



Sen. Michael E. Hastings

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10200SB1150sam005

LRB102 04951 HLH 38481 a

1 AMENDMENT TO SENATE BILL 1150

2 AMENDMENT NO. _____. Amend Senate Bill 1150, AS AMENDED,
3 by inserting Article 25 in its proper numeric sequence as
4 follows:

5 "ARTICLE 25. SCHOOL SUPPLY HOLIDAY

6 Section 25-5. The Use Tax Act is amended by changing
7 Sections 3-6, 3-10 and 9 as follows:

8 (35 ILCS 105/3-6)

9 Sec. 3-6. Sales tax holiday items.

10 (a) Any ~~The~~ tangible personal property described in this
11 subsection is a sales tax holiday item and qualifies for the
12 1.25% reduced rate of tax for the period set forth in Section
13 3-10 of this Act (hereinafter referred to as the Sales Tax
14 Holiday Period). The reduced rate on these items shall be
15 administered under the provisions of subsection (b) of this

1 Section. The following items are subject to the reduced rate:

2 (1) Clothing items that each have a retail selling
3 price of less than \$125 ~~\$100~~.

4 "Clothing" means, unless otherwise specified in this
5 Section, all human wearing apparel suitable for general
6 use. "Clothing" does not include clothing accessories,
7 protective equipment, or sport or recreational equipment.

8 "Clothing" includes, but is not limited to: household and
9 shop aprons; athletic supporters; bathing suits and caps;
10 belts and suspenders; boots; coats and jackets; ear muffs;
11 footlets; gloves and mittens for general use; hats and
12 caps; hosiery; insoles for shoes; lab coats; neckties;
13 overshoes; pantyhose; rainwear; rubber pants; sandals;
14 scarves; shoes and shoelaces; slippers; sneakers; socks
15 and stockings; steel-toed shoes; underwear; and school
16 uniforms.

17 "Clothing accessories" means, but is not limited to:
18 briefcases; cosmetics; hair notions, including, but not
19 limited to barrettes, hair bows, and hair nets; handbags;
20 handkerchiefs; jewelry; non-prescription sunglasses;
21 umbrellas; wallets; watches; and wigs and hair pieces.

22 "Protective equipment" means, but is not limited to:
23 breathing masks; clean room apparel and equipment; ear and
24 hearing protectors; face shields; hard hats; helmets;
25 paint or dust respirators; protective gloves; safety
26 glasses and goggles; safety belts; tool belts; and

1 welder's gloves and masks.

2 "Sport or recreational equipment" means, but is not
3 limited to: ballet and tap shoes; cleated or spiked
4 athletic shoes; gloves, including, but not limited to,
5 baseball, bowling, boxing, hockey, and golf gloves;
6 goggles; hand and elbow guards; life preservers and vests;
7 mouth guards; roller and ice skates; shin guards; shoulder
8 pads; ski boots; waders; and wetsuits and fins.

9 (2) School supplies. "School supplies" means, unless
10 otherwise specified in this Section, items used by a
11 student in a course of study. The purchase of school
12 supplies for use by persons other than students for use in
13 a course of study are not eligible for the reduced rate of
14 tax. "School supplies" do not include school art supplies;
15 school instructional materials; cameras; film and memory
16 cards; videocameras, tapes, and videotapes; computers;
17 cell phones; Personal Digital Assistants (PDAs); handheld
18 electronic schedulers; and school computer supplies.

19 "School supplies" includes, but is not limited to:
20 binders; book bags; calculators; cellophane tape;
21 blackboard chalk; compasses; composition books; crayons;
22 erasers; expandable, pocket, plastic, and manila folders;
23 glue, paste, and paste sticks; highlighters; index cards;
24 index card boxes; legal pads; lunch boxes; markers;
25 notebooks; paper, including loose leaf ruled notebook
26 paper, copy paper, graph paper, tracing paper, manila

1 paper, colored paper, poster board, and construction
2 paper; pencils; pencil leads; pens; ink and ink refills
3 for pens; pencil boxes and other school supply boxes;
4 pencil sharpeners; protractors; rulers; scissors; and
5 writing tablets.

6 "School art supply" means an item commonly used by a
7 student in a course of study for artwork and includes only
8 the following items: clay and glazes; acrylic, tempera,
9 and oil paint; paintbrushes for artwork; sketch and
10 drawing pads; and watercolors.

11 "School instructional material" means written material
12 commonly used by a student in a course of study as a
13 reference and to learn the subject being taught and
14 includes only the following items: reference books;
15 reference maps and globes; textbooks; and workbooks.

16 "School computer supply" means an item commonly used
17 by a student in a course of study in which a computer is
18 used and applies only to the following items: flashdrives
19 and other computer data storage devices; data storage
20 media, such as diskettes and compact disks; boxes and
21 cases for disk storage; external ports or drives; computer
22 cases; computer cables; computer printers; and printer
23 cartridges, toner, and ink.

24 (b) Administration. Notwithstanding any other provision of
25 this Act, the reduced rate of tax under Section 3-10 of this
26 Act for clothing and school supplies shall be administered by

1 the Department under the provisions of this subsection (b).

2 (1) Bundled sales. Items that qualify for the reduced
3 rate of tax that are bundled together with items that do
4 not qualify for the reduced rate of tax and that are sold
5 for one itemized price will be subject to the reduced rate
6 of tax only if the value of the items that qualify for the
7 reduced rate of tax exceeds the value of the items that do
8 not qualify for the reduced rate of tax.

9 (2) Coupons and discounts. An unreimbursed discount by
10 the seller reduces the sales price of the property so that
11 the discounted sales price determines whether the sales
12 price is within a sales tax holiday price threshold. A
13 coupon or other reduction in the sales price is treated as
14 a discount if the seller is not reimbursed for the coupon
15 or reduction amount by a third party.

16 (3) Splitting of items normally sold together.
17 Articles that are normally sold as a single unit must
18 continue to be sold in that manner. Such articles cannot
19 be priced separately and sold as individual items in order
20 to obtain the reduced rate of tax. For example, a pair of
21 shoes cannot have each shoe sold separately so that the
22 sales price of each shoe is within a sales tax holiday
23 price threshold.

