 Department shall allow a distributor 30 days in which to make
9 final payment of the amount to be paid for such stamps, by
10 allowing the distributor to make payment for the stamps at the
11 time of purchasing them with a draft which shall be in such
12 form as the Department prescribes, and which shall be payable
13 within 30 days thereafter, and beginning on January 1, 2003 and
14 thereafter, the draft shall be payable by means of electronic
15 funds transfer: Provided that such distributor has filed with
16 the Department, and has received the Department's approval of,
17 a bond, which is in addition to the bond required under Section
18 4 of this Act, payable to the Department in an amount equal to
19 150% of such distributor's average monthly tax liability to the
20 Department under this Act during the preceding calendar year or
21 \$750,000, whichever is less, except that as to bonds filed on
22 or after January 1, 1987, such additional bond shall be in an
23 amount equal to 100% of such distributor's average monthly tax
24 liability under this Act during the preceding calendar year or
25 \$750,000, whichever is less. The bond shall be joint and
26 several and shall be in the form of a surety company bond in

1 such form as the Department prescribes, or it may be in the
2 form of a bank certificate of deposit or bank letter of credit.
3 The bond shall be conditioned upon the distributor's payment of
4 the amount of any 30-day draft which the Department accepts
5 from that distributor for the delivery of stamps to that
6 distributor under this Act. The distributor's failure to pay
7 any such draft, when due, shall also make such distributor
8 automatically liable to the Department for a penalty equal to
9 25% of the amount of such draft.

10 Every prior continuous compliance taxpayer shall be exempt
11 from all requirements under this Section concerning the
12 furnishing of such bond, as defined in this Section, as a
13 condition precedent to his being authorized to engage in the
14 business licensed under this Act. This exemption shall continue
15 for each such taxpayer until such time as he may be determined
16 by the Department to be delinquent in the filing of any
17 returns, or is determined by the Department (either through the
18 Department's issuance of a final assessment which has become
19 final under the Act, or by the taxpayer's filing of a return
20 which admits tax to be due that is not paid) to be delinquent
21 or deficient in the paying of any tax under this Act, at which
22 time that taxpayer shall become subject to the bond
23 requirements of this Section and, as a condition of being
24 allowed to continue to engage in the business licensed under
25 this Act, shall be required to furnish bond to the Department
26 in such form as provided in this Section. Such taxpayer shall

1 furnish such bond for a period of 2 years, after which, if the
2 taxpayer has not been delinquent in the filing of any returns,
3 or delinquent or deficient in the paying of any tax under this
4 Act, the Department may reinstate such person as a prior
5 continuance compliance taxpayer. Any taxpayer who fails to pay
6 an admitted or established liability under this Act may also be
7 required to post bond or other acceptable security with the
8 Department guaranteeing the payment of such admitted or
9 established liability.

10 Except as otherwise provided in this Section, any person
11 aggrieved by any decision of the Department under this Section
12 may, within the time allowed by law, protest and request a
13 hearing before the Department, whereupon the Department shall
14 give notice and shall hold a hearing in conformity with the
15 provisions of this Act and then issue its final administrative
16 decision in the matter to such person. Effective July 1, 2013,
17 protests concerning matters that are subject to the
18 jurisdiction of the Illinois Independent Tax Tribunal shall be
19 filed in accordance with the Illinois Independent Tax Tribunal
20 Act of 2012, and hearings concerning those matters shall be
21 held before the Tribunal in accordance with that Act. With
22 respect to protests filed with the Department prior to July 1,
23 2013 that would otherwise be subject to the jurisdiction of the
24 Illinois Independent Tax Tribunal, the person filing the
25 protest may elect to be subject to the provisions of the
26 Illinois Independent Tax Tribunal Act of 2012 at any time on or

1 after July 1, 2013, but not later than 30 days after the date
2 on which the protest was filed. If made, the election shall be
3 irrevocable. In the absence of such a protest filed within the
4 time allowed by law, the Department's decision shall become
5 final without any further determination being made or notice
6 given.

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

11 (1) such Taxpayer becomes a prior continuous
12 compliance taxpayer; or

13 (2) such taxpayer has ceased to collect receipts on
14 which he is required to remit tax to the Department, has
15 filed a final tax return, and has paid to the Department an
16 amount sufficient to discharge his remaining tax liability
17 as determined by the Department under this Act. The
18 Department shall make a final determination of the
19 taxpayer's outstanding tax liability as expeditiously as
20 possible after his final tax return has been filed. If the
21 Department cannot make such final determination within 45
22 days after receiving the final tax return, within such
23 period it shall so notify the taxpayer, stating its reasons
24 therefor.

25 At the time of purchasing such stamps from the Department
26 when purchase is required by this Act, or at the time when the

1 tax which he has collected is remitted by a distributor to the
2 Department without the purchase of stamps from the Department
3 when that method of remitting the tax that has been collected
4 is required or authorized by this Act, the distributor shall be
5 allowed a discount during any year commencing July 1 and ending
6 the following June 30 in accordance with the schedule set out
7 hereinbelow, from the amount to be paid by him to the
8 Department for such stamps, or to be paid by him to the
9 Department on the basis of monthly remittances (as the case may
10 be), to cover the cost, to such distributor, of collecting the
11 tax herein imposed by affixing such stamps to the original
12 packages of cigarettes sold by such distributor or by placing
13 tax imprints underneath the sealed transparent wrapper of
14 original packages of cigarettes sold by such distributor (as
15 the case may be). ~~(1) Prior to December 1, 1985, a discount~~
16 ~~equal to 1 2/3% of the amount of the tax up to and including~~
17 ~~the first \$700,000 paid hereunder by such distributor to the~~
18 ~~Department during any such year; 1 1/3% of the next \$700,000 of~~
19 ~~tax or any part thereof, paid hereunder by such distributor to~~
20 ~~the Department during any such year; 1% of the next \$700,000 of~~
21 ~~tax, or any part thereof, paid hereunder by such distributor to~~
22 ~~the Department during any such year; and 2/3 of 1% of the~~
23 ~~amount of any additional tax paid hereunder by such distributor~~
24 ~~to the Department during any such year or (2) On and after~~
25 December 1, 1985 and until January 1, 2020, a discount equal to
26 1.75% of the amount of the tax payable under this Act up to and

1 including the first \$3,000,000 paid hereunder by such
2 distributor to the Department during any such year and 1.5% of
3 the amount of any additional tax paid hereunder by such
4 distributor to the Department during any such year. On and
5 after January 1, 2020, the discount shall be equal to 2% of the
6 tax paid by the distributor to the Department under this Act
7 during the calendar year; however, on and after January 1,
8 2020, in no event shall the discount allowed to any distributor
9 be less than \$5 in any calendar year or more than \$10,000 in
10 any calendar year.

