



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3426

Introduced 2/22/2021, by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

35 ILCS 105/9	from Ch. 120, par. 439.9
35 ILCS 110/9	from Ch. 120, par. 439.39
35 ILCS 115/9	from Ch. 120, par. 439.109
35 ILCS 120/3	from Ch. 120, par. 442
35 ILCS 130/2	from Ch. 120, par. 453.2
35 ILCS 135/3	from Ch. 120, par. 453.33
35 ILCS 145/6	from Ch. 120, par. 481b.36
35 ILCS 505/2b	from Ch. 120, par. 418b
35 ILCS 505/6	from Ch. 120, par. 422
35 ILCS 505/6a	from Ch. 120, par. 422a
35 ILCS 630/6	from Ch. 120, par. 2006
235 ILCS 5/8-2	from Ch. 43, par. 159

Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, the Cigarette Tax Act, the Cigarette Use Tax Act, the Hotel Operators' Occupation Tax Act, the Motor Fuel Tax Law, the Telecommunications Excise Tax Act, and the Liquor Control Act of 1934. Provides that the vendor discount amount under those Acts shall be 2% on and after January 1, 2022. Provides that the vendor discount may not exceed \$1,000 per vendor in any calendar year. Effective immediately.

LRB102 14699 HLH 20052 b

1 AN ACT concerning revenue.

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

4 Section 5. The Use Tax Act is amended by changing Section 9
5 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, 2022, and 2% on and after January 1, 2022,
16 ~~or \$5 per calendar year, whichever is greater,~~ which is
17 allowed to reimburse the retailer for expenses incurred in
18 collecting the tax, keeping records, preparing and filing
19 returns, remitting the tax and supplying data to the
20 Department on request. On and after January 1, 1990 and prior
21 to January 1, 2022, in no event shall the discount allowed to
22 any vendor be less than \$5 in any calendar year. On and after
23 January 1, 2022, in no event shall the discount allowed to any

1 vendor be less than \$5 in any calendar year or more than \$1,000
2 in any calendar year. The discount under this Section is not
3 allowed for the 1.25% portion of taxes paid on aviation fuel
4 that is subject to the revenue use requirements of 49 U.S.C.
5 47107(b) and 49 U.S.C. 47133. In the case of retailers who
6 report and pay the tax on a transaction by transaction basis,
7 as provided in this Section, such discount shall be taken with
8 each such tax remittance instead of when such retailer files
9 his periodic return. The discount allowed under this Section
10 is allowed only for returns that are filed in the manner
11 required by this Act. The Department may disallow the discount
12 for retailers whose certificate of registration is revoked at
13 the time the return is filed, but only if the Department's
14 decision to revoke the certificate of registration has become
15 final. A retailer need not remit that part of any tax collected
16 by him to the extent that he is required to remit and does
17 remit the tax imposed by the Retailers' Occupation Tax Act,
18 with respect to the sale of the same property.

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

1 the selling price actually received during such tax return
2 period.

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

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

- 24 1. The name of the seller;
- 25 2. The address of the principal place of business from
26 which he engages in the business of selling tangible

1 personal property at retail in this State;

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

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

9 5. The amount of tax due;

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

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

13 Each retailer required or authorized to collect the tax
14 imposed by this Act on aviation fuel sold at retail in this
15 State during the preceding calendar month shall, instead of
16 reporting and paying tax on aviation fuel as otherwise
17 required by this Section, report and pay such tax on a separate
18 aviation fuel tax return. The requirements related to the
19 return shall be as otherwise provided in this Section.
20 Notwithstanding any other provisions of this Act to the
21 contrary, retailers collecting tax on aviation fuel shall file
22 all aviation fuel tax returns and shall make all aviation fuel
23 tax payments by electronic means in the manner and form
24 required by the Department. For purposes of this Section,
25 "aviation fuel" means jet fuel and aviation gasoline.

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

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

4 Notwithstanding any other provision of this Act to the
5 contrary, retailers subject to tax on cannabis shall file all
6 cannabis tax returns and shall make all cannabis tax payments
7 by electronic means in the manner and form required by the
8 Department.

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

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

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

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

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

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

23 Before October 1, 2000, if the taxpayer's average monthly
24 tax liability to the Department under this Act, the Retailers'
25 Occupation Tax Act, the Service Occupation Tax Act, the
26 Service Use Tax Act was \$10,000 or more during the preceding 4

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

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

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

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

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

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

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

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

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

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

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

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

14 In addition, with respect to motor vehicles, watercraft,
15 aircraft, and trailers that are required to be registered with
16 an agency of this State, every person who is engaged in the
17 business of leasing or renting such items and who, in
18 connection with such business, sells any such item to a
19 retailer for the purpose of resale is, notwithstanding any
20 other provision of this Section to the contrary, authorized to
21 meet the return-filing requirement of this Act by reporting
22 the transfer of all the aircraft, watercraft, motor vehicles,
23 or trailers transferred for resale during a month to the
24 Department on the same uniform invoice-transaction reporting
25 return form on or before the 20th of the month following the
26 month in which the transfer takes place. Notwithstanding any

1 other provision of this Act to the contrary, all returns filed
2 under this paragraph must be filed by electronic means in the
3 manner and form as required by the Department.

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

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

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

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

1 applications for title or registration.

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

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

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

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

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

1 such retailer. If the retailer has not previously remitted the
2 amount of such tax to the Department, he is entitled to no
3 deduction under this Act upon refunding such tax to the
4 purchaser.

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

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

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

24 Beginning January 1, 1990, each month the Department shall
25 pay into the State and Local Sales Tax Reform Fund, a special
26 fund in the State Treasury which is hereby created, the net

1 revenue realized for the preceding month from the 1% tax
2 imposed under this Act.

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

10 Beginning January 1, 1990, each month the Department shall
11 pay into the State and Local Sales Tax Reform Fund, a special
12 fund in the State Treasury, 20% of the net revenue realized for
13 the preceding month from the 6.25% general rate on the selling
14 price of tangible personal property, other than (i) tangible
15 personal property which is purchased outside Illinois at
16 retail from a retailer and which is titled or registered by an
17 agency of this State's government and (ii) aviation fuel sold
18 on or after December 1, 2019. This exception for aviation fuel
19 only applies for so long as the revenue use requirements of 49
20 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

21 For aviation fuel sold on or after December 1, 2019, each
22 month the Department shall pay into the State Aviation Program
23 Fund 20% of the net revenue realized for the preceding month
24 from the 6.25% general rate on the selling price of aviation
25 fuel, less an amount estimated by the Department to be
26 required for refunds of the 20% portion of the tax on aviation

1 fuel under this Act, which amount shall be deposited into the
2 Aviation Fuel Sales Tax Refund Fund. The Department shall only
3 pay moneys into the State Aviation Program Fund and the
4 Aviation Fuels Sales Tax Refund Fund under this Act for so long
5 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
6 U.S.C. 47133 are binding on the State.

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

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

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

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

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

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

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

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

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

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

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

1 deposited in the aggregate from collections under Section 9 of
2 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
3 9 of the Service Occupation Tax Act, and Section 3 of the
4 Retailers' Occupation Tax Act into the McCormick Place
5 Expansion Project Fund in the specified fiscal years.

6	Fiscal Year	Total Deposit
7	1993	\$0
8	1994	53,000,000
9	1995	58,000,000
10	1996	61,000,000
11	1997	64,000,000
12	1998	68,000,000
13	1999	71,000,000
14	2000	75,000,000
15	2001	80,000,000
16	2002	93,000,000
17	2003	99,000,000
18	2004	103,000,000
19	2005	108,000,000
20	2006	113,000,000
21	2007	119,000,000
22	2008	126,000,000
23	2009	132,000,000
24	2010	139,000,000
25	2011	146,000,000
26	2012	153,000,000

1	2013	161,000,000
2	2014	170,000,000
3	2015	179,000,000
4	2016	189,000,000
5	2017	199,000,000
6	2018	210,000,000
7	2019	221,000,000
8	2020	233,000,000
9	2021	300,000,000
10	2022	300,000,000
11	2023	300,000,000
12	2024	300,000,000
13	2025	300,000,000
14	2026	300,000,000
15	2027	375,000,000
16	2028	375,000,000
17	2029	375,000,000
18	2030	375,000,000
19	2031	375,000,000
20	2032	375,000,000
21	2033	375,000,000
22	2034	375,000,000
23	2035	375,000,000
24	2036	450,000,000
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
19 Deposit", has been deposited.

20 Subject to payment of amounts into the Capital Projects
21 Fund, the Clean Air Act Permit Fund, 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, for aviation fuel sold on or after December 1, 2019,
25 the Department shall each month deposit into the Aviation Fuel
26 Sales Tax Refund Fund an amount estimated by the Department to

1 be required for refunds of the 80% portion of the tax on
2 aviation fuel under this Act. The Department shall only
3 deposit moneys into the Aviation Fuel Sales Tax Refund Fund
4 under this paragraph for so long as the revenue use
5 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
6 binding on the State.

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

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

1 Opportunity Law of the Civil Administrative Code of Illinois.

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

21 Subject to payments of amounts into the Build Illinois
22 Fund, the McCormick Place Expansion Project Fund, the Illinois
23 Tax Increment Fund, the Energy Infrastructure Fund, and the
24 Tax Compliance and Administration Fund as provided in this
25 Section, beginning on July 1, 2018 the Department shall pay
26 each month into the Downstate Public Transportation Fund the

1 moneys required to be so paid under Section 2-3 of the
2 Downstate Public Transportation Act.

3 Subject to successful execution and delivery of a
4 public-private agreement between the public agency and private
5 entity and completion of the civic build, beginning on July 1,
6 2023, of the remainder of the moneys received by the
7 Department under the Use Tax Act, the Service Use Tax Act, the
8 Service Occupation Tax Act, and this Act, the Department shall
9 deposit the following specified deposits in the aggregate from
10 collections under the Use Tax Act, the Service Use Tax Act, the
11 Service Occupation Tax Act, and the Retailers' Occupation Tax
12 Act, as required under Section 8.25g of the State Finance Act
13 for distribution consistent with the Public-Private
14 Partnership for Civic and Transit Infrastructure Project Act.
15 The moneys received by the Department pursuant to this Act and
16 required to be deposited into the Civic and Transit
17 Infrastructure Fund are subject to the pledge, claim, and
18 charge set forth in Section 25-55 of the Public-Private
19 Partnership for Civic and Transit Infrastructure Project Act.
20 As used in this paragraph, "civic build", "private entity",
21 "public-private agreement", and "public agency" have the
22 meanings provided in Section 25-10 of the Public-Private
23 Partnership for Civic and Transit Infrastructure Project Act.

24	Fiscal Year.....	Total Deposit
25	2024	\$200,000,000
26	2025	\$206,000,000

1	2026	.....	\$212,200,000
2	2027	.....	\$218,500,000
3	2028	.....	\$225,100,000
4	2029	.....	\$288,700,000
5	2030	.....	\$298,900,000
6	2031	.....	\$309,300,000
7	2032	.....	\$320,100,000
8	2033	.....	\$331,200,000
9	2034	.....	\$341,200,000
10	2035	.....	\$351,400,000
11	2036	.....	\$361,900,000
12	2037	.....	\$372,800,000
13	2038	.....	\$384,000,000
14	2039	.....	\$395,500,000
15	2040	.....	\$407,400,000
16	2041	.....	\$419,600,000
17	2042	.....	\$432,200,000
18	2043	.....	\$445,100,000

19 Beginning July 1, 2021 and until July 1, 2022, subject to
20 the payment of amounts into the State and Local Sales Tax
21 Reform Fund, the Build Illinois Fund, the McCormick Place
22 Expansion Project Fund, the Illinois Tax Increment Fund, the
23 Energy Infrastructure Fund, and the Tax Compliance and
24 Administration Fund as provided in this Section, the
25 Department shall pay each month into the Road Fund the amount
26 estimated to represent 16% of the net revenue realized from

1 the taxes imposed on motor fuel and gasohol. Beginning July 1,
2 2022 and until July 1, 2023, subject to the payment of amounts
3 into the State and Local Sales Tax Reform Fund, the Build
4 Illinois Fund, the McCormick Place Expansion Project Fund, the
5 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
6 and the Tax Compliance and Administration Fund as provided in
7 this Section, the Department shall pay each month into the
8 Road Fund the amount estimated to represent 32% of the net
9 revenue realized from the taxes imposed on motor fuel and
10 gasohol. Beginning July 1, 2023 and until July 1, 2024,
11 subject to the payment of amounts into the State and Local
12 Sales Tax Reform Fund, the Build Illinois Fund, the McCormick
13 Place Expansion Project Fund, the Illinois Tax Increment Fund,
14 the Energy Infrastructure Fund, and the Tax Compliance and
15 Administration Fund as provided in this Section, the
16 Department shall pay each month into the Road Fund the amount
17 estimated to represent 48% of the net revenue realized from
18 the taxes imposed on motor fuel and gasohol. Beginning July 1,
19 2024 and until July 1, 2025, subject to the payment of amounts
20 into the State and Local Sales Tax Reform Fund, the Build
21 Illinois Fund, the McCormick Place Expansion Project Fund, the
22 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
23 and the Tax Compliance and Administration Fund as provided in
24 this Section, the Department shall pay each month into the
25 Road Fund the amount estimated to represent 64% of the net
26 revenue realized from the taxes imposed on motor fuel and

1 gasohol. Beginning on July 1, 2025, subject to the payment of
2 amounts into the State and Local Sales Tax Reform Fund, the
3 Build Illinois Fund, the McCormick Place Expansion Project
4 Fund, the Illinois Tax Increment Fund, the Energy
5 Infrastructure Fund, and the Tax Compliance and Administration
6 Fund as provided in this Section, the Department shall pay
7 each month into the Road Fund the amount estimated to
8 represent 80% of the net revenue realized from the taxes
9 imposed on motor fuel and gasohol. As used in this paragraph
10 "motor fuel" has the meaning given to that term in Section 1.1
11 of the Motor Fuel Tax Act, and "gasohol" has the meaning given
12 to that term in Section 3-40 of this Act.