24 (4) Rain checks. A rain check is a procedure that
25 allows a customer to purchase an item at a certain price at
26 a later time because the particular item was out of stock.

1 Eligible property that customers purchase during the Sales
2 Tax Holiday Period with the use of a rain check will
3 qualify for the reduced rate of tax regardless of when the
4 rain check was issued. Issuance of a rain check during the
5 Sales Tax Holiday Period will not qualify eligible
6 property for the reduced rate of tax if the property is
7 actually purchased after the Sales Tax Holiday Period.

8 (5) Exchanges. The procedure for an exchange in
9 regards to a sales tax holiday is as follows:

10 (A) If a customer purchases an item of eligible
11 property during the Sales Tax Holiday Period, but
12 later exchanges the item for a similar eligible item,
13 even if a different size, different color, or other
14 feature, no additional tax is due even if the exchange
15 is made after the Sales Tax Holiday Period.

16 (B) If a customer purchases an item of eligible
17 property during the Sales Tax Holiday Period, but
18 after the Sales Tax Holiday Period has ended, the
19 customer returns the item and receives credit on the
20 purchase of a different item, the 6.25% general
21 merchandise sales tax rate is due on the sale of the
22 newly purchased item.

23 (C) If a customer purchases an item of eligible
24 property before the Sales Tax Holiday Period, but
25 during the Sales Tax Holiday Period the customer
26 returns the item and receives credit on the purchase

1 of a different item of eligible property, the reduced
2 rate of tax is due on the sale of the new item if the
3 new item is purchased during the Sales Tax Holiday
4 Period.

5 (6) Delivery charges. Delivery charges, including
6 shipping, handling and service charges, are part of the
7 sales price of eligible property.

8 (7) Order date and back orders. For the purpose of a
9 sales tax holiday, eligible property qualifies for the
10 reduced rate of tax if: (i) the item is both delivered to
11 and paid for by the customer during the Sales Tax Holiday
12 Period or (ii) the customer orders and pays for the item
13 and the seller accepts the order during the Sales Tax
14 Holiday Period for immediate shipment, even if delivery is
15 made after the Sales Tax Holiday Period. The seller
16 accepts an order when the seller has taken action to fill
17 the order for immediate shipment. Actions to fill an order
18 include placement of an "in date" stamp on an order or
19 assignment of an "order number" to an order within the
20 Sales Tax Holiday Period. An order is for immediate
21 shipment when the customer does not request delayed
22 shipment. An order is for immediate shipment
23 notwithstanding that the shipment may be delayed because
24 of a backlog of orders or because stock is currently
25 unavailable to, or on back order by, the seller.

26 (8) Returns. For a 60-day period immediately after the

1 Sales Tax Holiday Period, if a customer returns an item
2 that would qualify for the reduced rate of tax, credit for
3 or refund of sales tax shall be given only at the reduced
4 rate unless the customer provides a receipt or invoice
5 that shows tax was paid at the 6.25% general merchandise
6 rate, or the seller has sufficient documentation to show
7 that tax was paid at the 6.25% general merchandise rate on
8 the specific item. This 60-day period is set solely for
9 the purpose of designating a time period during which the
10 customer must provide documentation that shows that the
11 appropriate sales tax rate was paid on returned
12 merchandise. The 60-day period is not intended to change a
13 seller's policy on the time period during which the seller
14 will accept returns.

15 (c) The Department may implement the provisions of this
16 Section through the use of emergency rules, along with
17 permanent rules filed concurrently with such emergency rules,
18 in accordance with the provisions of Section 5-45 of the
19 Illinois Administrative Procedure Act. For purposes of the
20 Illinois Administrative Procedure Act, the adoption of rules
21 to implement the provisions of this Section shall be deemed an
22 emergency and necessary for the public interest, safety, and
23 welfare.

24 (Source: P.A. 96-1012, eff. 7-7-10.)

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

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

26 Beginning on August 6, 2010 through August 15, 2010, and

1 beginning again on August 5, 2022 through August 14, 2022,
2 with respect to sales tax holiday items as defined in Section
3 3-6 of this Act, the tax is imposed at the rate of 1.25%.

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

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

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

1 1% and no more than 10% biodiesel made during that time.

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

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

1 bottle, can, carton, or container, regardless of size; but
2 "soft drinks" does not include coffee, tea, non-carbonated
3 water, infant formula, milk or milk products as defined in the
4 Grade A Pasteurized Milk and Milk Products Act, or drinks
5 containing 50% or more natural fruit or vegetable juice.

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

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

24 Notwithstanding any other provisions of this Act,
25 beginning September 1, 2009, "food for human consumption that
26 is to be consumed off the premises where it is sold" does not

1 include candy. For purposes of this Section, "candy" means a
2 preparation of sugar, honey, or other natural or artificial
3 sweeteners in combination with chocolate, fruits, nuts or
4 other ingredients or flavorings in the form of bars, drops, or
5 pieces. "Candy" does not include any preparation that contains
6 flour or requires refrigeration.

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

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

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

24 Beginning on the effective date of this amendatory Act of
25 the 98th General Assembly, "prescription and nonprescription
26 medicines and drugs" includes medical cannabis purchased from

1 a registered dispensing organization under the Compassionate
2 Use of Medical Cannabis Program Act.

3 As used in this Section, "adult use cannabis" means
4 cannabis subject to tax under the Cannabis Cultivation
5 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law
6 and does not include cannabis subject to tax under the
7 Compassionate Use of Medical Cannabis Program Act.

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

15 (Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19;
16 102-4, eff. 4-27-21.)

17 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

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

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

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

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

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

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

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

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

1 required by the Department. For purposes of this Section,
2 "aviation fuel" means jet fuel and aviation gasoline.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 return form on or before the 20th of the month following the
2 month in which the transfer takes place. Notwithstanding any
3 other provision of this Act to the contrary, all returns filed
4 under this paragraph must be filed by electronic means in the
5 manner and form as required by the Department.

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

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

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

1 if the Department and such agency or State officer determine
2 that this procedure will expedite the processing of
3 applications for title or registration.

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

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

25 If the user who would otherwise pay tax to the retailer
26 wants the transaction reporting return filed and the payment

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

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

1 Department, as shown by such return, if the amount of the tax
2 to be deducted was previously remitted to the Department by
3 such retailer. If the retailer has not previously remitted the
4 amount of such tax to the Department, he is entitled to no
5 deduction under this Act upon refunding such tax to the
6 purchaser.