11 Two or more distributors that use a common means of
12 affixing revenue tax stamps or that are owned or controlled by
13 the same interests shall be treated as a single distributor for
14 the purpose of computing the discount.

15 Cigarette manufacturers who are distributors under Section
16 7(a) of this Act, and who place their cigarettes in original
17 packages which are contained inside a sealed transparent
18 wrapper, shall be required to remit the tax which they are
19 required to collect under this Act to the Department by
20 remitting the amount thereof to the Department by the 5th day
21 of each month, covering cigarettes shipped or otherwise
22 delivered to points in Illinois to purchasers during the
23 preceding calendar month, but a distributor need not remit to
24 the Department the tax so collected by him from purchasers
25 under this Act to the extent to which such distributor is
26 required to remit the tax imposed by the Cigarette Tax Act to

1 the Department with respect to the same cigarettes. All taxes
2 upon cigarettes under this Act are a direct tax upon the retail
3 consumer and shall conclusively be presumed to be precollected
4 for the purpose of convenience and facility only. Cigarette
5 manufacturers that are distributors licensed under Section
6 7(a) of this Act and who place their cigarettes in original
7 packages which are contained inside a sealed transparent
8 wrapper, before delivering such cigarettes or causing such
9 cigarettes to be delivered in this State to purchasers, shall
10 evidence their obligation to collect and remit the tax due with
11 respect to such cigarettes by imprinting language to be
12 prescribed by the Department on each original package of such
13 cigarettes underneath the sealed transparent outside wrapper
14 of such original package, in such place thereon and in such
15 manner as the Department may prescribe; provided (as stated
16 hereinbefore) that this requirement does not apply when such
17 distributor is required or authorized by the Cigarette Tax Act
18 to place the tax imprint provided for in the last paragraph of
19 Section 3 of that Act underneath the sealed transparent wrapper
20 of such original package of cigarettes. Such imprinted language
21 shall acknowledge the manufacturer's collection and payment of
22 or liability for the tax imposed by this Act with respect to
23 such cigarettes.

24 The Department shall adopt the design or designs of the tax
25 stamps and shall procure the printing of such stamps in such
26 amounts and denominations as it deems necessary to provide for

1 the affixation of the proper amount of tax stamps to each
2 original package of cigarettes.

3 Where tax stamps are required, the Department may authorize
4 distributors to affix revenue tax stamps by imprinting tax
5 meter stamps upon original packages of cigarettes. The
6 Department shall adopt rules and regulations relating to the
7 imprinting of such tax meter stamps as will result in payment
8 of the proper taxes as herein imposed. No distributor may affix
9 revenue tax stamps to original packages of cigarettes by
10 imprinting meter stamps thereon unless such distributor has
11 first obtained permission from the Department to employ this
12 method of affixation. The Department shall regulate the use of
13 tax meters and may, to assure the proper collection of the
14 taxes imposed by this Act, revoke or suspend the privilege,
15 theretofore granted by the Department to any distributor, to
16 imprint tax meter stamps upon original packages of cigarettes.

17 The tax hereby imposed and not paid pursuant to this
18 Section shall be paid to the Department directly by any person
19 using such cigarettes within this State, pursuant to Section 12
20 hereof.

21 A distributor shall not affix, or cause to be affixed, any
22 stamp or imprint to a package of cigarettes, as provided for in
23 this Section, if the tobacco product manufacturer, as defined
24 in Section 10 of the Tobacco Product Manufacturers' Escrow Act,
25 that made or sold the cigarettes has failed to become a
26 participating manufacturer, as defined in subdivision (a)(1)

1 of Section 15 of the Tobacco Product Manufacturers' Escrow Act,
2 or has failed to create a qualified escrow fund for any
3 cigarettes manufactured by the tobacco product manufacturer
4 and sold in this State or otherwise failed to bring itself into
5 compliance with subdivision (a) (2) of Section 15 of the Tobacco
6 Product Manufacturers' Escrow Act.

7 (Source: P.A. 100-1171, eff. 1-4-19.)

8 Section 40. The Hotel Operators' Occupation Tax Act is
9 amended by changing Section 6 as follows:

10 (35 ILCS 145/6) (from Ch. 120, par. 481b.36)

11 Sec. 6. Filing of returns and distribution of proceeds.

12 Except as provided hereinafter in this Section, on or
13 before the last day of each calendar month, every person
14 engaged in the business of renting, leasing or letting rooms in
15 a hotel in this State during the preceding calendar month shall
16 file a return with the Department, stating:

17 1. The name of the operator;

18 2. His residence address and the address of his
19 principal place of business and the address of the
20 principal place of business (if that is a different
21 address) from which he engages in the business of renting,
22 leasing or letting rooms in a hotel in this State;

23 3. Total amount of rental receipts received by him
24 during the preceding calendar month from renting, leasing

1 or letting rooms during such preceding calendar month;

2 4. Total amount of rental receipts received by him
3 during the preceding calendar month from renting, leasing
4 or letting rooms to permanent residents during such
5 preceding calendar month;

6 5. Total amount of other exclusions from gross rental
7 receipts allowed by this Act;

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

11 7. The amount of tax due;

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

14 If the operator's average monthly tax liability to the
15 Department does not exceed \$200, the Department may authorize
16 his returns to be filed on a quarter annual basis, with the
17 return for January, February and March of a given year being
18 due by April 30 of such year; with the return for April, May
19 and June of a given year being due by July 31 of such year; with
20 the return for July, August and September of a given year being
21 due by October 31 of such year, and with the return for
22 October, November and December of a given year being due by
23 January 31 of the following year.