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

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

11 (Source: P.A. 100-303, eff. 8-24-17; 100-363, eff. 7-1-18;
12 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, Article
13 15, Section 15-10, eff. 6-5-19; 101-10, Article 25, Section
14 25-105, eff. 6-5-19; 101-27, eff. 6-25-19; 101-32, eff.
15 6-28-19; 101-604, eff. 12-13-19; 101-636, eff. 6-10-20.)

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

18 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

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

1 January 1, 2022, and 2% on and after January 1, 2022, or \$5 per
2 calendar year, whichever is greater, which is allowed to
3 reimburse the serviceman for expenses incurred in collecting
4 the tax, keeping records, preparing and filing returns,
5 remitting the tax and supplying data to the Department on
6 request. On and after January 1, 1990 and prior to January 1,
7 2022, in no event shall the discount allowed to any vendor be
8 less than \$5 in any calendar year. On and after January 1,
9 2022, in no event shall the discount allowed to any vendor be
10 less than \$5 in any calendar year or more than \$1,000 in any
11 calendar year. The discount under this Section is not allowed
12 for the 1.25% portion of taxes paid on aviation fuel that is
13 subject to the revenue use requirements of 49 U.S.C. 47107(b)
14 and 49 U.S.C. 47133. The discount allowed under this Section
15 is allowed only for returns that are filed in the manner
16 required by this Act. The Department may disallow the discount
17 for servicemen whose certificate of registration is revoked at
18 the time the return is filed, but only if the Department's
19 decision to revoke the certificate of registration has become
20 final. A serviceman need not remit that part of any tax
21 collected by him to the extent that he is required to pay and
22 does pay the tax imposed by the Service Occupation Tax Act with
23 respect to his sale of service involving the incidental
24 transfer by him of the same property.

25 Except as provided hereinafter in this Section, on or
26 before the twentieth day of each calendar month, such

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

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

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

1 deductions allowed by law;

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

4 5. The amount of tax due;

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

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

8 Each serviceman required or authorized to collect the tax
9 imposed by this Act on aviation fuel transferred as an
10 incident of a sale of service in this State during the
11 preceding calendar month shall, instead of reporting and
12 paying tax on aviation fuel as otherwise required by this
13 Section, report and pay such tax on a separate aviation fuel
14 tax return. The requirements related to the return shall be as
15 otherwise provided in this Section. Notwithstanding any other
16 provisions of this Act to the contrary, servicemen collecting
17 tax on aviation fuel shall file all aviation fuel tax returns
18 and shall make all aviation fuel tax payments by electronic
19 means in the manner and form required by the Department. For
20 purposes of this Section, "aviation fuel" means jet fuel and
21 aviation gasoline.

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

26 Notwithstanding any other provision of this Act to the

1 contrary, servicemen subject to tax on cannabis shall file all
2 cannabis tax returns and shall make all cannabis tax payments
3 by electronic means in the manner and form required by the
4 Department.

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

1 amount set forth in subsection (b) of Section 2505-210 of the
2 Department of Revenue Law shall make all payments required by
3 rules of the Department by electronic funds transfer.

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

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

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

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

19 If the serviceman is otherwise required to file a monthly
20 return and if the serviceman's average monthly tax liability
21 to 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 serviceman is otherwise required to file a monthly
5 or quarterly return and if the serviceman's average monthly
6 tax liability to 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
12 monthly returns.

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

20 Where a serviceman collects the tax with respect to the
21 selling price of property which he sells and the purchaser
22 thereafter returns such property and the serviceman refunds
23 the selling price thereof to the purchaser, such serviceman
24 shall also refund, to the purchaser, the tax so collected from
25 the purchaser. When filing his return for the period in which
26 he refunds such tax to the purchaser, the serviceman may

1 deduct the amount of the tax so refunded by him to the
2 purchaser from any other Service Use Tax, Service Occupation
3 Tax, retailers' occupation tax or use tax which such
4 serviceman may be required to pay or remit to the Department,
5 as shown by such return, provided that the amount of the tax to
6 be deducted shall previously have been remitted to the
7 Department by such serviceman. If the serviceman shall not
8 previously have remitted the amount of such tax to the
9 Department, he shall be entitled to no deduction hereunder
10 upon refunding such tax to the purchaser.

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

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

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

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

5 Beginning January 1, 1990, each month the Department shall
6 pay into the State and Local Sales Tax Reform Fund 20% of the
7 net revenue realized for the preceding month from the 6.25%
8 general rate on transfers of tangible personal property, other
9 than (i) tangible personal property which is purchased outside
10 Illinois at retail from a retailer and which is titled or
11 registered by an agency of this State's government and (ii)
12 aviation fuel sold on or after December 1, 2019. This
13 exception for aviation fuel only applies for so long as the
14 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
15 47133 are binding on the State.

16 For aviation fuel sold on or after December 1, 2019, each
17 month the Department shall pay into the State Aviation Program
18 Fund 20% of the net revenue realized for the preceding month
19 from the 6.25% general rate on the selling price of aviation
20 fuel, less an amount estimated by the Department to be
21 required for refunds of the 20% portion of the tax on aviation
22 fuel under this Act, which amount shall be deposited into the
23 Aviation Fuel Sales Tax Refund Fund. The Department shall only
24 pay moneys into the State Aviation Program Fund and the
25 Aviation Fuel Sales Tax Refund Fund under this Act for so long
26 as the revenue use requirements of 49 U.S.C. 47107(b) and 49

1 U.S.C. 47133 are binding on the State.

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.

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

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

1 made pursuant to this paragraph.

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

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

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

1 the last business day of any month in which Bonds are
2 outstanding pursuant to the Build Illinois Bond Act, the
3 aggregate of the moneys deposited in the Build Illinois Bond
4 Account in the Build Illinois Fund in such month shall be less
5 than the amount required to be transferred in such month from
6 the Build Illinois Bond Account to the Build Illinois Bond
7 Retirement and Interest Fund pursuant to Section 13 of the
8 Build Illinois Bond Act, an amount equal to such deficiency
9 shall be immediately paid from other moneys received by the
10 Department pursuant to the Tax Acts to the Build Illinois
11 Fund; provided, however, that any amounts paid to the Build
12 Illinois Fund in any fiscal year pursuant to this sentence
13 shall be deemed to constitute payments pursuant to clause (b)
14 of the preceding sentence and shall reduce the amount
15 otherwise payable for such fiscal year pursuant to clause (b)
16 of the preceding sentence. 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 the sums designated as "Total Deposit", shall be
2 deposited in the aggregate from collections under Section 9 of
3 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
4 9 of the Service Occupation Tax Act, and Section 3 of the
5 Retailers' Occupation Tax Act into the McCormick Place
6 Expansion Project Fund in the specified fiscal years.

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

1	2011	146,000,000
2	2012	153,000,000
3	2013	161,000,000
4	2014	170,000,000
5	2015	179,000,000
6	2016	189,000,000
7	2017	199,000,000
8	2018	210,000,000
9	2019	221,000,000
10	2020	233,000,000
11	2021	300,000,000
12	2022	300,000,000
13	2023	300,000,000
14	2024	300,000,000
15	2025	300,000,000
16	2026	300,000,000
17	2027	375,000,000
18	2028	375,000,000
19	2029	375,000,000
20	2030	375,000,000
21	2031	375,000,000
22	2032	375,000,000
23	2033	375,000,000
24	2034	375,000,000
25	2035	375,000,000
26	2036	450,000,000

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

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

22 Subject to payment of amounts into the Capital Projects
23 Fund, the Clean Air Act Permit Fund, the Build Illinois Fund,
24 and the McCormick Place Expansion Project Fund pursuant to the
25 preceding paragraphs or in any amendments thereto hereafter
26 enacted, for aviation fuel sold on or after December 1, 2019,

1 the Department shall each month deposit into the Aviation Fuel
2 Sales Tax Refund Fund an amount estimated by the Department to
3 be required for refunds of the 80% portion of the tax on
4 aviation fuel under this Act. The Department shall only
5 deposit moneys into the Aviation Fuel Sales Tax Refund Fund
6 under this paragraph for so long as the revenue use
7 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
8 binding on the State.

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

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

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

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

23 Subject to payments of amounts into the Build Illinois
24 Fund, the McCormick Place Expansion Project Fund, the Illinois
25 Tax Increment Fund, the Energy Infrastructure Fund, and the
26 Tax Compliance and Administration Fund as provided in this

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

5 Subject to successful execution and delivery of a
 6 public-private agreement between the public agency and private
 7 entity and completion of the civic build, beginning on July 1,
 8 2023, of the remainder of the moneys received by the
 9 Department under the Use Tax Act, the Service Use Tax Act, the
 10 Service Occupation Tax Act, and this Act, the Department shall
 11 deposit the following specified deposits in the aggregate from
 12 collections under the Use Tax Act, the Service Use Tax Act, the
 13 Service Occupation Tax Act, and the Retailers' Occupation Tax
 14 Act, as required under Section 8.25g of the State Finance Act
 15 for distribution consistent with the Public-Private
 16 Partnership for Civic and Transit Infrastructure Project Act.
 17 The moneys received by the Department pursuant to this Act and
 18 required to be deposited into the Civic and Transit
 19 Infrastructure Fund are subject to the pledge, claim, and
 20 charge set forth in Section 25-55 of the Public-Private
 21 Partnership for Civic and Transit Infrastructure Project Act.
 22 As used in this paragraph, "civic build", "private entity",
 23 "public-private agreement", and "public agency" have the
 24 meanings provided in Section 25-10 of the Public-Private
 25 Partnership for Civic and Transit Infrastructure Project Act.