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

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

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

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

1 pay into the State and Local Sales Tax Reform Fund, a special
2 fund in the State Treasury which is hereby created, the net
3 revenue realized for the preceding month from the 1% tax
4 imposed under this Act.

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

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

23 For aviation fuel sold on or after December 1, 2019, each
24 month the Department shall pay into the State Aviation Program
25 Fund 20% of the net revenue realized for the preceding month
26 from the 6.25% general rate on the selling price of aviation

1 fuel, less an amount estimated by the Department to be
2 required for refunds of the 20% portion of the tax on aviation
3 fuel under this Act, which amount shall be deposited into the
4 Aviation Fuel Sales Tax Refund Fund. The Department shall only
5 pay moneys into the State Aviation Program Fund and the
6 Aviation Fuels Sales Tax Refund Fund under this Act for so long
7 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
8 U.S.C. 47133 are binding on the State.

9 Beginning August 1, 2000, each month the Department shall
10 pay into the State and Local Sales Tax Reform Fund 100% of the
11 net revenue realized for the preceding month from the 1.25%
12 rate on the selling price of motor fuel and gasohol. If, in any
13 month, the tax on sales tax holiday items, as defined in
14 Section 3-6, is imposed at the rate of 1.25%, then ~~Beginning~~
15 ~~September 1, 2010, each month~~ the Department shall pay ~~into~~
16 ~~the State and Local Sales Tax Reform Fund~~ 100% of the net
17 revenue realized for that ~~the preceding~~ month from the 1.25%
18 rate on the selling price of sales tax holiday items into the
19 State and Local Sales Tax Reform Fund.

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

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

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

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

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

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

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

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

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

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

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

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

1	2008	126,000,000
2	2009	132,000,000
3	2010	139,000,000
4	2011	146,000,000
5	2012	153,000,000
6	2013	161,000,000
7	2014	170,000,000
8	2015	179,000,000
9	2016	189,000,000
10	2017	199,000,000
11	2018	210,000,000
12	2019	221,000,000
13	2020	233,000,000
14	2021	300,000,000
15	2022	300,000,000
16	2023	300,000,000
17	2024	300,000,000
18	2025	300,000,000
19	2026	300,000,000
20	2027	375,000,000
21	2028	375,000,000
22	2029	375,000,000
23	2030	375,000,000
24	2031	375,000,000
25	2032	375,000,000
26	2033	375,000,000

1	2034	375,000,000
2	2035	375,000,000
3	2036	450,000,000

4 and

5 each fiscal year

6 thereafter that bonds

7 are outstanding under

8 Section 13.2 of the

9 Metropolitan Pier and

10 Exposition Authority Act,

11 but not after fiscal year 2060.

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

25 Subject to payment of amounts into the Capital Projects
26 Fund, the Clean Air Act Permit Fund, 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, for aviation fuel sold on or after December 1, 2019,
4 the Department shall each month deposit into the Aviation Fuel
5 Sales Tax Refund Fund an amount estimated by the Department to
6 be required for refunds of the 80% portion of the tax on
7 aviation fuel under this Act. The Department shall only
8 deposit moneys into the Aviation Fuel Sales Tax Refund Fund
9 under this paragraph for so long as the revenue use
10 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
11 binding on the State.

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

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

1 from the 6.25% general rate on the selling price of
2 Illinois-mined coal that was sold to an eligible business. For
3 purposes of this paragraph, the term "eligible business" means
4 a new electric generating facility certified pursuant to
5 Section 605-332 of the Department of Commerce and Economic
6 Opportunity Law of the Civil Administrative Code of Illinois.

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

26 Subject to payments of amounts into the Build Illinois

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

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

1 meanings provided in Section 25-10 of the Public-Private
2 Partnership for Civic and Transit Infrastructure Project Act.

3	Fiscal Year.....	Total Deposit
4	2024	\$200,000,000
5	2025	\$206,000,000
6	2026	\$212,200,000
7	2027	\$218,500,000
8	2028	\$225,100,000
9	2029	\$288,700,000
10	2030	\$298,900,000
11	2031	\$309,300,000
12	2032	\$320,100,000
13	2033	\$331,200,000
14	2034	\$341,200,000
15	2035	\$351,400,000
16	2036	\$361,900,000
17	2037	\$372,800,000
18	2038	\$384,000,000
19	2039	\$395,500,000
20	2040	\$407,400,000
21	2041	\$419,600,000
22	2042	\$432,200,000
23	2043	\$445,100,000

24 Beginning July 1, 2021 and until July 1, 2022, subject to
25 the payment of amounts into the State and Local Sales Tax
26 Reform Fund, the Build Illinois Fund, the McCormick Place

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

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

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

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

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

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

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

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

21 Section 25-10. The Retailers' Occupation Tax Act is
22 amended by changing Sections 2-8, 2-10 and 3 as follows:

23 (35 ILCS 120/2-8)

24 Sec. 2-8. Sales tax holiday items.

1 (a) Any ~~The~~ tangible personal property described in this
2 subsection is a sales tax holiday item and qualifies for the
3 1.25% reduced rate of tax for the period set forth in Section
4 2-10 of this Act (hereinafter referred to as the Sales Tax
5 Holiday Period). The reduced rate on these items shall be
6 administered under the provisions of subsection (b) of this
7 Section. The following items are subject to the reduced rate:

8 (1) Clothing items that each have a retail selling
9 price of less than \$125 ~~\$100~~.

10 "Clothing" means, unless otherwise specified in this
11 Section, all human wearing apparel suitable for general
12 use. "Clothing" does not include clothing accessories,
13 protective equipment, or sport or recreational equipment.
14 "Clothing" includes, but is not limited to: household and
15 shop aprons; athletic supporters; bathing suits and caps;
16 belts and suspenders; boots; coats and jackets; ear muffs;
17 footlets; gloves and mittens for general use; hats and
18 caps; hosiery; insoles for shoes; lab coats; neckties;
19 overshoes; pantyhose; rainwear; rubber pants; sandals;
20 scarves; shoes and shoelaces; slippers; sneakers; socks
21 and stockings; steel-toed shoes; underwear; and school
22 uniforms.