24 If the operator's average monthly tax liability to the
25 Department does not exceed \$50, the Department may authorize
26 his returns to be filed on an annual basis, with the return for

1 a given year being due by January 31 of the following year.

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

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

12 Where the same person has more than 1 business registered
13 with the Department under separate registrations under this
14 Act, such person shall not file each return that is due as a
15 single return covering all such registered businesses, but
16 shall file separate returns for each such registered business.

17 In his return, the operator shall determine the value of
18 any consideration other than money received by him in
19 connection with the renting, leasing or letting of rooms in the
20 course of his business and he shall include such value in his
21 return. Such determination shall be subject to review and
22 revision by the Department in the manner hereinafter provided
23 for the correction of returns.

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

1 accredited agent of such corporation.

2 The person filing the return herein provided for shall, at
3 the time of filing such return, pay to the Department the
4 amount of tax herein imposed. The operator filing the return
5 under this Section shall, at the time of filing such return,
6 pay to the Department the amount of tax imposed by this Act
7 less the vendor discount amount ~~a discount of 2.1% or \$25 per~~
8 ~~calendar year, whichever is greater~~, which is allowed to
9 reimburse the operator for the expenses incurred in keeping
10 records, preparing and filing returns, remitting the tax and
11 supplying data to the Department on request. Prior to January
12 1, 2020, the vendor discount amount shall be 2.1% or \$25 per
13 calendar year, whichever is greater. On and after January 1,
14 2020, the vendor discount amount shall be 2% of the proceeds
15 collected during the calendar year; however, on and after
16 January 1, 2020, in no event shall the discount allowed to any
17 person be less than \$5 in any calendar year or more than
18 \$10,000 in any calendar year.

19 If any payment provided for in this Section exceeds the
20 operator's liabilities under this Act, as shown on an original
21 return, the Department may authorize the operator to credit
22 such excess payment against liability subsequently to be
23 remitted to the Department under this Act, in accordance with
24 reasonable rules adopted by the Department. If the Department
25 subsequently determines that all or any part of the credit
26 taken was not actually due to the operator, the operator's

1 discount shall be reduced by an amount equal to the difference
2 between the discount as applied to the credit taken and that
3 actually due, and that operator shall be liable for penalties
4 and interest on such difference.

5 There shall be deposited in the Build Illinois Fund in the
6 State Treasury for each State fiscal year 40% of the amount of
7 total net proceeds from the tax imposed by subsection (a) of
8 Section 3. Of the remaining 60%, \$5,000,000 shall be deposited
9 in the Illinois Sports Facilities Fund and credited to the
10 Subsidy Account each fiscal year by making monthly deposits in
11 the amount of 1/8 of \$5,000,000 plus cumulative deficiencies in
12 such deposits for prior months, and an additional \$8,000,000
13 shall be deposited in the Illinois Sports Facilities Fund and
14 credited to the Advance Account each fiscal year by making
15 monthly deposits in the amount of 1/8 of \$8,000,000 plus any
16 cumulative deficiencies in such deposits for prior months;
17 provided, that for fiscal years ending after June 30, 2001, the
18 amount to be so deposited into the Illinois Sports Facilities
19 Fund and credited to the Advance Account each fiscal year shall
20 be increased from \$8,000,000 to the then applicable Advance
21 Amount and the required monthly deposits beginning with July
22 2001 shall be in the amount of 1/8 of the then applicable
23 Advance Amount plus any cumulative deficiencies in those
24 deposits for prior months. (The deposits of the additional
25 \$8,000,000 or the then applicable Advance Amount, as
26 applicable, during each fiscal year shall be treated as

1 advances of funds to the Illinois Sports Facilities Authority
2 for its corporate purposes to the extent paid to the Authority
3 or its trustee and shall be repaid into the General Revenue
4 Fund in the State Treasury by the State Treasurer on behalf of
5 the Authority pursuant to Section 19 of the Illinois Sports
6 Facilities Authority Act, as amended. If in any fiscal year the
7 full amount of the then applicable Advance Amount is not repaid
8 into the General Revenue Fund, then the deficiency shall be
9 paid from the amount in the Local Government Distributive Fund
10 that would otherwise be allocated to the City of Chicago under
11 the State Revenue Sharing Act.)

12 For purposes of the foregoing paragraph, the term "Advance
13 Amount" means, for fiscal year 2002, \$22,179,000, and for
14 subsequent fiscal years through fiscal year 2032, 105.615% of
15 the Advance Amount for the immediately preceding fiscal year,
16 rounded up to the nearest \$1,000.

17 Of the remaining 60% of the amount of total net proceeds
18 prior to August 1, 2011 from the tax imposed by subsection (a)
19 of Section 3 after all required deposits in the Illinois Sports
20 Facilities Fund, the amount equal to 8% of the net revenue
21 realized from this Act plus an amount equal to 8% of the net
22 revenue realized from any tax imposed under Section 4.05 of the
23 Chicago World's Fair-1992 Authority Act during the preceding
24 month shall be deposited in the Local Tourism Fund each month
25 for purposes authorized by Section 605-705 of the Department of
26 Commerce and Economic Opportunity Law (20 ILCS 605/605-705). Of

