



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2279

Introduced 2/26/2021, by Sen. Steve Stadelman

SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of Revenue Law of the Civil Administrative Code of Illinois and the Retailers' Occupation Tax Act. In provisions that allow the Department of Revenue to refuse to issue, reissue, or renew a certificate of registration, provides that a person is considered to be in default for moneys due if the amount was established as a final liability within the 23 years (currently, 20 years) prior to the date of the Department of Revenue's notice of refusal to issue or reissue the certificate of registration, permit, or license. Amends the Property Tax Code. Provides that the effective date of a pollution control facility certificate shall be the date of the last submission of documentation that finalizes the application or the date of the construction of the facility, whichever is later. Creates the Property Tax Appeal Board Supplemental Fund. Provides that all filing fees collected by the Board shall be deposited in the Fund. Provides for the uses of moneys deposited in the Fund. Amends various tax Acts to provide that upon filing a claim for a credit or for a refund, if the statute of limitations will expire less than 12 months after the date a taxpayer files the claim for credit or refund, that will trigger an automatic 12-month extension of the statute of limitations for assessing additional tax due. Effective immediately.

LRB102 16048 HLH 21420 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The Department of Revenue Law of the Civil
5 Administrative Code of Illinois is amended by changing Section
6 2505-380 as follows:

7 (20 ILCS 2505/2505-380) (was 20 ILCS 2505/39b47)

8 Sec. 2505-380. Revocation of or refusal to issue or
9 reissue a certificate of registration, permit, or license.

10 (a) The Department has the power, after notice and an
11 opportunity for a hearing, to revoke a certificate of
12 registration, permit, or license issued by the Department if
13 the holder of the certificate of registration, permit, or
14 license fails to file a return, or to pay the tax, fee,
15 penalty, or interest shown in a filed return, or to pay any
16 final assessment of tax, fee, penalty, or interest, as
17 required by the tax or fee Act under which the certificate of
18 registration, permit, or license is required or any other tax
19 or fee Act administered by the Department.

20 (b) The Department may refuse to issue, reissue, or renew
21 a certificate of registration, permit, or license authorized
22 to be issued by the Department if a person who is named as the
23 owner, a partner, a corporate officer, or, in the case of a

1 limited liability company, a manager or member, of the
2 applicant on the application for the certificate of
3 registration, permit or license, is or has been named as the
4 owner, a partner, a corporate officer, or in the case of a
5 limited liability company, a manager or member, on the
6 application for the certificate of registration, permit, or
7 license of a person that is in default for moneys due under the
8 tax or fee Act upon which the certificate of registration,
9 permit, or license is required or any other tax or fee Act
10 administered by the Department. For purposes of this Section
11 only, in determining whether a person is in default for moneys
12 due, the Department shall include only amounts established as
13 a final liability within the 23 ~~20~~ years prior to the date of
14 the Department's notice of refusal to issue or reissue the
15 certificate of registration, permit, or license. For purposes
16 of this Section, "person" means any natural individual, firm,
17 partnership, association, joint stock company, joint
18 adventure, public or private corporation, limited liability
19 company, or a receiver, executor, trustee, guardian or other
20 representative appointed by order of any court.

21 (c) When revoking or refusing to issue or reissue a
22 certificate of registration, permit, or license issued by the
23 Department, the procedure for notice and hearing used shall be
24 the procedure provided under the Act pursuant to which the
25 certificate of registration, permit, or license was issued.

26 (Source: P.A. 98-496, eff. 1-1-14; 98-1055, eff. 1-1-16.)

1 Section 10. The State Finance Act is amended by adding
2 Section 5.935 as follows:

3 (30 ILCS 105/5.935 new)

4 Sec. 5.935. The Property Tax Appeal Board Supplemental
5 Fund.

6 Section 15. The Illinois Income Tax Act is amended by
7 changing Section 905 as follows:

8 (35 ILCS 5/905) (from Ch. 120, par. 9-905)

9 Sec. 905. Limitations on Notices of Deficiency.

10 (a) In general. Except as otherwise provided in this Act:

11 (1) A notice of deficiency shall be issued not later
12 than 3 years after the date the return was filed, and

13 (2) No deficiency shall be assessed or collected with
14 respect to the year for which the return was filed unless
15 such notice is issued within such period.