26 Fiscal Year..... Total Deposit

1	2024	.....	\$200,000,000
2	2025	.....	\$206,000,000
3	2026	.....	\$212,200,000
4	2027	.....	\$218,500,000
5	2028	.....	\$225,100,000
6	2029	.....	\$288,700,000
7	2030	.....	\$298,900,000
8	2031	.....	\$309,300,000
9	2032	.....	\$320,100,000
10	2033	.....	\$331,200,000
11	2034	.....	\$341,200,000
12	2035	.....	\$351,400,000
13	2036	.....	\$361,900,000
14	2037	.....	\$372,800,000
15	2038	.....	\$384,000,000
16	2039	.....	\$395,500,000
17	2040	.....	\$407,400,000
18	2041	.....	\$419,600,000
19	2042	.....	\$432,200,000
20	2043	.....	\$445,100,000

21 Beginning July 1, 2021 and until July 1, 2022, subject to
22 the payment of amounts into the State and Local Sales Tax
23 Reform Fund, the Build Illinois Fund, the McCormick Place
24 Expansion Project Fund, the Illinois Tax Increment Fund, the
25 Energy Infrastructure Fund, and the Tax Compliance and
26 Administration Fund as provided in this Section, the

1 Department shall pay each month into the Road Fund the amount
2 estimated to represent 16% of the net revenue realized from
3 the taxes imposed on motor fuel and gasohol. Beginning July 1,
4 2022 and until July 1, 2023, subject to the payment of amounts
5 into the State and Local Sales Tax Reform Fund, the Build
6 Illinois Fund, the McCormick Place Expansion Project Fund, the
7 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
8 and the Tax Compliance and Administration Fund as provided in
9 this Section, the Department shall pay each month into the
10 Road Fund the amount estimated to represent 32% of the net
11 revenue realized from the taxes imposed on motor fuel and
12 gasohol. Beginning July 1, 2023 and until July 1, 2024,
13 subject to the payment of amounts into the State and Local
14 Sales Tax Reform Fund, the Build Illinois Fund, the McCormick
15 Place Expansion Project Fund, the Illinois Tax Increment Fund,
16 the Energy Infrastructure Fund, and the Tax Compliance and
17 Administration Fund as provided in this Section, the
18 Department shall pay each month into the Road Fund the amount
19 estimated to represent 48% of the net revenue realized from
20 the taxes imposed on motor fuel and gasohol. Beginning July 1,
21 2024 and until July 1, 2025, subject to the payment of amounts
22 into the State and Local Sales Tax Reform Fund, the Build
23 Illinois Fund, the McCormick Place Expansion Project Fund, the
24 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
25 and the Tax Compliance and Administration Fund as provided in
26 this Section, the Department shall pay each month into the

1 Road Fund the amount estimated to represent 64% of the net
2 revenue realized from the taxes imposed on motor fuel and
3 gasohol. Beginning on July 1, 2025, subject to the payment of
4 amounts into the State and Local Sales Tax Reform Fund, the
5 Build Illinois Fund, the McCormick Place Expansion Project
6 Fund, the Illinois Tax Increment Fund, the Energy
7 Infrastructure Fund, and the Tax Compliance and Administration
8 Fund as provided in this Section, the Department shall pay
9 each month into the Road Fund the amount estimated to
10 represent 80% of the net revenue realized from the taxes
11 imposed on motor fuel and gasohol. As used in this paragraph
12 "motor fuel" has the meaning given to that term in Section 1.1
13 of the Motor Fuel Tax Act, and "gasohol" has the meaning given
14 to that term in Section 3-40 of the Use Tax Act.

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

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

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

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

7 (Source: P.A. 100-303, eff. 8-24-17; 100-363, eff. 7-1-18;
8 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, Article
9 15, Section 15-15, eff. 6-5-19; 101-10, Article 25, Section
10 25-110, eff. 6-5-19; 101-27, eff. 6-25-19; 101-32, eff.
11 6-28-19; 101-604, eff. 12-13-19; 101-636, eff. 6-10-20.)

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, 2022, and 2% on
21 and after January 1, 2022, 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, 2022, 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, 2022, in no event shall the discount
5 allowed to any vendor be less than \$5 in any calendar year or
6 more than \$1,000 in any calendar year. The discount under this
7 Section is not allowed for the 1.25% portion of taxes paid on
8 aviation fuel that is subject to the revenue use requirements
9 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133. The discount
10 allowed under this Section is allowed only for returns that
11 are filed in the manner required by this Act. The Department
12 may disallow the discount for servicemen whose certificate of
13 registration is revoked at the time the return is filed, but
14 only if the Department's decision to revoke the certificate of
15 registration has become final.

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

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

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

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

19 1. The name of the seller;

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

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

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

3 5. The amount of tax due;

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

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

7 Each serviceman required or authorized to collect the tax
8 herein imposed on aviation fuel acquired as an incident to the
9 purchase of a service in this State during the preceding
10 calendar month shall, instead of reporting and paying tax as
11 otherwise required by this Section, report and pay such tax on
12 a separate aviation fuel tax return. The requirements related
13 to the return shall be as otherwise provided in this Section.
14 Notwithstanding any other provisions of this Act to the
15 contrary, servicemen transferring aviation fuel incident to
16 sales of service shall file all aviation fuel tax returns and
17 shall make all aviation fuel tax payments by electronic means
18 in the manner and form required by the Department. For
19 purposes of this Section, "aviation fuel" means jet fuel and
20 aviation gasoline.

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 Notwithstanding any other provision of this Act to the
26 contrary, servicemen subject to tax on cannabis shall file all

1 cannabis tax returns and shall make all cannabis tax payments
2 by electronic means in the manner and form required by the
3 Department.

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

26 If the serviceman's average monthly tax liability to the

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

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

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

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

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

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

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

1 such tax to the Department, he shall be entitled to no
2 deduction hereunder upon refunding such tax to the purchaser.

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

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

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

17 Beginning January 1, 1990, each month the Department shall
18 pay into the County and Mass Transit District Fund 4% of the
19 revenue realized for the preceding month from the 6.25%
20 general rate on sales of tangible personal property other than
21 aviation fuel sold on or after December 1, 2019. This
22 exception for aviation fuel only applies for so long as the
23 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
24 47133 are binding on the State.

25 Beginning August 1, 2000, each month the Department shall
26 pay into the County and Mass Transit District Fund 20% of the

1 net revenue realized for the preceding month from the 1.25%
2 rate on the selling price of motor fuel and gasohol.

3 Beginning January 1, 1990, each month the Department shall
4 pay into the Local Government Tax Fund 16% of the revenue
5 realized for the preceding month from the 6.25% general rate
6 on transfers of tangible personal property other than aviation
7 fuel sold on or after December 1, 2019. This exception for
8 aviation fuel only applies for so long as the revenue use
9 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
10 binding on the State.

11 For aviation fuel sold on or after December 1, 2019, each
12 month the Department shall pay into the State Aviation Program
13 Fund 20% of the net revenue realized for the preceding month
14 from the 6.25% general rate on the selling price of aviation
15 fuel, less an amount estimated by the Department to be
16 required for refunds of the 20% portion of the tax on aviation
17 fuel under this Act, which amount shall be deposited into the
18 Aviation Fuel Sales Tax Refund Fund. The Department shall only
19 pay moneys into the State Aviation Program Fund and the
20 Aviation Fuel Sales Tax Refund Fund under this Act for so long
21 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
22 U.S.C. 47133 are binding on the State.

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

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

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

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

1 State Crime Laboratory Fund.

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

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

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

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

1 Expansion Project Fund in the specified fiscal years.

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

1	2016	189,000,000
2	2017	199,000,000
3	2018	210,000,000
4	2019	221,000,000
5	2020	233,000,000
6	2021	300,000,000
7	2022	300,000,000
8	2023	300,000,000
9	2024	300,000,000
10	2025	300,000,000
11	2026	300,000,000
12	2027	375,000,000
13	2028	375,000,000
14	2029	375,000,000
15	2030	375,000,000
16	2031	375,000,000
17	2032	375,000,000
18	2033	375,000,000
19	2034	375,000,000
20	2035	375,000,000
21	2036	450,000,000

22 and
23 each fiscal year
24 thereafter that bonds
25 are outstanding under
26 Section 13.2 of the

1 Metropolitan Pier and
2 Exposition Authority Act,
3 but not after fiscal year 2060.

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

17 Subject to payment of amounts into the Capital Projects
18 Fund, the Build Illinois Fund, and the McCormick Place
19 Expansion Project Fund pursuant to the preceding paragraphs or
20 in any amendments thereto hereafter enacted, for aviation fuel
21 sold on or after December 1, 2019, the Department shall each
22 month deposit into the Aviation Fuel Sales Tax Refund Fund an
23 amount estimated by the Department to be required for refunds
24 of the 80% portion of the tax on aviation fuel under this Act.
25 The Department shall only deposit moneys into the Aviation
26 Fuel Sales Tax Refund Fund under this paragraph for so long as

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

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

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

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

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

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

25 Subject to successful execution and delivery of a
26 public-private agreement between the public agency and private

1 entity and completion of the civic build, beginning on July 1,
 2 2023, of the remainder of the moneys received by the
 3 Department under the Use Tax Act, the Service Use Tax Act, the
 4 Service Occupation Tax Act, and this Act, the Department shall
 5 deposit the following specified deposits in the aggregate from
 6 collections under the Use Tax Act, the Service Use Tax Act, the
 7 Service Occupation Tax Act, and the Retailers' Occupation Tax
 8 Act, as required under Section 8.25g of the State Finance Act
 9 for distribution consistent with the Public-Private
 10 Partnership for Civic and Transit Infrastructure Project Act.
 11 The moneys received by the Department pursuant to this Act and
 12 required to be deposited into the Civic and Transit
 13 Infrastructure Fund are subject to the pledge, claim and
 14 charge set forth in Section 25-55 of the Public-Private
 15 Partnership for Civic and Transit Infrastructure Project Act.
 16 As used in this paragraph, "civic build", "private entity",
 17 "public-private agreement", and "public agency" have the
 18 meanings provided in Section 25-10 of the Public-Private
 19 Partnership for Civic and Transit Infrastructure Project Act.

20	Fiscal Year.....	Total Deposit
21	2024	\$200,000,000
22	2025	\$206,000,000
23	2026	\$212,200,000
24	2027	\$218,500,000
25	2028	\$225,100,000
26	2029	\$288,700,000

1	2030	.....	\$298,900,000
2	2031	.....	\$309,300,000
3	2032	.....	\$320,100,000
4	2033	.....	\$331,200,000
5	2034	.....	\$341,200,000
6	2035	.....	\$351,400,000
7	2036	.....	\$361,900,000
8	2037	.....	\$372,800,000
9	2038	.....	\$384,000,000
10	2039	.....	\$395,500,000
11	2040	.....	\$407,400,000
12	2041	.....	\$419,600,000
13	2042	.....	\$432,200,000
14	2043	.....	\$445,100,000

15 Beginning July 1, 2021 and until July 1, 2022, subject to
16 the payment of amounts into the County and Mass Transit
17 District Fund, the Local Government Tax Fund, the Build
18 Illinois Fund, the McCormick Place Expansion Project Fund, the
19 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
20 and the Tax Compliance and Administration Fund as provided in
21 this Section, the Department shall pay each month into the
22 Road Fund the amount estimated to represent 16% of the net
23 revenue realized from the taxes imposed on motor fuel and
24 gasohol. Beginning July 1, 2022 and until July 1, 2023,
25 subject to the payment of amounts into the County and Mass
26 Transit District Fund, the Local Government Tax Fund, the

1 Build Illinois Fund, the McCormick Place Expansion Project
2 Fund, the Illinois Tax Increment Fund, the Energy
3 Infrastructure Fund, and the Tax Compliance and Administration
4 Fund as provided in this Section, the Department shall pay
5 each month into the Road Fund the amount estimated to
6 represent 32% of the net revenue realized from the taxes
7 imposed on motor fuel and gasohol. Beginning July 1, 2023 and
8 until July 1, 2024, subject to the payment of amounts into the
9 County and Mass Transit District Fund, the Local Government
10 Tax Fund, the Build Illinois Fund, the McCormick Place
11 Expansion Project Fund, the Illinois Tax Increment Fund, the
12 Energy Infrastructure Fund, and the Tax Compliance and
13 Administration Fund as provided in this Section, the
14 Department shall pay each month into the Road Fund the amount
15 estimated to represent 48% of the net revenue realized from
16 the taxes imposed on motor fuel and gasohol. Beginning July 1,
17 2024 and until July 1, 2025, subject to the payment of amounts
18 into the County and Mass Transit District Fund, the Local
19 Government Tax Fund, the Build Illinois Fund, the McCormick
20 Place Expansion Project Fund, the Illinois Tax Increment Fund,
21 the Energy Infrastructure Fund, and the Tax Compliance and
22 Administration Fund as provided in this Section, the
23 Department shall pay each month into the Road Fund the amount
24 estimated to represent 64% of the net revenue realized from
25 the taxes imposed on motor fuel and gasohol. Beginning on July
26 1, 2025, subject to the payment of amounts into the County and

1 Mass Transit District Fund, the Local Government Tax Fund, the
2 Build Illinois Fund, the McCormick Place Expansion Project
3 Fund, the Illinois Tax Increment Fund, the Energy
4 Infrastructure Fund, and the Tax Compliance and Administration
5 Fund as provided in this Section, the Department shall pay
6 each month into the Road Fund the amount estimated to
7 represent 80% of the net revenue realized from the taxes
8 imposed on motor fuel and gasohol. As used in this paragraph
9 "motor fuel" has the meaning given to that term in Section 1.1
10 of the Motor Fuel Tax Act, and "gasohol" has the meaning given
11 to that term in Section 3-40 of the Use Tax Act.