1 the remaining 60% of the amount of total net proceeds beginning
2 on August 1, 2011 from the tax imposed by subsection (a) of
3 Section 3 after all required deposits in the Illinois Sports
4 Facilities Fund, an amount equal to 8% of the net revenue
5 realized from this Act plus an amount equal to 8% of the net
6 revenue realized from any tax imposed under Section 4.05 of the
7 Chicago World's Fair-1992 Authority Act during the preceding
8 month shall be deposited as follows: 18% of such amount shall
9 be deposited into the Chicago Travel Industry Promotion Fund
10 for the purposes described in subsection (n) of Section 5 of
11 the Metropolitan Pier and Exposition Authority Act and the
12 remaining 82% of such amount shall be deposited into the Local
13 Tourism Fund each month for purposes authorized by Section
14 605-705 of the Department of Commerce and Economic Opportunity
15 Law. Beginning on August 1, 1999 and ending on July 31, 2011,
16 an amount equal to 4.5% of the net revenue realized from the
17 Hotel Operators' Occupation Tax Act during the preceding month
18 shall be deposited into the International Tourism Fund for the
19 purposes authorized in Section 605-707 of the Department of
20 Commerce and Economic Opportunity Law. Beginning on August 1,
21 2011, an amount equal to 4.5% of the net revenue realized from
22 this Act during the preceding month shall be deposited as
23 follows: 55% of such amount shall be deposited into the Chicago
24 Travel Industry Promotion Fund for the purposes described in
25 subsection (n) of Section 5 of the Metropolitan Pier and
26 Exposition Authority Act and the remaining 45% of such amount

1 deposited into the International Tourism Fund for the purposes
2 authorized in Section 605-707 of the Department of Commerce and
3 Economic Opportunity Law. "Net revenue realized for a month"
4 means the revenue collected by the State under that Act during
5 the previous month less the amount paid out during that same
6 month as refunds to taxpayers for overpayment of liability
7 under that Act.

8 After making all these deposits, all other proceeds of the
9 tax imposed under subsection (a) of Section 3 shall be
10 deposited in the Tourism Promotion Fund in the State Treasury.
11 All moneys received by the Department from the additional tax
12 imposed under subsection (b) of Section 3 shall be deposited
13 into the Build Illinois Fund in the State Treasury.

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

1 return to the Department shall also disclose pay roll
2 information of the operator's business during the year covered
3 by such return and any additional reasonable information which
4 the Department deems would be helpful in determining the
5 accuracy of the monthly, quarterly or annual tax returns by
6 such operator as hereinbefore provided for in this Section.

7 If the annual information return required by this Section
8 is not filed when and as required the taxpayer shall be liable
9 for a penalty in an amount determined in accordance with
10 Section 3-4 of the Uniform Penalty and Interest Act until such
11 return is filed as required, the penalty to be assessed and
12 collected in the same manner as any other penalty provided for
13 in this Act.

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

22 The foregoing portion of this Section concerning the filing
23 of an annual information return shall not apply to an operator
24 who is not required to file an income tax return with the
25 United States Government.

26 (Source: P.A. 100-23, eff. 7-6-17; 100-1171, eff. 1-4-19.)

1 Section 45. The Motor Fuel Tax Law is amended by changing
2 Sections 2b, 6, and 6a as follows:

3 (35 ILCS 505/2b) (from Ch. 120, par. 418b)

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

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

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

1 incurred in keeping records, preparing and filing returns,
2 collecting and remitting the tax and supplying data to the
3 Department on request. The discount, however, shall be
4 applicable only to the amount of payment which accompanies a
5 return that is filed timely in accordance with this Section.
6 Prior to January 1, 2020, the vendor discount amount shall be
7 1.75%. On and after January 1, 2020, the vendor discount amount
8 shall be 2% of the proceeds collected during the calendar year;
9 however, on and after January 1, 2020, in no event shall the
10 discount allowed to any person be less than \$5 in any calendar
11 year or more than \$10,000 in any calendar year.

12 If any payment provided for in this Section exceeds the
13 receiver's liabilities under this Act, as shown on an original
14 return, the Department may authorize the receiver to credit
15 such excess payment against liability subsequently to be
16 remitted to the Department under this Act, in accordance with
17 reasonable rules adopted by the Department. If the Department
18 subsequently determines that all or any part of the credit
19 taken was not actually due to the receiver, the receiver's
20 discount shall be reduced by an amount equal to the difference
21 between the discount as applied to the credit taken and that
22 actually due, and that receiver shall be liable for penalties
23 and interest on such difference.

24 (Source: P.A. 100-1171, eff. 1-4-19.)

1 Sec. 6. Collection of tax; distributors. A distributor who
2 sells or distributes any motor fuel, which he is required by
3 Section 5 to report to the Department when filing a return,
4 shall (except as hereinafter provided) collect at the time of
5 such sale and distribution, the amount of tax imposed under
6 this Act on all such motor fuel sold and distributed, and at
7 the time of making a return, the distributor shall pay to the
8 Department the amount so collected less a discount ~~of 2%~~
9 ~~through June 30, 2003 and 1.75% thereafter~~ which is allowed to
10 reimburse the distributor for the expenses incurred in keeping
11 records, preparing and filing returns, collecting and
12 remitting the tax and supplying data to the Department on
13 request, and shall also pay to the Department an amount equal
14 to the amount that would be collectible as a tax in the event
15 of a sale thereof on all such motor fuel used by said
16 distributor during the period covered by the return. Prior to
17 July 1, 2003, the discount amount shall be 2%. From July 1,
18 2003 through December 31, 2019, the discount amount shall be
19 1.75%. On and after January 1, 2020, the discount amount shall
20 be 2% of the proceeds collected during the calendar year;
21 however, on and after January 1, 2020, in no event shall the
22 discount allowed to any distributor be less than \$5 in any
23 calendar year or more than \$10,000 in any calendar year.
24 However, no payment shall be made based upon dyed diesel fuel
25 used by the distributor for non-highway purposes. The discount
26 shall only be applicable to the amount of tax payment which

1 accompanies a return which is filed timely in accordance with
2 Section 5 of this Act. In each subsequent sale of motor fuel on
3 which the amount of tax imposed under this Act has been
4 collected as provided in this Section, the amount so collected
5 shall be added to the selling price, so that the amount of tax
6 is paid ultimately by the user of the motor fuel. However, no
7 collection or payment shall be made in the case of the sale or
8 use of any motor fuel to the extent to which such sale or use of
9 motor fuel may not, under the constitution and statutes of the
10 United States, be made the subject of taxation by this State. A
11 person whose license to act as a distributor of fuel has been
12 revoked shall, at the time of making a return, also pay to the
13 Department an amount equal to the amount that would be
14 collectible as a tax in the event of a sale thereof on all
15 motor fuel, which he is required by the second paragraph of
16 Section 5 to report to the Department in making a return, and
17 which he had on hand on the date on which the license was
18 revoked, and with respect to which no tax had been previously
19 paid under this Act.