16 (a-5) Notwithstanding any other provision of this Act to
17 the contrary, for any taxable year included in a claim for
18 credit or refund for which the statute of limitations for
19 issuing a notice of deficiency under this Act will expire less
20 than 12 months after the date a taxpayer files the claim for
21 credit or refund, the statute of limitations is automatically
22 extended for 12 months from the date it would have otherwise

1 expired.

2 (b) Substantial omission of items.

3 (1) Omission of more than 25% of income. If the
4 taxpayer omits from base income an amount properly
5 includible therein which is in excess of 25% of the amount
6 of base income stated in the return, a notice of
7 deficiency may be issued not later than 6 years after the
8 return was filed. For purposes of this paragraph, there
9 shall not be taken into account any amount which is
10 omitted in the return if such amount is disclosed in the
11 return, or in a statement attached to the return, in a
12 manner adequate to apprise the Department of the nature
13 and the amount of such item.

14 (2) Reportable transactions. If a taxpayer fails to
15 include on any return or statement for any taxable year
16 any information with respect to a reportable transaction,
17 as required under Section 501(b) of this Act, a notice of
18 deficiency may be issued not later than 6 years after the
19 return is filed with respect to the taxable year in which
20 the taxpayer participated in the reportable transaction
21 and said deficiency is limited to the non-disclosed item.

22 (3) Withholding. If an employer omits from a return
23 required under Section 704A of this Act for any period
24 beginning on or after January 1, 2013, an amount required
25 to be withheld and to be reported on that return which is
26 in excess of 25% of the total amount of withholding

1 required to be reported on that return, a notice of
2 deficiency may be issued not later than 6 years after the
3 return was filed.

4 (c) No return or fraudulent return. If no return is filed
5 or a false and fraudulent return is filed with intent to evade
6 the tax imposed by this Act, a notice of deficiency may be
7 issued at any time. For purposes of this subsection (c), any
8 taxpayer who is required to join in the filing of a return
9 filed under the provisions of subsection (e) of Section 502 of
10 this Act for a taxable year ending on or after December 31,
11 2013 and who is not included on that return and does not file
12 its own return for that taxable year shall be deemed to have
13 failed to file a return; provided that the amount of any
14 proposed assessment set forth in a notice of deficiency issued
15 under this subsection (c) shall be limited to the amount of any
16 increase in liability under this Act that should have reported
17 on the return required under the provisions of subsection (e)
18 of Section 502 of this Act for that taxable year resulting from
19 proper inclusion of that taxpayer on that return.

20 (d) Failure to report federal change. If a taxpayer fails
21 to notify the Department in any case where notification is
22 required by Section 304(c) or 506(b), or fails to report a
23 change or correction which is treated in the same manner as if
24 it were a deficiency for federal income tax purposes, a notice
25 of deficiency may be issued (i) at any time or (ii) on or after
26 August 13, 1999, at any time for the taxable year for which the

1 notification is required or for any taxable year to which the
2 taxpayer may carry an Article 2 credit, or a Section 207 loss,
3 earned, incurred, or used in the year for which the
4 notification is required; provided, however, that the amount
5 of any proposed assessment set forth in the notice shall be
6 limited to the amount of any deficiency resulting under this
7 Act from the recomputation of the taxpayer's net income,
8 Article 2 credits, or Section 207 loss earned, incurred, or
9 used in the taxable year for which the notification is
10 required after giving effect to the item or items required to
11 be reported.

12 (e) Report of federal change.

13 (1) Before August 13, 1999, in any case where
14 notification of an alteration is given as required by
15 Section 506(b), a notice of deficiency may be issued at
16 any time within 2 years after the date such notification
17 is given, provided, however, that the amount of any
18 proposed assessment set forth in such notice shall be
19 limited to the amount of any deficiency resulting under
20 this Act from recomputation of the taxpayer's net income,
21 net loss, or Article 2 credits for the taxable year after
22 giving effect to the item or items reflected in the
23 reported alteration.