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

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

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

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

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

26 (ii) On and after January 1, 1994, the taxpayer shall

1 be liable for a penalty as described in Section 3-4 of the
2 Uniform Penalty and Interest Act.

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

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

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

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

26 For greater simplicity of administration, it shall be

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

8 (Source: P.A. 100-303, eff. 8-24-17; 100-363, eff. 7-1-18;
9 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, Article
10 15, Section 15-20, eff. 6-5-19; 101-10, Article 25, Section
11 25-115, eff. 6-5-19; 101-27, eff. 6-25-19; 101-32, eff.
12 6-28-19; 101-604, eff. 12-13-19; 101-636, eff. 6-10-20.)

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

15 (35 ILCS 120/3) (from Ch. 120, par. 442)

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

21 1. The name of the seller;

22 2. His residence address and the address of his
23 principal place of business and the address of the
24 principal place of business (if that is a different

1 address) from which he engages in the business of selling
2 tangible personal property at retail in this State;

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

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

13 5. Deductions allowed by law;

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

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

19 8. The amount of tax due;

20 9. The signature of the taxpayer; and

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

23 On and after January 1, 2018, except for returns for motor
24 vehicles, watercraft, aircraft, and trailers that are required
25 to be registered with an agency of this State, with respect to
26 retailers whose annual gross receipts average \$20,000 or more,

1 all returns required to be filed pursuant to this Act shall be
2 filed electronically. Retailers who demonstrate that they do
3 not have access to the Internet or demonstrate hardship in
4 filing electronically may petition the Department to waive the
5 electronic filing requirement.

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

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

13 Prior to October 1, 2003, and on and after September 1,
14 2004 a retailer may accept a Manufacturer's Purchase Credit
15 certification from a purchaser in satisfaction of Use Tax as
16 provided in Section 3-85 of the Use Tax Act if the purchaser
17 provides the appropriate documentation as required by Section
18 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
19 certification, accepted by a retailer prior to October 1, 2003
20 and on and after September 1, 2004 as provided in Section 3-85
21 of the Use Tax Act, may be used by that retailer to satisfy
22 Retailers' Occupation Tax liability in the amount claimed in
23 the certification, not to exceed 6.25% of the receipts subject
24 to tax from a qualifying purchase. A Manufacturer's Purchase
25 Credit reported on any original or amended return filed under
26 this Act after October 20, 2003 for reporting periods prior to

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

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

15 1. The name of the seller;

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

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

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

26 5. The amount of tax due; and

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

3 Every person engaged in the business of selling aviation
4 fuel at retail in this State during the preceding calendar
5 month shall, instead of reporting and paying tax as otherwise
6 required by this Section, report and pay such tax on a separate
7 aviation fuel tax return. The requirements related to the
8 return shall be as otherwise provided in this Section.
9 Notwithstanding any other provisions of this Act to the
10 contrary, retailers selling aviation fuel shall file all
11 aviation fuel tax returns and shall make all aviation fuel tax
12 payments by electronic means in the manner and form required
13 by the Department. For purposes of this Section, "aviation
14 fuel" means jet fuel and aviation gasoline.

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

1 this paragraph, the term "alcoholic liquor" shall have the
2 meaning prescribed in the Liquor Control Act of 1934.

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

1 manufacturer shall furnish the sales information by personal
2 delivery or by mail. For purposes of this paragraph, the term
3 "electronic means" includes, but is not limited to, the use of
4 a secure Internet website, e-mail, or facsimile.

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

9 Notwithstanding any other provision of this Act to the
10 contrary, retailers subject to tax on cannabis shall file all
11 cannabis tax returns and shall make all cannabis tax payments
12 by electronic means in the manner and form required by the
13 Department.

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

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

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

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

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

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

1 requirements of this Section.

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

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

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

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

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

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

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

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

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

13 In addition, with respect to motor vehicles, watercraft,
14 aircraft, and trailers that are required to be registered with
15 an agency of this State, every person who is engaged in the
16 business of leasing or renting such items and who, in
17 connection with such business, sells any such item to a
18 retailer for the purpose of resale is, notwithstanding any
19 other provision of this Section to the contrary, authorized to
20 meet the return-filing requirement of this Act by reporting
21 the transfer of all the aircraft, watercraft, motor vehicles,
22 or trailers transferred for resale during a month to the
23 Department on the same uniform invoice-transaction reporting
24 return form on or before the 20th of the month following the
25 month in which the transfer takes place. Notwithstanding any
26 other provision of this Act to the contrary, all returns filed

1 under this paragraph must be filed by electronic means in the
2 manner and form as required by the Department.

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

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

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

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

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

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

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

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

1 paid the proper tax (if tax is due) to the retailer. The
2 Department shall adopt appropriate rules to carry out the
3 mandate of this paragraph.

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

23 Refunds made by the seller during the preceding return
24 period to purchasers, on account of tangible personal property
25 returned to the seller, shall be allowed as a deduction under
26 subdivision 5 of his monthly or quarterly return, as the case

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

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

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

13 Except as provided in this Section, the retailer filing
14 the return under this Section shall, at the time of filing such
15 return, pay to the Department the amount of tax imposed by this
16 Act less a discount of 2.1% prior to January 1, 1990, ~~and~~ 1.75%
17 on and after January 1, 1990 and prior to January 1, 2022, and
18 2% on and after January 1, 2022, or \$5 per calendar year,
19 ~~whichever is greater,~~ which is allowed to reimburse the
20 retailer for the expenses incurred in keeping records,
21 preparing and filing returns, remitting the tax and supplying
22 data to the Department on request. On and after January 1, 1990
23 and prior to January 1, 2022, in no event shall the discount
24 allowed to any vendor be less than \$5 in any calendar year. On
25 and after January 1, 2022, in no event shall the discount
26 allowed to any vendor be less than \$5 in any calendar year or

1 more than \$1,000 in any calendar year. The discount under this
2 Section is not allowed for the 1.25% portion of taxes paid on
3 aviation fuel that is subject to the revenue use requirements
4 of 49 U.S.C. 47107(b) and 49 U.S.C. 47133. Any prepayment made
5 pursuant to Section 2d of this Act shall be included in the
6 amount on which such ~~2.1% or 1.75%~~ discount is computed. In the
7 case of retailers who report and pay the tax on a transaction
8 by transaction basis, as provided in this Section, such
9 discount shall be taken with each such tax remittance instead
10 of when such retailer files his periodic return. The discount
11 allowed under this Section is allowed only for returns that
12 are filed in the manner required by this Act. The Department
13 may disallow the discount for retailers whose certificate of
14 registration is revoked at the time the return is filed, but
15 only if the Department's decision to revoke the certificate of
16 registration has become final.

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

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

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

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

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

15 The provisions of this paragraph apply before October 1,
16 2001. Without regard to whether a taxpayer is required to make
17 quarter monthly payments as specified above, any taxpayer who
18 is required by Section 2d of this Act to collect and remit
19 prepaid taxes and has collected prepaid taxes which average in
20 excess of \$25,000 per month during the preceding 2 complete
21 calendar quarters, shall file a return with the Department as
22 required by Section 2f and shall make payments to the
23 Department on or before the 7th, 15th, 22nd and last day of the
24 month during which such liability is incurred. If the month
25 during which such tax liability is incurred began prior to
26 September 1, 1985 (the effective date of Public Act 84-221),

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

25 The provisions of this paragraph apply on and after
26 October 1, 2001. Without regard to whether a taxpayer is

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

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

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

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

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

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

10 Beginning January 1, 1990, each month the Department shall
11 pay into the County and Mass Transit District Fund, a special
12 fund in the State treasury which is hereby created, 4% of the
13 net revenue realized for the preceding month from the 6.25%
14 general rate other than aviation fuel sold on or after
15 December 1, 2019. This exception for aviation fuel only
16 applies for so long as the revenue use requirements of 49
17 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

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
23 the County and Mass Transit District Fund 20% of the net
24 revenue realized for the preceding month from the 1.25% rate
25 on the 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
3 on the selling price of tangible personal property other than
4 aviation fuel sold on or after December 1, 2019. This
5 exception for aviation fuel only applies for so long as the
6 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
7 47133 are binding on the State.

8 For aviation fuel sold on or after December 1, 2019, each
9 month the Department shall pay into the State Aviation Program
10 Fund 20% of the net revenue realized for the preceding month
11 from the 6.25% general rate on the selling price of aviation
12 fuel, less an amount estimated by the Department to be
13 required for refunds of the 20% portion of the tax on aviation
14 fuel under this Act, which amount shall be deposited into the
15 Aviation Fuel Sales Tax Refund Fund. The Department shall only
16 pay moneys into the State Aviation Program Fund and the
17 Aviation Fuel Sales Tax Refund Fund under this Act for so long
18 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
19 U.S.C. 47133 are binding on the State.

20 Beginning August 1, 2000, each month the Department shall
21 pay into the Local Government Tax Fund 80% of the net revenue
22 realized for the preceding month from the 1.25% rate on the
23 selling price of motor fuel and gasohol. Beginning September
24 1, 2010, each month the Department shall pay into the Local
25 Government Tax Fund 80% of the net revenue realized for the
26 preceding month from the 1.25% rate on the selling price of

1 sales tax holiday items.

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

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

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

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

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

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

1 hereinafter defined), an amount equal to the difference shall
2 be immediately paid into the Build Illinois Fund from other
3 moneys received by the Department pursuant to the Tax Acts;
4 the "Annual Specified Amount" means the amounts specified
5 below for fiscal years 1986 through 1993:

6	Fiscal Year	Annual Specified Amount
7	1986	\$54,800,000
8	1987	\$76,650,000
9	1988	\$80,480,000
10	1989	\$88,510,000
11	1990	\$115,330,000
12	1991	\$145,470,000
13	1992	\$182,730,000
14	1993	\$206,520,000;

15 and means the Certified Annual Debt Service Requirement (as
16 defined in Section 13 of the Build Illinois Bond Act) or the
17 Tax Act Amount, whichever is greater, for fiscal year 1994 and
18 each fiscal year thereafter; and further provided, that if on
19 the last business day of any month the sum of (1) the Tax Act
20 Amount required to be deposited into the Build Illinois Bond
21 Account in the Build Illinois Fund during such month and (2)
22 the amount transferred to the Build Illinois Fund from the
23 State and Local Sales Tax Reform Fund shall have been less than
24 1/12 of the Annual Specified Amount, an amount equal to the
25 difference shall be immediately paid into the Build Illinois
26 Fund from other moneys received by the Department pursuant to

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

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

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

24	Fiscal Year	Total Deposit
25	1993	\$0

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

1	2020	233,000,000
2	2021	300,000,000
3	2022	300,000,000
4	2023	300,000,000
5	2024	300,000,000
6	2025	300,000,000
7	2026	300,000,000
8	2027	375,000,000
9	2028	375,000,000
10	2029	375,000,000
11	2030	375,000,000
12	2031	375,000,000
13	2032	375,000,000
14	2033	375,000,000
15	2034	375,000,000
16	2035	375,000,000
17	2036	450,000,000

18 and

19 each fiscal year

20 thereafter that bonds

21 are outstanding under

22 Section 13.2 of the

23 Metropolitan Pier and

24 Exposition Authority Act,

25 but not after fiscal year 2060.

26 Beginning July 20, 1993 and in each month of each fiscal

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

13 Subject to payment of amounts into the Capital Projects
14 Fund, the Clean Air Act Permit Fund, the Build Illinois Fund,
15 and the McCormick Place Expansion Project Fund pursuant to the
16 preceding paragraphs or in any amendments thereto hereafter
17 enacted, for aviation fuel sold on or after December 1, 2019,
18 the Department shall each month deposit into the Aviation Fuel
19 Sales Tax Refund Fund an amount estimated by the Department to
20 be required for refunds of the 80% portion of the tax on
21 aviation fuel under this Act. The Department shall only
22 deposit moneys into the Aviation Fuel Sales Tax Refund Fund
23 under this paragraph for so long as the revenue use
24 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
25 binding on the State.