23 "Clothing accessories" means, but is not limited to:
24 briefcases; cosmetics; hair notions, including, but not
25 limited to barrettes, hair bows, and hair nets; handbags;
26 handkerchiefs; jewelry; non-prescription sunglasses;

1 umbrellas; wallets; watches; and wigs and hair pieces.

2 "Protective equipment" means, but is not limited to:
3 breathing masks; clean room apparel and equipment; ear and
4 hearing protectors; face shields; hard hats; helmets;
5 paint or dust respirators; protective gloves; safety
6 glasses and goggles; safety belts; tool belts; and
7 welder's gloves and masks.

8 "Sport or recreational equipment" means, but is not
9 limited to: ballet and tap shoes; cleated or spiked
10 athletic shoes; gloves, including, but not limited to,
11 baseball, bowling, boxing, hockey, and golf gloves;
12 goggles; hand and elbow guards; life preservers and vests;
13 mouth guards; roller and ice skates; shin guards; shoulder
14 pads; ski boots; waders; and wetsuits and fins.

15 (2) School supplies. "School supplies" means, unless
16 otherwise specified in this Section, items used by a
17 student in a course of study. The purchase of school
18 supplies for use by persons other than students for use in
19 a course of study are not eligible for the reduced rate of
20 tax. "School supplies" do not include school art supplies;
21 school instructional materials; cameras; film and memory
22 cards; videocameras, tapes, and videotapes; computers;
23 cell phones; Personal Digital Assistants (PDAs); handheld
24 electronic schedulers; and school computer supplies.

25 "School supplies" includes, but is not limited to:
26 binders; book bags; calculators; cellophane tape;

1 blackboard chalk; compasses; composition books; crayons;
2 erasers; expandable, pocket, plastic, and manila folders;
3 glue, paste, and paste sticks; highlighters; index cards;
4 index card boxes; legal pads; lunch boxes; markers;
5 notebooks; paper, including loose leaf ruled notebook
6 paper, copy paper, graph paper, tracing paper, manila
7 paper, colored paper, poster board, and construction
8 paper; pencils; pencil leads; pens; ink and ink refills
9 for pens; pencil boxes and other school supply boxes;
10 pencil sharpeners; protractors; rulers; scissors; and
11 writing tablets.

12 "School art supply" means an item commonly used by a
13 student in a course of study for artwork and includes only
14 the following items: clay and glazes; acrylic, tempera,
15 and oil paint; paintbrushes for artwork; sketch and
16 drawing pads; and watercolors.

17 "School instructional material" means written material
18 commonly used by a student in a course of study as a
19 reference and to learn the subject being taught and
20 includes only the following items: reference books;
21 reference maps and globes; textbooks; and workbooks.

22 "School computer supply" means an item commonly used
23 by a student in a course of study in which a computer is
24 used and applies only to the following items: flashdrives
25 and other computer data storage devices; data storage
26 media, such as diskettes and compact disks; boxes and

1 cases for disk storage; external ports or drives; computer
2 cases; computer cables; computer printers; and printer
3 cartridges, toner, and ink.

4 (b) Administration. Notwithstanding any other provision of
5 this Act, the reduced rate of tax under Section 3-10 of this
6 Act for clothing and school supplies shall be administered by
7 the Department under the provisions of this subsection (b).

8 (1) Bundled sales. Items that qualify for the reduced
9 rate of tax that are bundled together with items that do
10 not qualify for the reduced rate of tax and that are sold
11 for one itemized price will be subject to the reduced rate
12 of tax only if the value of the items that qualify for the
13 reduced rate of tax exceeds the value of the items that do
14 not qualify for the reduced rate of tax.

15 (2) Coupons and discounts. An unreimbursed discount by
16 the seller reduces the sales price of the property so that
17 the discounted sales price determines whether the sales
18 price is within a sales tax holiday price threshold. A
19 coupon or other reduction in the sales price is treated as
20 a discount if the seller is not reimbursed for the coupon
21 or reduction amount by a third party.

22 (3) Splitting of items normally sold together.
23 Articles that are normally sold as a single unit must
24 continue to be sold in that manner. Such articles cannot
25 be priced separately and sold as individual items in order
26 to obtain the reduced rate of tax. For example, a pair of

1 shoes cannot have each shoe sold separately so that the
2 sales price of each shoe is within a sales tax holiday
3 price threshold.

4 (4) Rain checks. A rain check is a procedure that
5 allows a customer to purchase an item at a certain price at
6 a later time because the particular item was out of stock.
7 Eligible property that customers purchase during the Sales
8 Tax Holiday Period with the use of a rain check will
9 qualify for the reduced rate of tax regardless of when the
10 rain check was issued. Issuance of a rain check during the
11 Sales Tax Holiday Period will not qualify eligible
12 property for the reduced rate of tax if the property is
13 actually purchased after the Sales Tax Holiday Period.

14 (5) Exchanges. The procedure for an exchange in
15 regards to a sales tax holiday is as follows:

16 (A) If a customer purchases an item of eligible
17 property during the Sales Tax Holiday Period, but
18 later exchanges the item for a similar eligible item,
19 even if a different size, different color, or other
20 feature, no additional tax is due even if the exchange
21 is made after the Sales Tax Holiday Period.

22 (B) If a customer purchases an item of eligible
23 property during the Sales Tax Holiday Period, but
24 after the Sales Tax Holiday Period has ended, the
25 customer returns the item and receives credit on the
26 purchase of a different item, the 6.25% general

1 merchandise sales tax rate is due on the sale of the
2 newly purchased item.

3 (C) If a customer purchases an item of eligible
4 property before the Sales Tax Holiday Period, but
5 during the Sales Tax Holiday Period the customer
6 returns the item and receives credit on the purchase
7 of a different item of eligible property, the reduced
8 rate of tax is due on the sale of the new item if the
9 new item is purchased during the Sales Tax Holiday
10 Period.

11 (6) Delivery charges. Delivery charges, including
12 shipping, handling and service charges, are part of the
13 sales price of eligible property.