20 A distributor may make tax free sales of motor fuel, with
21 respect to which he is otherwise required to collect the tax,
22 only as specified in the following items 1 through 7.

23 1. When the sale is made to a person holding a valid
24 unrevoked license as a distributor, by making a specific
25 notation thereof on invoices or sales slip covering each
26 sale.

1 2. When the sale is made with delivery to a purchaser
2 outside of this State.

3 3. When the sale is made to the Federal Government or
4 its instrumentalities.

5 4. When the sale is made to a municipal corporation
6 owning and operating a local transportation system for
7 public service in this State when an official certificate
8 of exemption is obtained in lieu of the tax.

9 5. When the sale is made to a privately owned public
10 utility owning and operating 2 axle vehicles designed and
11 used for transporting more than 7 passengers, which
12 vehicles are used as common carriers in general
13 transportation of passengers, are not devoted to any
14 specialized purpose and are operated entirely within the
15 territorial limits of a single municipality or of any group
16 of contiguous municipalities, or in a close radius thereof,
17 and the operations of which are subject to the regulations
18 of the Illinois Commerce Commission, when an official
19 certificate of exemption is obtained in lieu of the tax.

20 6. When a sale of special fuel is made to a person
21 holding a valid, unrevoked license as a supplier, by making
22 a specific notation thereof on the invoice or sales slip
23 covering each such sale.

24 7. When a sale of dyed diesel fuel is made to someone
25 other than a licensed distributor or a licensed supplier
26 for non-highway purposes and the fuel is (i) delivered from

1 a vehicle designed for the specific purpose of such sales
2 and delivered directly into a stationary bulk storage tank
3 that displays the notice required by Section 4f of this
4 Act, (ii) delivered from a vehicle designed for the
5 specific purpose of such sales and delivered directly into
6 the fuel supply tanks of non-highway vehicles that are not
7 required to be registered for highway use, or (iii)
8 dispensed from a dyed diesel fuel dispensing facility that
9 has withdrawal facilities that are not readily accessible
10 to and are not capable of dispensing dyed diesel fuel into
11 the fuel supply tank of a motor vehicle.

12 A specific notation is required on the invoice or sales
13 slip covering such sales, and any supporting documentation
14 that may be required by the Department must be obtained by
15 the distributor. The distributor shall obtain and keep the
16 supporting documentation in such form as the Department may
17 require by rule.

18 For purposes of this item 7, a dyed diesel fuel
19 dispensing facility is considered to have withdrawal
20 facilities that are "not readily accessible to and not
21 capable of dispensing dyed diesel fuel into the fuel supply
22 tank of a motor vehicle" only if the dyed diesel fuel is
23 delivered from: (i) a dispenser hose that is short enough
24 so that it will not reach the fuel supply tank of a motor
25 vehicle or (ii) a dispenser that is enclosed by a fence or
26 other physical barrier so that a vehicle cannot pull

1 alongside the dispenser to permit fueling.

2 8. (Blank).

3 All special fuel sold or used for non-highway purposes must
4 have a dye added in accordance with Section 4d of this Law.

5 All suits or other proceedings brought for the purpose of
6 recovering any taxes, interest or penalties due the State of
7 Illinois under this Act may be maintained in the name of the
8 Department.

9 (Source: P.A. 96-1384, eff. 7-29-10.)

10 (35 ILCS 505/6a) (from Ch. 120, par. 422a)

11 Sec. 6a. Collection of tax; suppliers. A supplier, other
12 than a licensed distributor, who sells or distributes any
13 special fuel, which he is required by Section 5a to report to
14 the Department when filing a return, shall (except as
15 hereinafter provided) collect at the time of such sale and
16 distribution, the amount of tax imposed under this Act on all
17 such special fuel sold and distributed, and at the time of
18 making a return, the supplier shall pay to the Department the
19 amount so collected less a discount ~~of 2% through June 30, 2003~~
20 ~~and 1.75% thereafter~~ which is allowed to reimburse the supplier
21 for the expenses incurred in keeping records, preparing and
22 filing returns, collecting and remitting the tax and supplying
23 data to the Department on request, and shall also pay to the
24 Department an amount equal to the amount that would be
25 collectible as a tax in the event of a sale thereof on all such

1 special fuel used by said supplier during the period covered by
2 the return. Prior to July 1, 2003, the discount amount shall be
3 2%. From July 1, 2003 through December 31, 2019, the discount
4 amount shall be 1.75%. On and after January 1, 2020, the
5 discount amount shall be 2% of the proceeds collected during
6 the calendar year; however, on and after January 1, 2020, in no
7 event shall the discount allowed to any distributor be less
8 than \$5 in any calendar year or more than \$10,000 in any
9 calendar year. However, no payment shall be made based upon
10 dyed diesel fuel used by said supplier for non-highway
11 purposes. The discount shall only be applicable to the amount
12 of tax payment which accompanies a return which is filed timely
13 in accordance with Section 5(a) of this Act. In each subsequent
14 sale of special fuel on which the amount of tax imposed under
15 this Act has been collected as provided in this Section, the
16 amount so collected shall be added to the selling price, so
17 that the amount of tax is paid ultimately by the user of the
18 special fuel. However, no collection or payment shall be made
19 in the case of the sale or use of any special fuel to the extent
20 to which such sale or use of motor fuel may not, under the
21 Constitution and statutes of the United States, be made the
22 subject of taxation by this State.