26 Subject to payment of amounts into the Build Illinois Fund

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

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

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

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

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

22 Subject to successful execution and delivery of a
23 public-private agreement between the public agency and private
24 entity and completion of the civic build, beginning on July 1,
25 2023, of the remainder of the moneys received by the
26 Department under the Use Tax Act, the Service Use Tax Act, the

1 Service Occupation Tax Act, and this Act, the Department shall
 2 deposit the following specified deposits in the aggregate from
 3 collections under the Use Tax Act, the Service Use Tax Act, the
 4 Service Occupation Tax Act, and the Retailers' Occupation Tax
 5 Act, as required under Section 8.25g of the State Finance Act
 6 for distribution consistent with the Public-Private
 7 Partnership for Civic and Transit Infrastructure Project Act.
 8 The moneys received by the Department pursuant to this Act and
 9 required to be deposited into the Civic and Transit
 10 Infrastructure Fund are subject to the pledge, claim and
 11 charge set forth in Section 25-55 of the Public-Private
 12 Partnership for Civic and Transit Infrastructure Project Act.
 13 As used in this paragraph, "civic build", "private entity",
 14 "public-private agreement", and "public agency" have the
 15 meanings provided in Section 25-10 of the Public-Private
 16 Partnership for Civic and Transit Infrastructure Project Act.

17	Fiscal Year.....	Total Deposit
18	2024	\$200,000,000
19	2025	\$206,000,000
20	2026	\$212,200,000
21	2027	\$218,500,000
22	2028	\$225,100,000
23	2029	\$288,700,000
24	2030	\$298,900,000
25	2031	\$309,300,000
26	2032	\$320,100,000

1	2033	.....	\$331,200,000
2	2034	.....	\$341,200,000
3	2035	.....	\$351,400,000
4	2036	.....	\$361,900,000
5	2037	.....	\$372,800,000
6	2038	.....	\$384,000,000
7	2039	.....	\$395,500,000
8	2040	.....	\$407,400,000
9	2041	.....	\$419,600,000
10	2042	.....	\$432,200,000
11	2043	.....	\$445,100,000

12 Beginning July 1, 2021 and until July 1, 2022, subject to
13 the payment of amounts into the County and Mass Transit
14 District Fund, the Local Government Tax Fund, the Build
15 Illinois Fund, the McCormick Place Expansion Project Fund, the
16 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
17 and the Tax Compliance and Administration Fund as provided in
18 this Section, the Department shall pay each month into the
19 Road Fund the amount estimated to represent 16% of the net
20 revenue realized from the taxes imposed on motor fuel and
21 gasohol. Beginning July 1, 2022 and until July 1, 2023,
22 subject to the payment of amounts into the County and Mass
23 Transit District Fund, the Local Government Tax Fund, the
24 Build Illinois Fund, the McCormick Place Expansion Project
25 Fund, the Illinois Tax Increment Fund, the Energy
26 Infrastructure Fund, and the Tax Compliance and Administration

1 Fund as provided in this Section, the Department shall pay
2 each month into the Road Fund the amount estimated to
3 represent 32% of the net revenue realized from the taxes
4 imposed on motor fuel and gasohol. Beginning July 1, 2023 and
5 until July 1, 2024, subject to the payment of amounts into the
6 County and Mass Transit District Fund, the Local Government
7 Tax Fund, the Build Illinois Fund, the McCormick Place
8 Expansion Project Fund, the Illinois Tax Increment Fund, the
9 Energy Infrastructure Fund, and the Tax Compliance and
10 Administration Fund as provided in this Section, the
11 Department shall pay each month into the Road Fund the amount
12 estimated to represent 48% of the net revenue realized from
13 the taxes imposed on motor fuel and gasohol. Beginning July 1,
14 2024 and until July 1, 2025, subject to the payment of amounts
15 into the County and Mass Transit District Fund, the Local
16 Government Tax Fund, the Build Illinois Fund, the McCormick
17 Place Expansion Project Fund, the Illinois Tax Increment Fund,
18 the Energy Infrastructure Fund, and the Tax Compliance and
19 Administration Fund as provided in this Section, the
20 Department shall pay each month into the Road Fund the amount
21 estimated to represent 64% of the net revenue realized from
22 the taxes imposed on motor fuel and gasohol. Beginning on July
23 1, 2025, subject to the payment of amounts into the County and
24 Mass Transit District Fund, the Local Government Tax Fund, the
25 Build Illinois Fund, the McCormick Place Expansion Project
26 Fund, the Illinois Tax Increment Fund, the Energy

1 Infrastructure Fund, and the Tax Compliance and Administration
2 Fund as provided in this Section, the Department shall pay
3 each month into the Road Fund the amount estimated to
4 represent 80% of the net revenue realized from the taxes
5 imposed on motor fuel and gasohol. As used in this paragraph
6 "motor fuel" has the meaning given to that term in Section 1.1
7 of the Motor Fuel Tax Act, and "gasohol" has the meaning given
8 to that term in Section 3-40 of the Use Tax Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (Source: P.A. 100-303, eff. 8-24-17; 100-363, eff. 7-1-18;
15 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; 101-10, Article
16 15, Section 15-25, eff. 6-5-19; 101-10, Article 25, Section
17 25-120, eff. 6-5-19; 101-27, eff. 6-25-19; 101-32, eff.
18 6-28-19; 101-604, eff. 12-13-19; 101-636, eff. 6-10-20.)

19 Section 30. The Cigarette Tax Act is amended by changing
20 Section 2 as follows:

21 (35 ILCS 130/2) (from Ch. 120, par. 453.2)

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

24 (a) Beginning on July 1, 2019, in place of the aggregate

1 tax rate of 99 mills previously imposed by this Act, a tax is
2 imposed upon any person engaged in business as a retailer of
3 cigarettes at the rate of 149 mills per cigarette sold or
4 otherwise disposed of in the course of such business in this
5 State.

6 (b) The payment of such taxes shall be evidenced by a stamp
7 affixed to each original package of cigarettes, or an
8 authorized substitute for such stamp imprinted on each
9 original package of such cigarettes underneath the sealed
10 transparent outside wrapper of such original package, as
11 hereinafter provided. However, such taxes are not imposed upon
12 any activity in such business in interstate commerce or
13 otherwise, which activity may not under the Constitution and
14 statutes of the United States be made the subject of taxation
15 by this State.

16 Out of the 149 mills per cigarette tax imposed by
17 subsection (a), the revenues received from 4 mills shall be
18 paid into the Common School Fund each month, not to exceed
19 \$9,000,000 per month. Out of the 149 mills per cigarette tax
20 imposed by subsection (a), all of the revenues received from 7
21 mills shall be paid into the Common School Fund each month. Out
22 of the 149 mills per cigarette tax imposed by subsection (a),
23 50 mills per cigarette each month shall be paid into the
24 Healthcare Provider Relief Fund.

25 Beginning on July 1, 2006, all of the moneys received by
26 the Department of Revenue pursuant to this Act and the

1 Cigarette Use Tax Act, other than the moneys that are
2 dedicated to the Common School Fund and, beginning on the
3 effective date of this amendatory Act of the 97th General
4 Assembly, other than the moneys from the additional taxes
5 imposed by this amendatory Act of the 97th General Assembly
6 that must be paid each month into the Healthcare Provider
7 Relief Fund, and other than the moneys from the additional
8 taxes imposed by this amendatory Act of the 101st General
9 Assembly that must be paid each month under subsection (c),
10 shall be distributed each month as follows: first, there shall
11 be paid into the General Revenue Fund an amount that, when
12 added to the amount paid into the Common School Fund for that
13 month, equals \$29,200,000; then, from the moneys remaining, if
14 any amounts required to be paid into the General Revenue Fund
15 in previous months remain unpaid, those amounts shall be paid
16 into the General Revenue Fund; then from the moneys remaining,
17 \$5,000,000 per month shall be paid into the School
18 Infrastructure Fund; then, if any amounts required to be paid
19 into the School Infrastructure Fund in previous months remain
20 unpaid, those amounts shall be paid into the School
21 Infrastructure Fund; then the moneys remaining, if any, shall
22 be paid into the Long-Term Care Provider Fund.

23 (c) Beginning on July 1, 2019, all of the moneys from the
24 additional taxes imposed by Public Act 101-31, except for
25 moneys received from the tax on electronic cigarettes,
26 received by the Department of Revenue pursuant to this Act,

1 the Cigarette Use Tax Act, and the Tobacco Products Tax Act of
2 1995 shall be distributed each month into the Capital Projects
3 Fund.

4 (d) Except for moneys received from the additional taxes
5 imposed by Public Act 101-31, moneys collected from the tax
6 imposed on little cigars under Section 10-10 of the Tobacco
7 Products Tax Act of 1995 shall be included with the moneys
8 collected under the Cigarette Tax Act and the Cigarette Use
9 Tax Act when making distributions to the Common School Fund,
10 the Healthcare Provider Relief Fund, the General Revenue Fund,
11 the School Infrastructure Fund, and the Long-Term Care
12 Provider Fund under this Section.

13 (e) If the tax imposed herein terminates or has
14 terminated, distributors who have bought stamps while such tax
15 was in effect and who therefore paid such tax, but who can
16 show, to the Department's satisfaction, that they sold the
17 cigarettes to which they affixed such stamps after such tax
18 had terminated and did not recover the tax or its equivalent
19 from purchasers, shall be allowed by the Department to take
20 credit for such absorbed tax against subsequent tax stamp
21 purchases from the Department by such distributor.

22 (f) The impact of the tax levied by this Act is imposed
23 upon the retailer and shall be prepaid or pre-collected by the
24 distributor for the purpose of convenience and facility only,
25 and the amount of the tax shall be added to the price of the
26 cigarettes sold by such distributor. Collection of the tax

1 shall be evidenced by a stamp or stamps affixed to each
2 original package of cigarettes, as hereinafter provided. Any
3 distributor who purchases stamps may credit any excess
4 payments verified by the Department against amounts
5 subsequently due for the purchase of additional stamps, until
6 such time as no excess payment remains.

7 (g) Each distributor shall collect the tax from the
8 retailer at or before the time of the sale, shall affix the
9 stamps as hereinafter required, and shall remit the tax
10 collected from retailers to the Department, as hereinafter
11 provided. Any distributor who fails to properly collect and
12 pay the tax imposed by this Act shall be liable for the tax.

13 (h) Any distributor having cigarettes in his or her
14 possession on July 1, 2019 to which tax stamps have been
15 affixed, and any distributor having stamps in his or her
16 possession on July 1, 2019 that have not been affixed to
17 packages of cigarettes before July 1, 2019, is required to pay
18 the additional tax that begins on July 1, 2019 imposed by this
19 amendatory Act of the 101st General Assembly to the extent
20 that the volume of affixed and unaffixed stamps in the
21 distributor's possession on July 1, 2019 exceeds the average
22 monthly volume of cigarette stamps purchased by the
23 distributor in calendar year 2018. This payment, less the
24 discount provided in subsection (l), is due when the
25 distributor first makes a purchase of cigarette stamps on or
26 after July 1, 2019 or on the first due date of a return under

1 this Act occurring on or after July 1, 2019, whichever occurs
2 first. Those distributors may elect to pay the additional tax
3 on packages of cigarettes to which stamps have been affixed
4 and on any stamps in the distributor's possession that have
5 not been affixed to packages of cigarettes in their possession
6 on July 1, 2019 over a period not to exceed 12 months from the
7 due date of the additional tax by notifying the Department in
8 writing. The first payment for distributors making such
9 election is due when the distributor first makes a purchase of
10 cigarette tax stamps on or after July 1, 2019 or on the first
11 due date of a return under this Act occurring on or after July
12 1, 2019, whichever occurs first. Distributors making such an
13 election are not entitled to take the discount provided in
14 subsection (l) on such payments.

15 (i) Any retailer having cigarettes in its possession on
16 July 1, 2019 to which tax stamps have been affixed is not
17 required to pay the additional tax that begins on July 1, 2019
18 imposed by this amendatory Act of the 101st General Assembly
19 on those stamped cigarettes.

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

13 (l) The distributor shall be required to collect the tax
14 provided under paragraph (a) hereof, and, to cover the costs
15 of such collection, shall be allowed a discount during any
16 year 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.