14 (7) Order date and back orders. For the purpose of a
15 sales tax holiday, eligible property qualifies for the
16 reduced rate of tax if: (i) the item is both delivered to
17 and paid for by the customer during the Sales Tax Holiday
18 Period or (ii) the customer orders and pays for the item
19 and the seller accepts the order during the Sales Tax
20 Holiday Period for immediate shipment, even if delivery is
21 made after the Sales Tax Holiday Period. The seller
22 accepts an order when the seller has taken action to fill
23 the order for immediate shipment. Actions to fill an order
24 include placement of an "in date" stamp on an order or
25 assignment of an "order number" to an order within the
26 Sales Tax Holiday Period. An order is for immediate

1 shipment when the customer does not request delayed
2 shipment. An order is for immediate shipment
3 notwithstanding that the shipment may be delayed because
4 of a backlog of orders or because stock is currently
5 unavailable to, or on back order by, the seller.

6 (8) Returns. For a 60-day period immediately after the
7 Sales Tax Holiday Period, if a customer returns an item
8 that would qualify for the reduced rate of tax, credit for
9 or refund of sales tax shall be given only at the reduced
10 rate unless the customer provides a receipt or invoice
11 that shows tax was paid at the 6.25% general merchandise
12 rate, or the seller has sufficient documentation to show
13 that tax was paid at the 6.25% general merchandise rate on
14 the specific item. This 60-day period is set solely for
15 the purpose of designating a time period during which the
16 customer must provide documentation that shows that the
17 appropriate sales tax rate was paid on returned
18 merchandise. The 60-day period is not intended to change a
19 seller's policy on the time period during which the seller
20 will accept returns.

21 (c) The Department may implement the provisions of this
22 Section through the use of emergency rules, along with
23 permanent rules filed concurrently with such emergency rules,
24 in accordance with the provisions of Section 5-45 of the
25 Illinois Administrative Procedure Act. For purposes of the
26 Illinois Administrative Procedure Act, the adoption of rules

1 to implement the provisions of this Section shall be deemed an
2 emergency and necessary for the public interest, safety, and
3 welfare.

4 (Source: P.A. 96-1012, eff. 7-7-10.)

5 (35 ILCS 120/2-10)

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

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

14 Beginning on August 6, 2010 through August 15, 2010, and
15 beginning again on August 5, 2022 through August 14, 2022,
16 with respect to sales tax holiday items as defined in Section
17 2-8 of this Act, the tax is imposed at the rate of 1.25%.

18 Within 14 days after the effective date of this amendatory
19 Act of the 91st General Assembly, each retailer of motor fuel
20 and gasohol shall cause the following notice to be posted in a
21 prominently visible place on each retail dispensing device
22 that is used to dispense motor fuel or gasohol in the State of
23 Illinois: "As of July 1, 2000, the State of Illinois has
24 eliminated the State's share of sales tax on motor fuel and
25 gasohol through December 31, 2000. The price on this pump

1 should reflect the elimination of the tax." The notice shall
2 be printed in bold print on a sign that is no smaller than 4
3 inches by 8 inches. The sign shall be clearly visible to
4 customers. Any retailer who fails to post or maintain a
5 required sign through December 31, 2000 is guilty of a petty
6 offense for which the fine shall be \$500 per day per each
7 retail premises where a violation occurs.

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

18 With respect to majority blended ethanol fuel, as defined
19 in the Use Tax Act, the tax imposed by this Act does not apply
20 to the proceeds of sales made on or after July 1, 2003 and on
21 or before December 31, 2023 but applies to 100% of the proceeds
22 of sales made thereafter.

23 With respect to biodiesel blends, as defined in the Use
24 Tax Act, with no less than 1% and no more than 10% biodiesel,
25 the tax imposed by this Act applies to (i) 80% of the proceeds
26 of sales made on or after July 1, 2003 and on or before

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

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

14 With respect to food for human consumption that is to be
15 consumed off the premises where it is sold (other than
16 alcoholic beverages, food consisting of or infused with adult
17 use cannabis, soft drinks, and food that has been prepared for
18 immediate consumption) and prescription and nonprescription
19 medicines, drugs, medical appliances, products classified as
20 Class III medical devices by the United States Food and Drug
21 Administration that are used for cancer treatment pursuant to
22 a prescription, as well as any accessories and components
23 related to those devices, modifications to a motor vehicle for
24 the purpose of rendering it usable by a person with a
25 disability, and insulin, blood sugar testing materials,
26 syringes, and needles used by human diabetics, the tax is

1 imposed at the rate of 1%. For the purposes of this Section,
2 until September 1, 2009: the term "soft drinks" means any
3 complete, finished, ready-to-use, non-alcoholic drink, whether
4 carbonated or not, including but not limited to soda water,
5 cola, fruit juice, vegetable juice, carbonated water, and all
6 other preparations commonly known as soft drinks of whatever
7 kind or description that are contained in any closed or sealed
8 bottle, can, carton, or container, regardless of size; but
9 "soft drinks" does not include coffee, tea, non-carbonated
10 water, infant formula, milk or milk products as defined in the
11 Grade A Pasteurized Milk and Milk Products Act, or drinks
12 containing 50% or more natural fruit or vegetable juice.

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

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

1 off the premises where it is sold" includes all food sold
2 through a vending machine, except soft drinks, candy, and food
3 products that are dispensed hot from a vending machine,
4 regardless of the location of the vending machine.

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

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

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

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

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

10 As used in this Section, "adult use cannabis" means
11 cannabis subject to tax under the Cannabis Cultivation
12 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law
13 and does not include cannabis subject to tax under the
14 Compassionate Use of Medical Cannabis Program Act.

15 (Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19;
16 102-4, eff. 4-27-21.)