23 A person whose license to act as supplier of special fuel
24 has been revoked shall, at the time of making a return, also
25 pay to the Department an amount equal to the amount that would
26 be collectible as a tax in the event of a sale thereof on all

1 special fuel, which he is required by the 1st paragraph of
2 Section 5a to report to the Department in making a return.

3 A supplier may make tax-free sales of special fuel, with
4 respect to which he is otherwise required to collect the tax,
5 only as specified in the following items 1 through 7.

6 1. When the sale is made to the federal government or
7 its instrumentalities.

8 2. When the sale is made to a municipal corporation
9 owning and operating a local transportation system for
10 public service in this State when an official certificate
11 of exemption is obtained in lieu of the tax.

12 3. When the sale is made to a privately owned public
13 utility owning and operating 2 axle vehicles designed and
14 used for transporting more than 7 passengers, which
15 vehicles are used as common carriers in general
16 transportation of passengers, are not devoted to any
17 specialized purpose and are operated entirely within the
18 territorial limits of a single municipality or of any group
19 of contiguous municipalities, or in a close radius thereof,
20 and the operations of which are subject to the regulations
21 of the Illinois Commerce Commission, when an official
22 certificate of exemption is obtained in lieu of the tax.

23 4. When a sale is made to a person holding a valid
24 unrevoked license as a supplier or a distributor by making
25 a specific notation thereof on invoice or sales slip
26 covering each such sale.

1 5. When a sale of dyed diesel fuel is made to someone
2 other than a licensed distributor or licensed supplier for
3 non-highway purposes and the fuel is (i) delivered from a
4 vehicle designed for the specific purpose of such sales and
5 delivered directly into a stationary bulk storage tank that
6 displays the notice required by Section 4f of this Act,
7 (ii) delivered from a vehicle designed for the specific
8 purpose of such sales and delivered directly into the fuel
9 supply tanks of non-highway vehicles that are not required
10 to be registered for highway use, or (iii) dispensed from a
11 dyed diesel fuel dispensing facility that has withdrawal
12 facilities that are not readily accessible to and are not
13 capable of dispensing dyed diesel fuel into the fuel supply
14 tank of a motor vehicle.

15 A specific notation is required on the invoice or sales
16 slip covering such sales, and any supporting documentation
17 that may be required by the Department must be obtained by
18 the supplier. The supplier shall obtain and keep the
19 supporting documentation in such form as the Department may
20 require by rule.

21 For purposes of this item 5, a dyed diesel fuel
22 dispensing facility is considered to have withdrawal
23 facilities that are "not readily accessible to and not
24 capable of dispensing dyed diesel fuel into the fuel supply
25 tank of a motor vehicle" only if the dyed diesel fuel is
26 delivered from: (i) a dispenser hose that is short enough

1 so that it will not reach the fuel supply tank of a motor
2 vehicle or (ii) a dispenser that is enclosed by a fence or
3 other physical barrier so that a vehicle cannot pull
4 alongside the dispenser to permit fueling.

5 6. (Blank).

6 7. When a sale of special fuel is made to a person
7 where delivery is made outside of this State.

8 All special fuel sold or used for non-highway purposes must
9 have a dye added in accordance with Section 4d of this Law.

10 All suits or other proceedings brought for the purpose of
11 recovering any taxes, interest or penalties due the State of
12 Illinois under this Act may be maintained in the name of the
13 Department.

14 (Source: P.A. 96-1384, eff. 7-29-10.)

15 Section 50. The Telecommunications Excise Tax Act is
16 amended by changing Section 6 as follows:

17 (35 ILCS 630/6) (from Ch. 120, par. 2006)

18 Sec. 6. Returns; payments. Except as provided hereinafter
19 in this Section, on or before the last day of each month, each
20 retailer maintaining a place of business in this State shall
21 make a return to the Department for the preceding calendar
22 month, stating:

23 1. His name;

24 2. The address of his principal place of business, or

1 the address of the principal place of business (if that is
2 a different address) from which he engages in the business
3 of transmitting telecommunications;

4 3. Total amount of gross charges billed by him during
5 the preceding calendar month for providing
6 telecommunications during such calendar month;

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

9 5. Deductions allowed by law;

10 6. Gross charges which were billed by him during the
11 preceding calendar month and upon the basis of which the
12 tax is imposed;

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

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

16 Any taxpayer required to make payments under this Section
17 may make the payments by electronic funds transfer. The
18 Department shall adopt rules necessary to effectuate a program
19 of electronic funds transfer. Any taxpayer who has average
20 monthly tax billings due to the Department under this Act and
21 the Simplified Municipal Telecommunications Tax Act that
22 exceed \$1,000 shall make all payments by electronic funds
23 transfer as required by rules of the Department and shall file
24 the return required by this Section by electronic means as
25 required by rules of the Department.

26 If the retailer's average monthly tax billings due to the

1 Department under this Act and the Simplified Municipal
2 Telecommunications Tax Act do not exceed \$1,000, the Department
3 may authorize his returns to be filed on a quarter annual
4 basis, with the return for January, February and March of a
5 given year being due by April 30 of such year; with the return
6 for April, May and June of a given year being due by July 31st
7 of such year; with the return for July, August and September of
8 a given year being due by October 31st of such year; and with
9 the return of October, November and December of a given year
10 being due by January 31st of the following year.

11 If the retailer is otherwise required to file a monthly or
12 quarterly return and if the retailer's average monthly tax
13 billings due to the Department under this Act and the
14 Simplified Municipal Telecommunications Tax Act do not exceed
15 \$400, the Department may authorize his or her return to be
16 filed on an annual basis, with the return for a given year
17 being due by January 31st of the following year.

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

25 In making such return, the retailer shall determine the
26 value of any consideration other than money received by him and

1 he shall include such value in his return. Such determination
2 shall be subject to review and revision by the Department in
3 the manner hereinafter provided for the correction of returns.