23 On and after December 1, 1985, a discount ~~equal to 1.75% of~~
24 ~~the amount of the tax payable under this Act up to and~~
25 ~~including the first \$3,000,000 paid hereunder by such~~
26 ~~distributor to the Department during any such year and 1.5% of~~

1 ~~the amount of any additional tax paid hereunder by such~~
2 ~~distributor to the Department during any such year shall~~
3 ~~apply. On and after December 1, 1985 and until January 1, 2022,~~
4 ~~the discount amount shall be 1.75% of the amount of the tax~~
5 ~~payable under this Act up to and including the first~~
6 ~~\$3,000,000 paid hereunder by such distributor to the~~
7 ~~Department during any such year and 1.5% of the amount of any~~
8 ~~additional tax paid hereunder by such distributor to the~~
9 ~~Department during any the year. On and after January 1, 2022,~~
10 ~~the discount amount shall be 2% of the tax payable under this~~
11 ~~Act during the calendar year; however, on and after January 1,~~
12 ~~2022, in no event shall the discount allowed to any~~
13 ~~distributor be less than \$5 in any calendar year or more than~~
14 ~~\$1,000 in any calendar year.~~

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

19 (m) The taxes herein imposed are in addition to all other
20 occupation or privilege taxes imposed by the State of
21 Illinois, or by any political subdivision thereof, or by any
22 municipal corporation.

23 (Source: P.A. 100-1171, eff. 1-4-19; 101-31, eff. 6-28-19;
24 101-604, eff. 12-13-19.)

25 Section 35. The Cigarette Use Tax Act is amended by

1 changing Section 3 as follows:

2 (35 ILCS 135/3) (from Ch. 120, par. 453.33)

3 Sec. 3. Stamp payment. The tax hereby imposed shall be
4 collected by a distributor maintaining a place of business in
5 this State or a distributor authorized by the Department
6 pursuant to Section 7 hereof to collect the tax, and the amount
7 of the tax shall be added to the price of the cigarettes sold
8 by such distributor. Collection of the tax shall be evidenced
9 by a stamp or stamps affixed to each original package of
10 cigarettes or by an authorized substitute for such stamp
11 imprinted on each original package of such cigarettes
12 underneath the sealed transparent outside wrapper of such
13 original package, except as hereinafter provided. Each
14 distributor who is required or authorized to collect the tax
15 herein imposed, before delivering or causing to be delivered
16 any original packages of cigarettes in this State to any
17 purchaser, shall firmly affix a proper stamp or stamps to each
18 such package, or (in the case of manufacturers of cigarettes
19 in original packages which are contained inside a sealed
20 transparent wrapper) shall imprint the required language on
21 the original package of cigarettes beneath such outside
22 wrapper as hereinafter provided. Such stamp or stamps need not
23 be affixed to the original package of any cigarettes with
24 respect to which the distributor is required to affix a like
25 stamp or stamps by virtue of the Cigarette Tax Act, however,

1 and no tax imprint need be placed underneath the sealed
2 transparent wrapper of an original package of cigarettes with
3 respect to which the distributor is required or authorized to
4 employ a like tax imprint by virtue of the Cigarette Tax Act.
5 Any distributor who purchases stamps may credit any excess
6 payments verified by the Department against amounts
7 subsequently due for the purchase of additional stamps, until
8 such time as no excess payment remains.

9 No stamp or imprint may be affixed to, or made upon, any
10 package of cigarettes unless that package complies with all
11 requirements of the federal Cigarette Labeling and Advertising
12 Act, 15 U.S.C. 1331 and following, for the placement of
13 labels, warnings, or any other information upon a package of
14 cigarettes that is sold within the United States. Under the
15 authority of Section 6, the Department shall revoke the
16 license of any distributor that is determined to have violated
17 this paragraph. A person may not affix a stamp on a package of
18 cigarettes, cigarette papers, wrappers, or tubes if that
19 individual package has been marked for export outside the
20 United States with a label or notice in compliance with
21 Section 290.185 of Title 27 of the Code of Federal
22 Regulations. It is not a defense to a proceeding for violation
23 of this paragraph that the label or notice has been removed,
24 mutilated, obliterated, or altered in any manner.

25 Only distributors licensed under this Act and
26 transporters, as defined in Section 9c of the Cigarette Tax

1 Act, may possess unstamped original packages of cigarettes.
2 Prior to shipment to an Illinois retailer or secondary
3 distributor, a stamp shall be applied to each original package
4 of cigarettes sold to the retailer or secondary distributor. A
5 distributor may apply a tax stamp only to an original package
6 of cigarettes purchased or obtained directly from an in-state
7 maker, manufacturer, or fabricator licensed as a distributor
8 under Section 4 of this Act or an out-of-state maker,
9 manufacturer, or fabricator holding a permit under Section 7
10 of this Act. A licensed distributor may ship or otherwise
11 cause to be delivered unstamped original packages of
12 cigarettes in, into, or from this State. A licensed
13 distributor may transport unstamped original packages of
14 cigarettes to a facility, wherever located, owned or
15 controlled by such distributor; however, a distributor may not
16 transport unstamped original packages of cigarettes to a
17 facility where retail sales of cigarettes take place or to a
18 facility where a secondary distributor makes sales for resale.
19 Any licensed distributor that ships or otherwise causes to be
20 delivered unstamped original packages of cigarettes into,
21 within, or from this State shall ensure that the invoice or
22 equivalent documentation and the bill of lading or freight
23 bill for the shipment identifies the true name and address of
24 the consignor or seller, the true name and address of the
25 consignee or purchaser, and the quantity by brand style of the
26 cigarettes so transported, provided that this Section shall

1 not be construed as to impose any requirement or liability
2 upon any common or contract carrier.

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

18 Stamps, when required hereunder, shall be purchased from
19 the Department, or any person authorized by the Department, by
20 distributors. On and after July 1, 2003, payment for such
21 stamps must be made by means of electronic funds transfer. The
22 Department may refuse to sell stamps to any person who does not
23 comply with the provisions of this Act. Beginning on June 6,
24 2002 and through June 30, 2002, persons holding valid licenses
25 as distributors may purchase cigarette tax stamps up to an
26 amount equal to 115% of the distributor's average monthly

1 cigarette tax stamp purchases over the 12 calendar months
2 prior to June 6, 2002.

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

26 On and after December 1, 1985 and until July 1, 2003, the

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

1 draft, when due, shall also make such distributor
2 automatically liable to the Department for a penalty equal to
3 25% of the amount of such draft.

4 Every prior continuous compliance taxpayer shall be exempt
5 from all requirements under this Section concerning the
6 furnishing of such bond, as defined in this Section, as a
7 condition precedent to his being authorized to engage in the
8 business licensed under this Act. This exemption shall
9 continue for each such taxpayer until such time as he may be
10 determined by the Department to be delinquent in the filing of
11 any returns, or is determined by the Department (either
12 through the Department's issuance of a final assessment which
13 has become final under the Act, or by the taxpayer's filing of
14 a return which admits tax to be due that is not paid) to be
15 delinquent or deficient in the paying of any tax under this
16 Act, at which time that taxpayer shall become subject to the
17 bond requirements of this Section and, as a condition of being
18 allowed to continue to engage in the business licensed under
19 this Act, shall be required to furnish bond to the Department
20 in such form as provided in this Section. Such taxpayer shall
21 furnish such bond for a period of 2 years, after which, if the
22 taxpayer has not been delinquent in the filing of any returns,
23 or delinquent or deficient in the paying of any tax under this
24 Act, the Department may reinstate such person as a prior
25 continuance compliance taxpayer. Any taxpayer who fails to pay
26 an admitted or established liability under this Act may also

1 be required to post bond or other acceptable security with the
2 Department guaranteeing the payment of such admitted or
3 established liability.

4 Except as otherwise provided in this Section, any person
5 aggrieved by any decision of the Department under this Section
6 may, within the time allowed by law, protest and request a
7 hearing before the Department, whereupon the Department shall
8 give notice and shall hold a hearing in conformity with the
9 provisions of this Act and then issue its final administrative
10 decision in the matter to such person. Effective July 1, 2013,
11 protests concerning matters that are subject to the
12 jurisdiction of the Illinois Independent Tax Tribunal shall be
13 filed in accordance with the Illinois Independent Tax Tribunal
14 Act of 2012, and hearings concerning those matters shall be
15 held before the Tribunal in accordance with that Act. With
16 respect to protests filed with the Department prior to July 1,
17 2013 that would otherwise be subject to the jurisdiction of
18 the Illinois Independent Tax Tribunal, the person filing the
19 protest may elect to be subject to the provisions of the
20 Illinois Independent Tax Tribunal Act of 2012 at any time on or
21 after July 1, 2013, but not later than 30 days after the date
22 on which the protest was filed. If made, the election shall be
23 irrevocable. In the absence of such a protest filed within the
24 time allowed by law, the Department's decision shall become
25 final without any further determination being made or notice
26 given.

1 The Department shall discharge any surety and shall
2 release and return any bond or security deposited, assigned,
3 pledged, or otherwise provided to it by a taxpayer under this
4 Section within 30 days after:

5 (1) such Taxpayer becomes a prior continuous
6 compliance taxpayer; or

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

19 At the time of purchasing such stamps from the Department
20 when purchase is required by this Act, or at the time when the
21 tax which he has collected is remitted by a distributor to the
22 Department without the purchase of stamps from the Department
23 when that method of remitting the tax that has been collected
24 is required or authorized by this Act, the distributor shall
25 be allowed a discount during any year commencing July 1 and
26 ending the following June 30 in accordance with the schedule

1 set out hereinbelow, from the amount to be paid by him to the
2 Department for such stamps, or to be paid by him to the
3 Department on the basis of monthly remittances (as the case
4 may be), to cover the cost, to such distributor, of collecting
5 the tax herein imposed by affixing such stamps to the original
6 packages of cigarettes sold by such distributor or by placing
7 tax imprints underneath the sealed transparent wrapper of
8 original packages of cigarettes sold by such distributor (as
9 the case may be). ~~.(1) Prior to December 1, 1985, a discount~~
10 ~~equal to 1 2/3% of the amount of the tax up to and including~~
11 ~~the first \$700,000 paid hereunder by such distributor to the~~
12 ~~Department during any such year; 1-1/3% of the next \$700,000~~
13 ~~of tax or any part thereof, paid hereunder by such distributor~~
14 ~~to the Department during any such year; 1% of the next \$700,000~~
15 ~~of tax, or any part thereof, paid hereunder by such~~
16 ~~distributor to the Department during any such year; and 2/3 of~~
17 ~~1% of the amount of any additional tax paid hereunder by such~~
18 ~~distributor to the Department during any such year or (2) On~~
19 and after December 1, 1985 and until January 1, 2022, a
20 discount equal to 1.75% of the amount of the tax payable under
21 this Act up to and including the first \$3,000,000 paid
22 hereunder by such distributor to the Department during any
23 such year and 1.5% of the amount of any additional tax paid
24 hereunder by such distributor to the Department during any
25 such year. On and after January 1, 2022, the discount shall be
26 equal to 2% of the tax paid by the distributor to the

1 Department under this Act during the calendar year; however,
2 on and after January 1, 2022, in no event shall the discount
3 allowed to any distributor be less than \$5 in any calendar year
4 or more than \$1,000 in any calendar year.

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

9 Cigarette manufacturers who are distributors under Section
10 7(a) of this Act, and who place their cigarettes in original
11 packages which are contained inside a sealed transparent
12 wrapper, shall be required to remit the tax which they are
13 required to collect under this Act to the Department by
14 remitting the amount thereof to the Department by the 5th day
15 of each month, covering cigarettes shipped or otherwise
16 delivered to points in Illinois to purchasers during the
17 preceding calendar month, but a distributor need not remit to
18 the Department the tax so collected by him from purchasers
19 under this Act to the extent to which such distributor is
20 required to remit the tax imposed by the Cigarette Tax Act to
21 the Department with respect to the same cigarettes. All taxes
22 upon cigarettes under this Act are a direct tax upon the retail
23 consumer and shall conclusively be presumed to be precollected
24 for the purpose of convenience and facility only. Cigarette
25 manufacturers that are distributors licensed under Section
26 7(a) of this Act and who place their cigarettes in original

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

18 The Department shall adopt the design or designs of the
19 tax stamps and shall procure the printing of such stamps in
20 such amounts and denominations as it deems necessary to
21 provide for the affixation of the proper amount of tax stamps
22 to each original package of cigarettes.