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

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

23 1. The name of the seller;

24 2. His residence address and the address of his
25 principal place of business and the address of the

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

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

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

14 5. Deductions allowed by law;

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

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

20 8. The amount of tax due;

21 9. The signature of the taxpayer; and

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

24 On and after January 1, 2018, except for returns for motor
25 vehicles, watercraft, aircraft, and trailers that are required
26 to be registered with an agency of this State, with respect to

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

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

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

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

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

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

16 1. The name of the seller;

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

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

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

1 5. The amount of tax due; and

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

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

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

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

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

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

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

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

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

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

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

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

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

26 The Department shall adopt such rules as are necessary to

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

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

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

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

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

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

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

17 In addition, with respect to motor vehicles, watercraft,
18 aircraft, and trailers that are required to be registered with
19 an agency of this State, 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
2 retailer or trailer retailer for the purpose of resale or (ii)
3 a retailer of aircraft, watercraft, motor vehicles, or
4 trailers transfers more than one aircraft, watercraft, motor
5 vehicle, or trailer to a purchaser for use as a qualifying
6 rolling stock as provided in Section 2-5 of this Act, then that
7 seller may report the transfer of all aircraft, watercraft,
8 motor 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 Any retailer who sells only motor vehicles, watercraft,
5 aircraft, or trailers that are required to be registered with
6 an agency of this State, so that all retailers' occupation tax
7 liability is required to be reported, and is reported, on such
8 transaction reporting returns and who is not otherwise
9 required to file monthly or quarterly returns, need not file
10 monthly or quarterly returns. However, those retailers shall
11 be required to file returns on an annual basis.

12 The transaction reporting return, in the case of motor
13 vehicles or trailers that are required to be registered with
14 an agency of this State, shall be the same document as the
15 Uniform Invoice referred to in Section 5-402 of the Illinois
16 Vehicle Code and must show the name and address of the seller;
17 the name and address of the purchaser; the amount of the
18 selling price including the amount allowed by the retailer for
19 traded-in property, if any; the amount allowed by the retailer
20 for the traded-in tangible personal property, if any, to the
21 extent to which Section 1 of this Act allows an exemption for
22 the value of traded-in property; the balance payable after
23 deducting such trade-in allowance from the total selling
24 price; the amount of tax due from the retailer with respect to
25 such transaction; the amount of tax collected from the
26 purchaser by the retailer on such transaction (or satisfactory

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

7 The transaction reporting return in the case of watercraft
8 or aircraft must show the name and address of the seller; the
9 name and address of the purchaser; the amount of the selling
10 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 1 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, and
22 such other information as the Department may reasonably
23 require.

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

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

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

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

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

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

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

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

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

9 Where the seller is a limited liability company, the
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, or \$5 per calendar year,
18 whichever is greater, which is allowed to reimburse the
19 retailer for the expenses incurred in keeping records,
20 preparing and filing returns, remitting the tax and supplying
21 data to the Department on request. On and after January 1,
22 2021, a certified service provider, as defined in the Leveling
23 the Playing Field for Illinois Retail Act, filing the return
24 under this Section on behalf of a remote retailer shall, at the
25 time of such return, pay to the Department the amount of tax
26 imposed by this Act less a discount of 1.75%. A remote retailer

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

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

1 month by the 20th day of the month next following the month
2 during which such tax liability is incurred and shall make
3 payments to the Department on or before the 7th, 15th, 22nd and
4 last day of the month during which such liability is incurred.
5 On and after October 1, 2000, if the taxpayer's average
6 monthly tax liability to the Department under this Act, the
7 Use Tax Act, the Service Occupation Tax Act, and the Service
8 Use Tax Act, excluding any liability for prepaid sales tax to
9 be remitted in accordance with Section 2d of this 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 by
24 taxpayers having an average monthly tax liability of \$10,000
25 or more as determined in the manner provided above shall
26 continue until such taxpayer's average monthly liability to

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

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

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

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

1 excess of the minimum payments previously due.

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

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

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

1 and interest on such difference.

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

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

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

20 Beginning August 1, 2000, each month the Department shall
21 pay into the County and Mass Transit District Fund 20% of the
22 net revenue realized for the preceding month from the 1.25%
23 rate on the selling price of motor fuel and gasohol. If, in any
24 month, the tax on sales tax holiday items, as defined in
25 Section 2-8, is imposed at the rate of 1.25%, then Beginning
26 ~~September 1, 2010, each month~~ the Department shall pay ~~into~~

1 ~~the County and Mass Transit District Fund~~ 20% of the net
2 revenue realized for that ~~the preceding~~ month from the 1.25%
3 rate on the selling price of sales tax holiday items into the
4 County and Mass Transit District Fund.

5 Beginning January 1, 1990, each month the Department shall
6 pay into the Local Government Tax Fund 16% of the net revenue
7 realized for the preceding month from the 6.25% general rate
8 on the selling price of tangible personal property other than
9 aviation fuel sold on or after December 1, 2019. This
10 exception for aviation fuel only applies for so long as the
11 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
12 47133 are binding on the State.

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

25 Beginning August 1, 2000, each month the Department shall
26 pay into the Local Government Tax Fund 80% of the net revenue

1 realized for the preceding month from the 1.25% rate on the
2 selling price of motor fuel and gasohol. If, in any month, the
3 tax on sales tax holiday items, as defined in Section 2-8, is
4 imposed at the rate of 1.25%, then ~~Beginning September 1,~~
5 ~~2010, each month~~ the Department shall pay ~~into the Local~~
6 ~~Government Tax Fund~~ 80% of the net revenue realized for that
7 ~~the preceding~~ month from the 1.25% rate on the selling price of
8 sales tax holiday items into the Local Government Tax Fund.

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

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

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

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

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

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

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

13	Fiscal Year	Annual Specified Amount
14	1986	\$54,800,000
15	1987	\$76,650,000
16	1988	\$80,480,000
17	1989	\$88,510,000
18	1990	\$115,330,000
19	1991	\$145,470,000
20	1992	\$182,730,000
21	1993	\$206,520,000;

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

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

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

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

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

5	Fiscal Year	Total Deposit
6	1993	\$0
7	1994	53,000,000
8	1995	58,000,000
9	1996	61,000,000
10	1997	64,000,000
11	1998	68,000,000
12	1999	71,000,000
13	2000	75,000,000
14	2001	80,000,000
15	2002	93,000,000
16	2003	99,000,000
17	2004	103,000,000
18	2005	108,000,000
19	2006	113,000,000
20	2007	119,000,000
21	2008	126,000,000
22	2009	132,000,000
23	2010	139,000,000
24	2011	146,000,000
25	2012	153,000,000
26	2013	161,000,000

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

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

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

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

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

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

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

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

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

1 Downstate Public Transportation Act.

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

	Fiscal Year.....	Total Deposit
24	2024	\$200,000,000
25	2025	\$206,000,000
26	2026	\$212,200,000

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

18 Beginning July 1, 2021 and until July 1, 2022, subject to
 19 the payment of amounts into the County and Mass Transit
 20 District Fund, the Local Government Tax 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 16% of the net
 26 revenue realized from the taxes imposed on motor fuel and

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

1 estimated to represent 64% of the net revenue realized from
2 the taxes imposed on motor fuel and gasohol. Beginning on July
3 1, 2025, subject to the payment of amounts into the County and
4 Mass Transit District Fund, the Local Government Tax 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 State
17 Treasury and 25% shall be reserved in a special account and
18 used only for the transfer to the Common School Fund as part of
19 the monthly transfer from the General Revenue Fund in
20 accordance with Section 8a of the State Finance Act.