24 (2) On and after August 13, 1999, in any case where
25 notification of an alteration is given as required by
26 Section 506(b), a notice of deficiency may be issued at

1 any time within 2 years after the date such notification
2 is given for the taxable year for which the notification
3 is given or for any taxable year to which the taxpayer may
4 carry an Article 2 credit, or a Section 207 loss, earned,
5 incurred, or used in the year for which the notification
6 is given, provided, however, that the amount of any
7 proposed assessment set forth in such notice shall be
8 limited to the amount of any deficiency resulting under
9 this Act from recomputation of the taxpayer's net income,
10 Article 2 credits, or Section 207 loss earned, incurred,
11 or used in the taxable year for which the notification is
12 given after giving effect to the item or items reflected
13 in the reported alteration.

14 (f) Extension by agreement. Where, before the expiration
15 of the time prescribed in this Section for the issuance of a
16 notice of deficiency, both the Department and the taxpayer
17 shall have consented in writing to its issuance after such
18 time, such notice may be issued at any time prior to the
19 expiration of the period agreed upon. In the case of a taxpayer
20 who is a partnership, Subchapter S corporation, or trust and
21 who enters into an agreement with the Department pursuant to
22 this subsection on or after January 1, 2003, a notice of
23 deficiency may be issued to the partners, shareholders, or
24 beneficiaries of the taxpayer at any time prior to the
25 expiration of the period agreed upon. Any proposed assessment
26 set forth in the notice, however, shall be limited to the

1 amount of any deficiency resulting under this Act from
2 recomputation of items of income, deduction, credits, or other
3 amounts of the taxpayer that are taken into account by the
4 partner, shareholder, or beneficiary in computing its
5 liability under this Act. The period so agreed upon may be
6 extended by subsequent agreements in writing made before the
7 expiration of the period previously agreed upon.

8 (g) Erroneous refunds. In any case in which there has been
9 an erroneous refund of tax payable under this Act, a notice of
10 deficiency may be issued at any time within 2 years from the
11 making of such refund, or within 5 years from the making of
12 such refund if it appears that any part of the refund was
13 induced by fraud or the misrepresentation of a material fact,
14 provided, however, that the amount of any proposed assessment
15 set forth in such notice shall be limited to the amount of such
16 erroneous refund.

17 Beginning July 1, 1993, in any case in which there has been
18 a refund of tax payable under this Act attributable to a net
19 loss carryback as provided for in Section 207, and that refund
20 is subsequently determined to be an erroneous refund due to a
21 reduction in the amount of the net loss which was originally
22 carried back, a notice of deficiency for the erroneous refund
23 amount may be issued at any time during the same time period in
24 which a notice of deficiency can be issued on the loss year
25 creating the carryback amount and subsequent erroneous refund.
26 The amount of any proposed assessment set forth in the notice

1 shall be limited to the amount of such erroneous refund.

2 (h) Time return deemed filed. For purposes of this Section
3 a tax return filed before the last day prescribed by law
4 (including any extension thereof) shall be deemed to have been
5 filed on such last day.

6 (i) Request for prompt determination of liability. For
7 purposes of subsection (a)(1), in the case of a tax return
8 required under this Act in respect of a decedent, or by his
9 estate during the period of administration, or by a
10 corporation, the period referred to in such Subsection shall
11 be 18 months after a written request for prompt determination
12 of liability is filed with the Department (at such time and in
13 such form and manner as the Department shall by regulations
14 prescribe) by the executor, administrator, or other fiduciary
15 representing the estate of such decedent, or by such
16 corporation, but not more than 3 years after the date the
17 return was filed. This subsection shall not apply in the case
18 of a corporation unless:

19 (1) (A) such written request notifies the Department
20 that the corporation contemplates dissolution at or before
21 the expiration of such 18-month period, (B) the
22 dissolution is begun in good faith before the expiration
23 of such 18-month period, and (C) the dissolution is
24 completed;

25 (2) (A) such written request notifies the Department
26 that a dissolution has in good faith been begun, and (B)

1 the dissolution is completed; or

2 (3) a dissolution has been completed at the time such
3 written request is made.