23 Where tax stamps are required, the Department may
24 authorize distributors to affix revenue tax stamps by
25 imprinting tax meter stamps upon original packages of
26 cigarettes. The Department shall adopt rules and regulations

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

12 The tax hereby imposed and not paid pursuant to this
13 Section shall be paid to the Department directly by any person
14 using such cigarettes within this State, pursuant to Section
15 12 hereof.

16 A distributor shall not affix, or cause to be affixed, any
17 stamp or imprint to a package of cigarettes, as provided for in
18 this Section, if the tobacco product manufacturer, as defined
19 in Section 10 of the Tobacco Product Manufacturers' Escrow
20 Act, that made or sold the cigarettes has failed to become a
21 participating manufacturer, as defined in subdivision (a)(1)
22 of Section 15 of the Tobacco Product Manufacturers' Escrow
23 Act, or has failed to create a qualified escrow fund for any
24 cigarettes manufactured by the tobacco product manufacturer
25 and sold in this State or otherwise failed to bring itself into
26 compliance with subdivision (a)(2) of Section 15 of the

1 Tobacco Product Manufacturers' Escrow Act.

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

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

5 (35 ILCS 145/6) (from Ch. 120, par. 481b.36)

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

7 Except as provided hereinafter in this Section, on or
8 before the last day of each calendar month, every person
9 engaged in the business of renting, leasing or letting rooms
10 in a hotel in this State during the preceding calendar month
11 shall file a return with the Department, stating:

12 1. The name of the operator;

13 2. His residence address and the address of his
14 principal place of business and the address of the
15 principal place of business (if that is a different
16 address) from which he engages in the business of renting,
17 leasing or letting rooms in a hotel in this State;

18 3. Total amount of rental receipts received by him
19 during the preceding calendar month from renting, leasing
20 or letting rooms during such preceding calendar month;

21 4. Total amount of rental receipts received by him
22 during the preceding calendar month from renting, leasing
23 or letting rooms to permanent residents during such
24 preceding calendar month;

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

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

6 7. The amount of tax due;

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

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

19 If the operator's average monthly tax liability to the
20 Department does not exceed \$50, the Department may authorize
21 his returns to be filed on an annual basis, with the return for
22 a given year being due by January 31 of the following year.

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

26 Notwithstanding any other provision in this Act concerning

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

7 Where the same person has more than 1 business registered
8 with the Department under separate registrations under this
9 Act, such person shall not file each return that is due as a
10 single return covering all such registered businesses, but
11 shall file separate returns for each such registered business.

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

19 Where the operator is a corporation, the return filed on
20 behalf of such corporation shall be signed by the president,
21 vice-president, secretary or treasurer or by the properly
22 accredited agent of such corporation.

23 The person filing the return herein provided for shall, at
24 the time of filing such return, pay to the Department the
25 amount of tax herein imposed. The operator filing the return
26 under this Section shall, at the time of filing such return,

1 pay to the Department the amount of tax imposed by this Act
2 less the vendor discount amount ~~a discount of 2.1% or \$25 per~~
3 ~~calendar year, whichever is greater,~~ which is allowed to
4 reimburse the operator for the expenses incurred in keeping
5 records, preparing and filing returns, remitting the tax and
6 supplying data to the Department on request. Prior to January
7 1, 2022, the vendor discount amount shall be 2.1% or \$25 per
8 calendar year, whichever is greater. On and after January 1,
9 2022, the vendor discount amount shall be 2% of the proceeds
10 collected during the calendar year; however, on and after
11 January 1, 2022, in no event shall the discount allowed to any
12 person be less than \$5 in any calendar year or more than \$1,000
13 in any calendar year.

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

26 There shall be deposited in the Build Illinois Fund in the

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

1 Sports Facilities Authority Act, as amended. If in any fiscal
2 year the full amount of the then applicable Advance Amount is
3 not repaid into the General Revenue Fund, then the deficiency
4 shall be paid from the amount in the Local Government
5 Distributive Fund that would otherwise be allocated to the
6 City of Chicago under the State Revenue Sharing Act.)

7 For purposes of the foregoing paragraph, the term "Advance
8 Amount" means, for fiscal year 2002, \$22,179,000, and for
9 subsequent fiscal years through fiscal year 2032, 105.615% of
10 the Advance Amount for the immediately preceding fiscal year,
11 rounded up to the nearest \$1,000.

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

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

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

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

9 The Department may, upon separate written notice to a
10 taxpayer, require the taxpayer to prepare and file with the
11 Department on a form prescribed by the Department within not
12 less than 60 days after receipt of the notice an annual
13 information return for the tax year specified in the notice.
14 Such annual return to the Department shall include a statement
15 of gross receipts as shown by the operator's last State income
16 tax return. If the total receipts of the business as reported
17 in the State income tax return do not agree with the gross
18 receipts reported to the Department for the same period, the
19 operator shall attach to his annual information return a
20 schedule showing a reconciliation of the 2 amounts and the
21 reasons for the difference. The operator's annual information
22 return to the Department shall also disclose pay roll
23 information of the operator's business during the year covered
24 by such return and any additional reasonable information which
25 the Department deems would be helpful in determining the
26 accuracy of the monthly, quarterly or annual tax returns by

1 such operator as hereinbefore provided for in this Section.

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

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

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

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

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

24 (35 ILCS 505/2b) (from Ch. 120, par. 418b)

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

1 shrinkage due to temperature variations may not exceed 1% of
2 the total gallons in storage at the beginning of each July,
3 plus the receipts of gallonage each July through December,
4 minus the gallonage remaining in storage at the end of each
5 December. Any net loss reported that is in excess of this
6 amount shall be subject to the tax imposed by Section 2a of
7 this Law. For purposes of this Section, "net loss" means the
8 number of gallons gained through temperature variations minus
9 the number of gallons lost through temperature variations or
10 evaporation for each of the respective 6-month periods.

11 The return shall be prescribed by the Department and shall
12 be filed between the 1st and 20th days of each calendar month.
13 The Department may, in its discretion, combine the returns
14 filed under this Section, Section 5, and Section 5a of this
15 Act. The return must be accompanied by appropriate
16 computer-generated magnetic media supporting schedule data in
17 the format required by the Department, unless, as provided by
18 rule, the Department grants an exception upon petition of a
19 taxpayer. If the return is filed timely, the seller shall take
20 a discount ~~of 2% through June 30, 2003 and 1.75% thereafter~~
21 which is allowed to reimburse the seller for the expenses
22 incurred in keeping records, preparing and filing returns,
23 collecting and remitting the tax and supplying data to the
24 Department on request. Prior to January 1, 2022, the vendor
25 discount amount shall be 1.75%. On and after January 1, 2022,
26 the vendor discount amount shall be 2% of the proceeds

1 collected during the calendar year; however, on and after
2 January 1, 2022, in no event shall the discount allowed to any
3 person be less than \$5 in any calendar year or more than \$1,000
4 in any calendar year. The discount, however, shall be
5 applicable only to the amount of payment which accompanies a
6 return that is filed timely in accordance with this Section.
7 The discount under this Section is not allowed for taxes paid
8 on aviation fuel that are subject to the revenue use
9 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133.

10 Beginning on January 1, 2020 and ending with returns due
11 on January 20, 2021, each person who is required to pay the tax
12 imposed under Section 2a of this Act on aviation fuel sold or
13 used in this State during the preceding calendar month shall,
14 instead of reporting and paying tax on aviation fuel as
15 otherwise required by this Section, report and pay such tax on
16 a separate aviation fuel tax return or a separate line on the
17 return. The requirements related to the return shall be as
18 otherwise provided in this Section. Notwithstanding any other
19 provisions of this Act to the contrary, a person required to
20 pay the tax imposed by Section 2a of this Act on aviation fuel
21 shall file all aviation fuel tax returns and shall make all
22 aviation fuel tax payments by electronic means in the manner
23 and form required by the Department. For purposes of this Law,
24 "aviation fuel" means jet fuel and aviation gasoline.

25 If any payment provided for in this Section exceeds the
26 receiver's liabilities under this Act, as shown on an original

1 return, the Department may authorize the receiver to credit
2 such excess payment against liability subsequently to be
3 remitted to the Department under this Act, in accordance with
4 reasonable rules adopted by the Department. If the Department
5 subsequently determines that all or any part of the credit
6 taken was not actually due to the receiver, the receiver's
7 discount shall be reduced by an amount equal to the difference
8 between the discount as applied to the credit taken and that
9 actually due, and that receiver shall be liable for penalties
10 and interest on such difference.

11 (Source: P.A. 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19;
12 101-604, eff. 12-13-19.)

13 (35 ILCS 505/6) (from Ch. 120, par. 422)

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

1 request, and shall also pay to the Department an amount equal
2 to the amount that would be collectible as a tax in the event
3 of a sale thereof on all such motor fuel used by said
4 distributor during the period covered by the return. Prior to
5 July 1, 2003, the discount amount shall be 2%. From July 1,
6 2003 through December 31, 2021, the discount amount shall be
7 1.75%. On and after January 1, 2022, the discount amount shall
8 be 2% of the proceeds collected during the calendar year;
9 however, on and after January 1, 2022, in no event shall the
10 discount allowed to any distributor be less than \$5 in any
11 calendar year or more than \$1,000 in any calendar year.
12 However, no payment shall be made based upon dyed diesel fuel
13 used by the distributor for non-highway purposes. The discount
14 shall only be applicable to the amount of tax payment which
15 accompanies a return which is filed timely in accordance with
16 Section 5 of this Act. In each subsequent sale of motor fuel on
17 which the amount of tax imposed under this Act has been
18 collected as provided in this Section, the amount so collected
19 shall be added to the selling price, so that the amount of tax
20 is paid ultimately by the user of the motor fuel. However, no
21 collection or payment shall be made in the case of the sale or
22 use of any motor fuel to the extent to which such sale or use
23 of motor fuel may not, under the constitution and statutes of
24 the United States, be made the subject of taxation by this
25 State. A person whose license to act as a distributor of fuel
26 has been revoked shall, at the time of making a return, also

1 pay to the Department an amount equal to the amount that would
2 be collectible as a tax in the event of a sale thereof on all
3 motor fuel, which he is required by the second paragraph of
4 Section 5 to report to the Department in making a return, and
5 which he had on hand on the date on which the license was
6 revoked, and with respect to which no tax had been previously
7 paid under this Act.

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

11 1. When the sale is made to a person holding a valid
12 unrevoked license as a distributor, by making a specific
13 notation thereof on invoices or sales slip covering each
14 sale.

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

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

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

23 5. When the sale is made to a privately owned public
24 utility owning and operating 2 axle vehicles designed and
25 used for transporting more than 7 passengers, which
26 vehicles are used as common carriers in general

1 transportation of passengers, are not devoted to any
2 specialized purpose and are operated entirely within the
3 territorial limits of a single municipality or of any
4 group of contiguous municipalities, or in a close radius
5 thereof, and the operations of which are subject to the
6 regulations of the Illinois Commerce Commission, when an
7 official certificate of exemption is obtained in lieu of
8 the tax.

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

13 7. When a sale of dyed diesel fuel is made to someone
14 other than a licensed distributor or a licensed supplier
15 for non-highway purposes and the fuel is (i) delivered
16 from a vehicle designed for the specific purpose of such
17 sales and delivered directly into a stationary bulk
18 storage tank that displays the notice required by Section
19 4f of this Act, (ii) delivered from a vehicle designed for
20 the specific purpose of such sales and delivered directly
21 into the fuel supply tanks of non-highway vehicles that
22 are not required to be registered for highway use, or
23 (iii) dispensed from a dyed diesel fuel dispensing
24 facility that has withdrawal facilities that are not
25 readily accessible to and are not capable of dispensing
26 dyed diesel fuel into the fuel supply tank of a motor

1 vehicle.

2 A specific notation is required on the invoice or
3 sales slip covering such sales, and any supporting
4 documentation that may be required by the Department must
5 be obtained by the distributor. The distributor shall
6 obtain and keep the supporting documentation in such form
7 as the Department may require by rule.

8 For purposes of this item 7, a dyed diesel fuel
9 dispensing facility is considered to have withdrawal
10 facilities that are "not readily accessible to and not
11 capable of dispensing dyed diesel fuel into the fuel
12 supply tank of a motor vehicle" only if the dyed diesel
13 fuel is delivered from: (i) a dispenser hose that is short
14 enough so that it will not reach the fuel supply tank of a
15 motor vehicle or (ii) a dispenser that is enclosed by a
16 fence or other physical barrier so that a vehicle cannot
17 pull alongside the dispenser to permit fueling.