4 Each retailer whose average monthly liability to the
5 Department under this Article and the Simplified Municipal
6 Telecommunications Tax Act was \$25,000 or more during the
7 preceding calendar year, excluding the month of highest
8 liability and the month of lowest liability in such calendar
9 year, and who is not operated by a unit of local government,
10 shall make estimated payments to the Department on or before
11 the 7th, 15th, 22nd and last day of the month during which tax
12 collection liability to the Department is incurred in an amount
13 not less than the lower of either 22.5% of the retailer's
14 actual tax collections for the month or 25% of the retailer's
15 actual tax collections for the same calendar month of the
16 preceding year. The amount of such quarter monthly payments
17 shall be credited against the final liability of the retailer's
18 return for that month. Any outstanding credit, approved by the
19 Department, arising from the retailer's overpayment of its
20 final liability for any month may be applied to reduce the
21 amount of any subsequent quarter monthly payment or credited
22 against the final liability of the retailer's return for any
23 subsequent month. If any quarter monthly payment is not paid at
24 the time or in the amount required by this Section, the
25 retailer shall be liable for penalty and interest on the
26 difference between the minimum amount due as a payment and the

1 amount of such payment actually and timely paid, except insofar
2 as the retailer has previously made payments for that month to
3 the Department in excess of the minimum payments previously
4 due.

5 The retailer making the return herein provided for shall,
6 at the time of making such return, pay to the Department the
7 amount of tax herein imposed, less a discount ~~of 1%~~ which is
8 allowed to reimburse the retailer for the expenses incurred in
9 keeping records, billing the customer, preparing and filing
10 returns, remitting the tax, and supplying data to the
11 Department upon request. No discount may be claimed by a
12 retailer on returns not timely filed and for taxes not timely
13 remitted. Prior to January 1, 2020, the amount of the discount
14 shall be 1%. On and after January 1, 2020, the amount of the
15 discount shall be 2%, and in no event shall the discount
16 allowed to any retailer be less than \$5 in any calendar year or
17 more than \$10,000 in any calendar year.

18 If any payment provided for in this Section exceeds the
19 retailer's liabilities under this Act, as shown on an original
20 return, the Department may authorize the retailer to credit
21 such excess payment against liability subsequently to be
22 remitted to the Department under this Act, in accordance with
23 reasonable rules adopted by the Department. If the Department
24 subsequently determines that all or any part of the credit
25 taken was not actually due to the retailer, the retailer's
26 discount shall be reduced by an amount equal to the difference

1 between the discount as applied to the credit taken and that
2 actually due, and that retailer shall be liable for penalties
3 and interest on such difference.

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

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

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

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

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

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

13 (Source: P.A. 100-1171, eff. 1-4-19.)

14 Section 55. The Liquor Control Act of 1934 is amended by
15 changing Section 8-2 as follows:

16 (235 ILCS 5/8-2) (from Ch. 43, par. 159)

17 Sec. 8-2. Payments; reports. It is the duty of each
18 manufacturer with respect to alcoholic liquor produced or
19 imported by such manufacturer, or purchased tax-free by such
20 manufacturer from another manufacturer or importing
21 distributor, and of each importing distributor as to alcoholic
22 liquor purchased by such importing distributor from foreign
23 importers or from anyone from any point in the United States
24 outside of this State or purchased tax-free from another

1 manufacturer or importing distributor, to pay the tax imposed
2 by Section 8-1 to the Department of Revenue on or before the
3 15th day of the calendar month following the calendar month in
4 which such alcoholic liquor is sold or used by such
5 manufacturer or by such importing distributor other than in an
6 authorized tax-free manner or to pay that tax electronically as
7 provided in this Section.

8 Each manufacturer and each importing distributor shall
9 make payment under one of the following methods: (1) on or
10 before the 15th day of each calendar month, file in person or
11 by United States first-class mail, postage pre-paid, with the
12 Department of Revenue, on forms prescribed and furnished by the
13 Department, a report in writing in such form as may be required
14 by the Department in order to compute, and assure the accuracy
15 of, the tax due on all taxable sales and uses of alcoholic
16 liquor occurring during the preceding month. Payment of the tax
17 in the amount disclosed by the report shall accompany the
18 report or, (2) on or before the 15th day of each calendar
19 month, electronically file with the Department of Revenue, on
20 forms prescribed and furnished by the Department, an electronic
21 report in such form as may be required by the Department in
22 order to compute, and assure the accuracy of, the tax due on
23 all taxable sales and uses of alcoholic liquor occurring during
24 the preceding month. An electronic payment of the tax in the
25 amount disclosed by the report shall accompany the report. A
26 manufacturer or distributor who files an electronic report and

1 electronically pays the tax imposed pursuant to Section 8-1 to
2 the Department of Revenue on or before the 15th day of the
3 calendar month following the calendar month in which such
4 alcoholic liquor is sold or used by that manufacturer or
5 importing distributor other than in an authorized tax-free
6 manner shall pay to the Department the amount of the tax
7 imposed pursuant to Section 8-1, less a discount which is
8 allowed to reimburse the manufacturer or importing distributor
9 for the expenses incurred in keeping and maintaining records,
10 preparing and filing the electronic returns, remitting the tax,
11 and supplying data to the Department upon request.

12 The discount shall be in an amount as follows:

13 (1) For original returns due on or after January 1,
14 2003 through September 30, 2003, the discount shall be
15 1.75% or \$1,250 per return, whichever is less;

16 (2) For original returns due on or after October 1,
17 2003 through September 30, 2004, the discount shall be 2%
18 or \$3,000 per return, whichever is less; ~~and~~

19 (3) For original returns due on or after October 1,
20 2004 through December 31, 2019, the discount shall be 2% or
21 \$2,000 per return, whichever is less; and -

22 (4) For original returns due on and after January 1,
23 2020, 2% of the proceeds collected during the calendar
24 year; however, on and after January 1, 2020, in no event
25 shall the discount allowed to any manufacturer or
26 distributor be less than \$5 in any calendar year or more

1 than \$10,000 in any calendar year.

2 The Department may, if it deems it necessary in order to
3 insure the payment of the tax imposed by this Article, require
4 returns to be made more frequently than and covering periods of
5 less than a month. Such return shall contain such further
6 information as the Department may reasonably require.