4 (j) Withholding tax. In the case of returns required under
5 Article 7 of this Act (with respect to any amounts withheld as
6 tax or any amounts required to have been withheld as tax) a
7 notice of deficiency shall be issued not later than 3 years
8 after the 15th day of the 4th month following the close of the
9 calendar year in which such withholding was required.

10 (k) Penalties for failure to make information reports. A
11 notice of deficiency for the penalties provided by Subsection
12 1405.1(c) of this Act may not be issued more than 3 years after
13 the due date of the reports with respect to which the penalties
14 are asserted.

15 (l) Penalty for failure to file withholding returns. A
16 notice of deficiency for penalties provided by Section 1004 of
17 this Act for taxpayer's failure to file withholding returns
18 may not be issued more than three years after the 15th day of
19 the 4th month following the close of the calendar year in which
20 the withholding giving rise to taxpayer's obligation to file
21 those returns occurred.

22 (m) Transferee liability. A notice of deficiency may be
23 issued to a transferee relative to a liability asserted under
24 Section 1405 during time periods defined as follows:

25 1) Initial Transferee. In the case of the liability of
26 an initial transferee, up to 2 years after the expiration

1 of the period of limitation for assessment against the
2 transferor, except that if a court proceeding for review
3 of the assessment against the transferor has begun, then
4 up to 2 years after the return of the certified copy of the
5 judgment in the court proceeding.

6 2) Transferee of Transferee. In the case of the
7 liability of a transferee, up to 2 years after the
8 expiration of the period of limitation for assessment
9 against the preceding transferee, but not more than 3
10 years after the expiration of the period of limitation for
11 assessment against the initial transferor; except that if,
12 before the expiration of the period of limitation for the
13 assessment of the liability of the transferee, a court
14 proceeding for the collection of the tax or liability in
15 respect thereof has been begun against the initial
16 transferor or the last preceding transferee, as the case
17 may be, then the period of limitation for assessment of
18 the liability of the transferee shall expire 2 years after
19 the return of the certified copy of the judgment in the
20 court proceeding.

21 (n) Notice of decrease in net loss. On and after August 23,
22 2002, no notice of deficiency shall be issued as the result of
23 a decrease determined by the Department in the net loss
24 incurred by a taxpayer in any taxable year ending prior to
25 December 31, 2002 under Section 207 of this Act unless the
26 Department has notified the taxpayer of the proposed decrease

1 within 3 years after the return reporting the loss was filed or
2 within one year after an amended return reporting an increase
3 in the loss was filed, provided that in the case of an amended
4 return, a decrease proposed by the Department more than 3
5 years after the original return was filed may not exceed the
6 increase claimed by the taxpayer on the original return.

7 (Source: P.A. 98-496, eff. 1-1-14.)

8 Section 20. The Use Tax Act is amended by changing Section
9 21 as follows:

10 (35 ILCS 105/21) (from Ch. 120, par. 439.21)

11 Sec. 21. As to any claim for credit or refund filed with
12 the Department on and after January 1 but on or before June 30
13 of any given year, no amount of tax or penalty or interest
14 erroneously paid (either in total or partial liquidation of a
15 tax or penalty or interest under this Act) more than 3 years
16 prior to such January 1 shall be credited or refunded, and as
17 to any such claim filed on and after July 1 but on or before
18 December 31 of any given year, no amount of tax or penalty or
19 interest erroneously paid (either in total or partial
20 liquidation of a tax or penalty or interest under this Act)
21 more than 3 years prior to such July 1 shall be credited or
22 refunded. Notwithstanding any other provision of this Act to
23 the contrary, for any period included in a claim for credit or
24 refund for which the statute of limitations for issuing a

1 notice of tax liability under this Act will expire less than 12
2 months after the date a taxpayer files the claim for credit or
3 refund, the statute of limitations is automatically extended
4 for 12 months from the date it would have otherwise expired. No
5 claim shall be allowed for any amount paid to the Department,
6 whether paid voluntarily or involuntarily, if paid in total or
7 partial liquidation of an assessment which had become final
8 before the claim for credit or refund to recover the amount so
9 paid is filed with the Department, or if paid in total or
10 partial liquidation of a judgment or order of court.