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

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

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

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

1 any other penalty provided for in this Act.

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

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

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

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

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

1 overpayment of liability.

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

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

26 Any person engaged in the business of selling tangible

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

20 (Source: P.A. 101-10, Article 15, Section 15-25, eff. 6-5-19;
21 101-10, Article 25, Section 25-120, eff. 6-5-19; 101-27, eff.
22 6-25-19; 101-32, eff. 6-28-19; 101-604, eff. 12-13-19;
23 101-636, eff. 6-10-20; 102-634, eff. 8-27-21; revised
24 12-7-21.)

25 Section 25-15. The State Finance Act is amended by

1 changing Sections 6z-18 and 6z-20 as follows:

2 (30 ILCS 105/6z-18) (from Ch. 127, par. 142z-18)

3 Sec. 6z-18. Local Government Tax Fund. A portion of the
4 money paid into the Local Government Tax Fund from sales of
5 tangible personal property taxed at the 1% rate under the
6 Retailers' Occupation Tax Act and the Service Occupation Tax
7 Act, which occurred in municipalities, shall be distributed to
8 each municipality based upon the sales which occurred in that
9 municipality. The remainder shall be distributed to each
10 county based upon the sales which occurred in the
11 unincorporated area of that county.

12 A portion of the money paid into the Local Government Tax
13 Fund from the 6.25% general use tax rate on the selling price
14 of tangible personal property which is purchased outside
15 Illinois at retail from a retailer and which is titled or
16 registered by any agency of this State's government shall be
17 distributed to municipalities as provided in this paragraph.
18 Each municipality shall receive the amount attributable to
19 sales for which Illinois addresses for titling or registration
20 purposes are given as being in such municipality. The
21 remainder of the money paid into the Local Government Tax Fund
22 from such sales shall be distributed to counties. Each county
23 shall receive the amount attributable to sales for which
24 Illinois addresses for titling or registration purposes are
25 given as being located in the unincorporated area of such

1 county.

2 A portion of the money paid into the Local Government Tax
3 Fund from the 6.25% general rate (and, beginning July 1, 2000
4 and through December 31, 2000, the 1.25% rate on motor fuel and
5 gasohol, and beginning on August 6, 2010 through August 15,
6 2010, and beginning again on August 5, 2022 through August 14,
7 2022, the 1.25% rate on sales tax holiday items) on sales
8 subject to taxation under the Retailers' Occupation Tax Act
9 and the Service Occupation Tax Act, which occurred in
10 municipalities, shall be distributed to each municipality,
11 based upon the sales which occurred in that municipality. The
12 remainder shall be distributed to each county, based upon the
13 sales which occurred in the unincorporated area of such
14 county.

15 For the purpose of determining allocation to the local
16 government unit, a retail sale by a producer of coal or other
17 mineral mined in Illinois is a sale at retail at the place
18 where the coal or other mineral mined in Illinois is extracted
19 from the earth. This paragraph does not apply to coal or other
20 mineral when it is delivered or shipped by the seller to the
21 purchaser at a point outside Illinois so that the sale is
22 exempt under the United States Constitution as a sale in
23 interstate or foreign commerce.

24 Whenever the Department determines that a refund of money
25 paid into the Local Government Tax Fund should be made to a
26 claimant instead of issuing a credit memorandum, the

1 Department shall notify the State Comptroller, who shall cause
2 the order to be drawn for the amount specified, and to the
3 person named, in such notification from the Department. Such
4 refund shall be paid by the State Treasurer out of the Local
5 Government Tax Fund.

6 As soon as possible after the first day of each month,
7 beginning January 1, 2011, upon certification of the
8 Department of Revenue, the Comptroller shall order
9 transferred, and the Treasurer shall transfer, to the STAR
10 Bonds Revenue Fund the local sales tax increment, as defined
11 in the Innovation Development and Economy Act, collected
12 during the second preceding calendar month for sales within a
13 STAR bond district and deposited into the Local Government Tax
14 Fund, less 3% of that amount, which shall be transferred into
15 the Tax Compliance and Administration Fund and shall be used
16 by the Department, subject to appropriation, to cover the
17 costs of the Department in administering the Innovation
18 Development and Economy Act.

19 After the monthly transfer to the STAR Bonds Revenue Fund,
20 on or before the 25th day of each calendar month, the
21 Department shall prepare and certify to the Comptroller the
22 disbursement of stated sums of money to named municipalities
23 and counties, the municipalities and counties to be those
24 entitled to distribution of taxes or penalties paid to the
25 Department during the second preceding calendar month. The
26 amount to be paid to each municipality or county shall be the

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

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

25 The provisions directing the distributions from the
26 special fund in the State Treasury provided for in this

1 Section shall constitute an irrevocable and continuing
2 appropriation of all amounts as provided herein. The State
3 Treasurer and State Comptroller are hereby authorized to make
4 distributions as provided in this Section.

5 In construing any development, redevelopment, annexation,
6 preannexation or other lawful agreement in effect prior to
7 September 1, 1990, which describes or refers to receipts from
8 a county or municipal retailers' occupation tax, use tax or
9 service occupation tax which now cannot be imposed, such
10 description or reference shall be deemed to include the
11 replacement revenue for such abolished taxes, distributed from
12 the Local Government Tax Fund.

13 As soon as possible after the effective date of this
14 amendatory Act of the 98th General Assembly, the State
15 Comptroller shall order and the State Treasurer shall transfer
16 \$6,600,000 from the Local Government Tax Fund to the Illinois
17 State Medical Disciplinary Fund.