18 8. (Blank).

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

22 All suits or other proceedings brought for the purpose of
23 recovering any taxes, interest or penalties due the State of
24 Illinois under this Act may be maintained in the name of the
25 Department.

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

1 (35 ILCS 505/6a) (from Ch. 120, par. 422a)

2 Sec. 6a. Collection of tax; suppliers. A supplier, other
3 than a licensed distributor, who sells or distributes any
4 special fuel, which he is required by Section 5a to report to
5 the Department when filing a return, shall (except as
6 hereinafter provided) collect at the time of such sale and
7 distribution, the amount of tax imposed under this Act on all
8 such special fuel sold and distributed, and at the time of
9 making a return, the supplier shall pay to the Department the
10 amount so collected less a discount ~~of 2% through June 30, 2003~~
11 ~~and 1.75% thereafter~~ which is allowed to reimburse the
12 supplier for the expenses incurred in keeping records,
13 preparing and filing returns, collecting and remitting the tax
14 and supplying data to the Department on request, and shall
15 also pay to the Department an amount equal to the amount that
16 would be collectible as a tax in the event of a sale thereof on
17 all such special fuel used by said supplier during the period
18 covered by the return. Prior to July 1, 2003, the discount
19 amount shall be 2%. From July 1, 2003 through December 31,
20 2021, the discount amount shall be 1.75%. On and after January
21 1, 2022, the discount amount shall be 2% of the proceeds
22 collected during the calendar year; however, on and after
23 January 1, 2022, in no event shall the discount allowed to any
24 distributor be less than \$5 in any calendar year or more than
25 \$1,000 in any calendar year. However, no payment shall be made

1 based upon dyed diesel fuel used by said supplier for
2 non-highway purposes. The discount shall only be applicable to
3 the amount of tax payment which accompanies a return which is
4 filed timely in accordance with Section 5(a) of this Act. In
5 each subsequent sale of special fuel on which the amount of tax
6 imposed under this Act has been collected as provided in this
7 Section, the amount so collected shall be added to the selling
8 price, so that the amount of tax is paid ultimately by the user
9 of the special fuel. However, no collection or payment shall
10 be made in the case of the sale or use of any special fuel to
11 the extent to which such sale or use of motor fuel may not,
12 under the Constitution and statutes of the United States, be
13 made the subject of taxation by this State.

14 A person whose license to act as supplier of special fuel
15 has been revoked shall, at the time of making a return, also
16 pay to the Department an amount equal to the amount that would
17 be collectible as a tax in the event of a sale thereof on all
18 special fuel, which he is required by the 1st paragraph of
19 Section 5a to report to the Department in making a return.

20 A supplier may make tax-free sales of special 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 the federal government or
24 its instrumentalities.

25 2. When the sale is made to a municipal corporation
26 owning and operating a local transportation system for

1 public service in this State when an official certificate
2 of exemption is obtained in lieu of the tax.

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

15 4. When a sale is made to a person holding a valid
16 unrevoked license as a supplier or a distributor by making
17 a specific notation thereof on invoice or sales slip
18 covering each such sale.

19 5. When a sale of dyed diesel fuel is made to someone
20 other than a licensed distributor or licensed supplier for
21 non-highway purposes and the fuel is (i) delivered from a
22 vehicle designed for the specific purpose of such sales
23 and delivered directly into a stationary bulk storage tank
24 that displays the notice required by Section 4f of this
25 Act, (ii) delivered from a vehicle designed for the
26 specific purpose of such sales and delivered directly into

1 the fuel supply tanks of non-highway vehicles that are not
2 required to be registered for highway use, or (iii)
3 dispensed from a dyed diesel fuel dispensing facility that
4 has withdrawal facilities that are not readily accessible
5 to and are not capable of dispensing dyed diesel fuel into
6 the fuel supply tank of a motor vehicle.

7 A specific notation is required on the invoice or
8 sales slip covering such sales, and any supporting
9 documentation that may be required by the Department must
10 be obtained by the supplier. The supplier shall obtain and
11 keep the supporting documentation in such form as the
12 Department may require by rule.

13 For purposes of this item 5, a dyed diesel fuel
14 dispensing facility is considered to have withdrawal
15 facilities that are "not readily accessible to and not
16 capable of dispensing dyed diesel fuel into the fuel
17 supply tank of a motor vehicle" only if the dyed diesel
18 fuel is delivered from: (i) a dispenser hose that is short
19 enough so that it will not reach the fuel supply tank of a
20 motor vehicle or (ii) a dispenser that is enclosed by a
21 fence or other physical barrier so that a vehicle cannot
22 pull alongside the dispenser to permit fueling.

23 6. (Blank).

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

26 All special fuel sold or used for non-highway purposes

1 must have a dye added in accordance with Section 4d of this
2 Law.

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

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

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

10 (35 ILCS 630/6) (from Ch. 120, par. 2006)

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

16 1. His name;

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

21 3. Total amount of gross charges billed by him during
22 the preceding calendar month for providing
23 telecommunications during such calendar month;

24 4. Total amount received by him during the preceding

1 calendar month on credit extended;

2 5. Deductions allowed by law;

3 6. Gross charges which were billed by him during the
4 preceding calendar month and upon the basis of which the
5 tax is imposed;

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

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

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

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

1 September of a given year being due by October 31st of such
2 year; and with the return of October, November and December of
3 a given year being due by January 31st 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 billings due to the Department under this Act and the
7 Simplified Municipal Telecommunications Tax Act do not exceed
8 \$400, the Department may authorize his or her return to be
9 filed on an annual basis, with the return for a given year
10 being due by January 31st of the following year.

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

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

24 Each retailer whose average monthly liability to the
25 Department under this Article and the Simplified Municipal
26 Telecommunications Tax Act was \$25,000 or more during the

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

25 The retailer making the return herein provided for shall,
26 at the time of making such return, pay to the Department the

1 amount of tax herein imposed, less a discount of 1% prior to
2 January 1, 2022 and 2% on and after January 1, 2022 which is
3 allowed to reimburse the retailer for the expenses incurred in
4 keeping records, billing the customer, preparing and filing
5 returns, remitting the tax, and supplying data to the
6 Department upon request. No discount may be claimed by a
7 retailer on returns not timely filed and for taxes not timely
8 remitted. On and after January 1, 2022, in no event shall the
9 discount allowed to any retailer be more than \$1,000 in any
10 calendar year.

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

23 On and after the effective date of this Article of 1985, of
24 the moneys received by the Department of Revenue pursuant to
25 this Article, other than moneys received pursuant to the
26 additional taxes imposed by Public Act 90-548:

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

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

14 (3) the remainder shall be deposited into the General
15 Revenue Fund.

16 On and after February 1, 1998, however, of the moneys
17 received by the Department of Revenue pursuant to the
18 additional taxes imposed by Public Act 90-548, one-half shall
19 be deposited into the School Infrastructure Fund and one-half
20 shall be deposited into the Common School Fund. On and after
21 the effective date of this amendatory Act of the 91st General
22 Assembly, if in any fiscal year the total of the moneys
23 deposited into the School Infrastructure Fund under this Act
24 is less than the total of the moneys deposited into that Fund
25 from the additional taxes imposed by Public Act 90-548 during
26 fiscal year 1999, then, as soon as possible after the close of

1 the fiscal year, the Comptroller shall order transferred and
2 the Treasurer shall transfer from the General Revenue Fund to
3 the School Infrastructure Fund an amount equal to the
4 difference between the fiscal year total deposits and the
5 total amount deposited into the Fund in fiscal year 1999.

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

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

9 (235 ILCS 5/8-2) (from Ch. 43, par. 159)

10 Sec. 8-2. Payments; reports. It is the duty of each
11 manufacturer with respect to alcoholic liquor produced or
12 imported by such manufacturer, or purchased tax-free by such
13 manufacturer from another manufacturer or importing
14 distributor, and of each importing distributor as to alcoholic
15 liquor purchased by such importing distributor from foreign
16 importers or from anyone from any point in the United States
17 outside of this State or purchased tax-free from another
18 manufacturer or importing distributor, to pay the tax imposed
19 by Section 8-1 to the Department of Revenue on or before the
20 15th day of the calendar month following the calendar month in
21 which such alcoholic liquor is sold or used by such
22 manufacturer or by such importing distributor other than in an
23 authorized tax-free manner or to pay that tax electronically
24 as provided in this Section.

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

1 discount which is allowed to reimburse the manufacturer or
2 importing distributor for the expenses incurred in keeping and
3 maintaining records, preparing and filing the electronic
4 returns, remitting the tax, and supplying data to the
5 Department upon request.

6 The discount shall be in an amount as follows:

7 (1) For original returns due on or after January 1,
8 2003 through September 30, 2003, the discount shall be
9 1.75% or \$1,250 per return, whichever is less;

10 (2) For original returns due on or after October 1,
11 2003 through September 30, 2004, the discount shall be 2%
12 or \$3,000 per return, whichever is less; ~~and~~

13 (3) For original returns due on or after October 1,
14 2004, the discount shall be 2% or \$2,000 per return,
15 whichever is less; and ~~-~~

16 (4) For original returns due on and after January 1,
17 2022, 2% of the proceeds collected during the calendar
18 year; however, on and after January 1, 2022, in no event
19 shall the discount allowed to any manufacturer or
20 distributor be less than \$5 in any calendar year or more
21 than \$1,000 in any calendar year.

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

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

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

25 The Department may require any foreign importer to file
26 monthly information returns, by the 15th day of the month

1 following the month which any such return covers, if the
2 Department determines this to be necessary to the proper
3 performance of the Department's functions and duties under
4 this Act. Such return shall contain such information as the
5 Department may reasonably require.

6 Every manufacturer and importing distributor, except for a
7 manufacturer or importing distributor that in the preceding
8 year had less than \$50,000 of tax liability under this
9 Article, shall also file, with the Department, a bond in an
10 amount not less than \$1,000 and not to exceed \$100,000 on a
11 form to be approved by, and with a surety or sureties
12 satisfactory to, the Department. Such bond shall be
13 conditioned upon the manufacturer or importing distributor
14 paying to the Department all monies becoming due from such
15 manufacturer or importing distributor under this Article. The
16 Department shall fix the penalty of such bond in each case,
17 taking into consideration the amount of alcoholic liquor
18 expected to be sold and used by such manufacturer or importing
19 distributor, and the penalty fixed by the Department shall be
20 sufficient, in the Department's opinion, to protect the State
21 of Illinois against failure to pay any amount due under this
22 Article, but the amount of the penalty fixed by the Department
23 shall not exceed twice the amount of tax liability of a monthly
24 return, nor shall the amount of such penalty be less than
25 \$1,000. The Department shall notify the State Commission of
26 the Department's approval or disapproval of any such

1 manufacturer's or importing distributor's bond, or of the
2 termination or cancellation of any such bond, or of the
3 Department's direction to a manufacturer or importing
4 distributor that he must file additional bond in order to
5 comply with this Section. The Commission shall not issue a
6 license to any applicant for a manufacturer's or importing
7 distributor's license unless the Commission has received a
8 notification from the Department showing that such applicant
9 has filed a satisfactory bond with the Department hereunder
10 and that such bond has been approved by the Department.
11 Failure by any licensed manufacturer or importing distributor
12 to keep a satisfactory bond in effect with the Department or to
13 furnish additional bond to the Department, when required
14 hereunder by the Department to do so, shall be grounds for the
15 revocation or suspension of such manufacturer's or importing
16 distributor's license by the Commission. If a manufacturer or
17 importing distributor fails to pay any amount due under this
18 Article, his bond with the Department shall be deemed
19 forfeited, and the Department may institute a suit in its own
20 name on such bond.

21 After notice and opportunity for a hearing the State
22 Commission may revoke or suspend the license of any
23 manufacturer or importing distributor who fails to comply with
24 the provisions of this Section. Notice of such hearing and the
25 time and place thereof shall be in writing and shall contain a
26 statement of the charges against the licensee. Such notice may

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

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

22 A manufacturer or importing distributor that is a prior
23 continuous compliance taxpayer under this Section and becomes
24 a successor as the result of an acquisition, merger, or
25 consolidation of a manufacturer or importing distributor shall
26 be deemed to be a prior continuous compliance taxpayer with

1 respect to the acquired, merged, or consolidated entity.

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

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

20 (Source: P.A. 100-1171, eff. 1-4-19; 101-37, eff. 7-3-19.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.