7 It shall be presumed that all alcoholic liquors acquired or
8 made by any importing distributor or manufacturer have been
9 sold or used by him in this State and are the basis for the tax
10 imposed by this Article unless proven, to the satisfaction of
11 the Department, that such alcoholic liquors are (1) still in
12 the possession of such importing distributor or manufacturer,
13 or (2) prior to the termination of possession have been lost by
14 theft or through unintentional destruction, or (3) that such
15 alcoholic liquors are otherwise exempt from taxation under this
16 Act.

17 If any payment provided for in this Section exceeds the
18 manufacturer's or importing distributor's liabilities under
19 this Act, as shown on an original report, the manufacturer or
20 importing distributor may credit such excess payment against
21 liability subsequently to be remitted to the Department under
22 this Act, in accordance with reasonable rules adopted by the
23 Department. If the Department subsequently determines that all
24 or any part of the credit taken was not actually due to the
25 manufacturer or importing distributor, the manufacturer's or
26 importing distributor's discount shall be reduced by an amount

1 equal to the difference between the discount as applied to the
2 credit taken and that actually due, and the manufacturer or
3 importing distributor shall be liable for penalties and
4 interest on such difference.

5 The Department may require any foreign importer to file
6 monthly information returns, by the 15th day of the month
7 following the month which any such return covers, if the
8 Department determines this to be necessary to the proper
9 performance of the Department's functions and duties under this
10 Act. Such return shall contain such information as the
11 Department may reasonably require.

12 Every manufacturer and importing distributor shall also
13 file, with the Department, a bond in an amount not less than
14 \$1,000 and not to exceed \$100,000 on a form to be approved by,
15 and with a surety or sureties satisfactory to, the Department.
16 Such bond shall be conditioned upon the manufacturer or
17 importing distributor paying to the Department all monies
18 becoming due from such manufacturer or importing distributor
19 under this Article. The Department shall fix the penalty of
20 such bond in each case, taking into consideration the amount of
21 alcoholic liquor expected to be sold and used by such
22 manufacturer or importing distributor, and the penalty fixed by
23 the Department shall be sufficient, in the Department's
24 opinion, to protect the State of Illinois against failure to
25 pay any amount due under this Article, but the amount of the
26 penalty fixed by the Department shall not exceed twice the

1 amount of tax liability of a monthly return, nor shall the
2 amount of such penalty be less than \$1,000. The Department
3 shall notify the Commission of the Department's approval or
4 disapproval of any such manufacturer's or importing
5 distributor's bond, or of the termination or cancellation of
6 any such bond, or of the Department's direction to a
7 manufacturer or importing distributor that he must file
8 additional bond in order to comply with this Section. The
9 Commission shall not issue a license to any applicant for a
10 manufacturer's or importing distributor's license unless the
11 Commission has received a notification from the Department
12 showing that such applicant has filed a satisfactory bond with
13 the Department hereunder and that such bond has been approved
14 by the Department. Failure by any licensed manufacturer or
15 importing distributor to keep a satisfactory bond in effect
16 with the Department or to furnish additional bond to the
17 Department, when required hereunder by the Department to do so,
18 shall be grounds for the revocation or suspension of such
19 manufacturer's or importing distributor's license by the
20 Commission. If a manufacturer or importing distributor fails to
21 pay any amount due under this Article, his bond with the
22 Department shall be deemed forfeited, and the Department may
23 institute a suit in its own name on such bond.

24 After notice and opportunity for a hearing the State
25 Commission may revoke or suspend the license of any
26 manufacturer or importing distributor who fails to comply with

1 the provisions of this Section. Notice of such hearing and the
2 time and place thereof shall be in writing and shall contain a
3 statement of the charges against the licensee. Such notice may
4 be given by United States registered or certified mail with
5 return receipt requested, addressed to the person concerned at
6 his last known address and shall be given not less than 7 days
7 prior to the date fixed for the hearing. An order revoking or
8 suspending a license under the provisions of this Section may
9 be reviewed in the manner provided in Section 7-10 of this Act.
10 No new license shall be granted to a person whose license has
11 been revoked for a violation of this Section or, in case of
12 suspension, shall such suspension be terminated until he has
13 paid to the Department all taxes and penalties which he owes
14 the State under the provisions of this Act.

15 Every manufacturer or importing distributor who has, as
16 verified by the Department, continuously complied with the
17 conditions of the bond under this Act for a period of 2 years
18 shall be considered to be a prior continuous compliance
19 taxpayer. In determining the consecutive period of time for
20 qualification as a prior continuous compliance taxpayer, any
21 consecutive period of time of qualifying compliance
22 immediately prior to the effective date of this amendatory Act
23 of 1987 shall be credited to any manufacturer or importing
24 distributor.

25 A manufacturer or importing distributor that is a prior
26 continuous compliance taxpayer under this Section and becomes a

1 successor as the result of an acquisition, merger, or
2 consolidation of a manufacturer or importing distributor shall
3 be deemed to be a prior continuous compliance taxpayer with
4 respect to the acquired, merged, or consolidated entity.

5 Every prior continuous compliance taxpayer shall be exempt
6 from the bond requirements of this Act until the Department has
7 determined the taxpayer to be delinquent in the filing of any
8 return or deficient in the payment of any tax under this Act.
9 Any taxpayer who fails to pay an admitted or established
10 liability under this Act may also be required to post bond or
11 other acceptable security with the Department guaranteeing the
12 payment of such admitted or established liability.

13 The Department shall discharge any surety and shall release
14 and return any bond or security deposit assigned, pledged or
15 otherwise provided to it by a taxpayer under this Section
16 within 30 days after: (1) such taxpayer becomes a prior
17 continuous compliance taxpayer; or (2) such taxpayer has ceased
18 to collect receipts on which he is required to remit tax to the
19 Department, has filed a final tax return, and has paid to the
20 Department an amount sufficient to discharge his remaining tax
21 liability as determined by the Department under this Act.

22 (Source: P.A. 100-1171, eff. 1-4-19.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."