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

19 (30 ILCS 105/6z-20) (from Ch. 127, par. 142z-20)

20 Sec. 6z-20. County and Mass Transit District Fund. Of the
21 money received from the 6.25% general rate (and, beginning
22 July 1, 2000 and through December 31, 2000, the 1.25% rate on
23 motor fuel and gasohol, and beginning on August 6, 2010
24 through August 15, 2010, and beginning again on August 5, 2022
25 through August 14, 2022, the 1.25% rate on sales tax holiday

1 items) on sales subject to taxation under the Retailers'
2 Occupation Tax Act and Service Occupation Tax Act and paid
3 into the County and Mass Transit District Fund, distribution
4 to the Regional Transportation Authority tax fund, created
5 pursuant to Section 4.03 of the Regional Transportation
6 Authority Act, for deposit therein shall be made based upon
7 the retail sales occurring in a county having more than
8 3,000,000 inhabitants. The remainder shall be distributed to
9 each county having 3,000,000 or fewer inhabitants based upon
10 the retail sales occurring in each such county.

11 For the purpose of determining allocation to the local
12 government unit, a retail sale by a producer of coal or other
13 mineral mined in Illinois is a sale at retail at the place
14 where the coal or other mineral mined in Illinois is extracted
15 from the earth. This paragraph does not apply to coal or other
16 mineral when it is delivered or shipped by the seller to the
17 purchaser at a point outside Illinois so that the sale is
18 exempt under the United States Constitution as a sale in
19 interstate or foreign commerce.

20 Of the money received from the 6.25% general use tax rate
21 on tangible personal property which is purchased outside
22 Illinois at retail from a retailer and which is titled or
23 registered by any agency of this State's government and paid
24 into the County and Mass Transit District Fund, the amount for
25 which Illinois addresses for titling or registration purposes
26 are given as being in each county having more than 3,000,000

1 inhabitants shall be distributed into the Regional
2 Transportation Authority tax fund, created pursuant to Section
3 4.03 of the Regional Transportation Authority Act. The
4 remainder of the money paid from such sales shall be
5 distributed to each county based on sales for which Illinois
6 addresses for titling or registration purposes are given as
7 being located in the county. Any money paid into the Regional
8 Transportation Authority Occupation and Use Tax Replacement
9 Fund from the County and Mass Transit District Fund prior to
10 January 14, 1991, which has not been paid to the Authority
11 prior to that date, shall be transferred to the Regional
12 Transportation Authority tax fund.

13 Whenever the Department determines that a refund of money
14 paid into the County and Mass Transit District Fund should be
15 made to a claimant instead of issuing a credit memorandum, the
16 Department shall notify the State Comptroller, who shall cause
17 the order to be drawn for the amount specified, and to the
18 person named, in such notification from the Department. Such
19 refund shall be paid by the State Treasurer out of the County
20 and Mass Transit District Fund.

21 As soon as possible after the first day of each month,
22 beginning January 1, 2011, upon certification of the
23 Department of Revenue, the Comptroller shall order
24 transferred, and the Treasurer shall transfer, to the STAR
25 Bonds Revenue Fund the local sales tax increment, as defined
26 in the Innovation Development and Economy Act, collected

1 during the second preceding calendar month for sales within a
2 STAR bond district and deposited into the County and Mass
3 Transit District Fund, less 3% of that amount, which shall be
4 transferred into the Tax Compliance and Administration Fund
5 and shall be used by the Department, subject to appropriation,
6 to cover the costs of the Department in administering the
7 Innovation Development and Economy Act.

8 After the monthly transfer to the STAR Bonds Revenue Fund,
9 on or before the 25th day of each calendar month, the
10 Department shall prepare and certify to the Comptroller the
11 disbursement of stated sums of money to the Regional
12 Transportation Authority and to named counties, the counties
13 to be those entitled to distribution, as hereinabove provided,
14 of taxes or penalties paid to the Department during the second
15 preceding calendar month. The amount to be paid to the
16 Regional Transportation Authority and each county having
17 3,000,000 or fewer inhabitants shall be the amount (not
18 including credit memoranda) collected during the second
19 preceding calendar month by the Department and paid into the
20 County and Mass Transit District Fund, plus an amount the
21 Department determines is necessary to offset any amounts which
22 were erroneously paid to a different taxing body, and not
23 including an amount equal to the amount of refunds made during
24 the second preceding calendar month by the Department, and not
25 including any amount which the Department determines is
26 necessary to offset any amounts which were payable to a

1 different taxing body but were erroneously paid to the
2 Regional Transportation Authority or county, and not including
3 any amounts that are transferred to the STAR Bonds Revenue
4 Fund, less 1.5% of the amount to be paid to the Regional
5 Transportation Authority, which shall be transferred into the
6 Tax Compliance and Administration Fund. The Department, at the
7 time of each monthly disbursement to the Regional
8 Transportation Authority, shall prepare and certify to the
9 State Comptroller the amount to be transferred into the Tax
10 Compliance and Administration Fund under this Section. Within
11 10 days after receipt, by the Comptroller, of the disbursement
12 certification to the Regional Transportation Authority,
13 counties, and the Tax Compliance and Administration Fund
14 provided for in this Section to be given to the Comptroller by
15 the Department, the Comptroller shall cause the orders to be
16 drawn for the respective amounts in accordance with the
17 directions contained in such certification.

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

25 The provisions directing the distributions from the
26 special fund in the State Treasury provided for in this

1 Section and from the Regional Transportation Authority tax
2 fund created by Section 4.03 of the Regional Transportation
3 Authority Act shall constitute an irrevocable and continuing
4 appropriation of all amounts as provided herein. The State
5 Treasurer and State Comptroller are hereby authorized to make
6 distributions as provided in this Section.

7 In construing any development, redevelopment, annexation,
8 preannexation or other lawful agreement in effect prior to
9 September 1, 1990, which describes or refers to receipts from
10 a county or municipal retailers' occupation tax, use tax or
11 service occupation tax which now cannot be imposed, such
12 description or reference shall be deemed to include the
13 replacement revenue for such abolished taxes, distributed from
14 the County and Mass Transit District Fund or Local Government
15 Distributive Fund, as the case may be.

16 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18.)".