11 (Source: P.A. 79-1366; 79-1365.)

12 Section 25. The Service Occupation Tax Act is amended by
13 changing Section 19 as follows:

14 (35 ILCS 115/19) (from Ch. 120, par. 439.119)

15 Sec. 19. As to any claim for credit or refund filed with
16 the Department on or after each January 1 and July 1, no amount
17 of tax or penalty or interest erroneously paid (either in
18 total or partial liquidation of a tax or penalty or interest
19 under this Act) more than 3 years prior to such January 1 and
20 July 1, respectively, shall be credited or refunded, except
21 that if both the Department and taxpayer have agreed to an
22 extension of time to issue a notice of tax liability as
23 provided in Section 4 of the Retailers' Occupation Tax Act,
24 such claim may be filed at any time prior to the expiration of

1 the period agreed upon. Notwithstanding any other provision of
2 this Act to the contrary, for any period included in a claim
3 for credit or refund for which the statute of limitations for
4 issuing a notice of tax liability under this Act will expire
5 less than 12 months after the date a taxpayer files the claim
6 for credit or refund, the statute of limitations is
7 automatically extended for 12 months from the date it would
8 have otherwise expired. No claim shall be allowed for any
9 amount paid to the Department, whether paid voluntarily or
10 involuntarily, if paid in total or partial liquidation of an
11 assessment which had become final before the claim for credit
12 or refund to recover the amount so paid is filed with the
13 Department, or if paid in total or partial liquidation of a
14 judgment or order of court.

15 (Source: P.A. 90-562, eff. 12-16-97.)

16 Section 30. The Retailers' Occupation Tax Act is amended
17 by changing Sections 2a and 6 as follows:

18 (35 ILCS 120/2a) (from Ch. 120, par. 441a)

19 Sec. 2a. It is unlawful for any person to engage in the
20 business of selling tangible personal property at retail in
21 this State without a certificate of registration from the
22 Department. Application for a certificate of registration
23 shall be made to the Department upon forms furnished by it.
24 Each such application shall be signed and verified and shall

1 state: (1) the name and social security number of the
2 applicant; (2) the address of his principal place of business;
3 (3) the address of the principal place of business from which
4 he engages in the business of selling tangible personal
5 property at retail in this State and the addresses of all other
6 places of business, if any (enumerating such addresses, if
7 any, in a separate list attached to and made a part of the
8 application), from which he engages in the business of selling
9 tangible personal property at retail in this State; (4) the
10 name and address of the person or persons who will be
11 responsible for filing returns and payment of taxes due under
12 this Act; (5) in the case of a publicly traded corporation, the
13 name and title of the Chief Financial Officer, Chief Operating
14 Officer, and any other officer or employee with responsibility
15 for preparing tax returns under this Act, and, in the case of
16 all other corporations, the name, title, and social security
17 number of each corporate officer; (6) in the case of a limited
18 liability company, the name, social security number, and FEIN
19 number of each manager and member; and (7) such other
20 information as the Department may reasonably require. The
21 application shall contain an acceptance of responsibility
22 signed by the person or persons who will be responsible for
23 filing returns and payment of the taxes due under this Act. If
24 the applicant will sell tangible personal property at retail
25 through vending machines, his application to register shall
26 indicate the number of vending machines to be so operated. If

1 requested by the Department at any time, that person shall
2 verify the total number of vending machines he or she uses in
3 his or her business of selling tangible personal property at
4 retail.

5 The Department shall provide by rule for an expedited
6 business registration process for remote retailers required to
7 register and file under subsection (b) of Section 2 who use a
8 certified service provider to file their returns under this
9 Act. Such expedited registration process shall allow the
10 Department to register a taxpayer based upon the same
11 registration information required by the Streamlined Sales Tax
12 Governing Board for states participating in the Streamlined
13 Sales Tax Project.

14 The Department may deny a certificate of registration to
15 any applicant if a person who is named as the owner, a partner,
16 a manager or member of a limited liability company, or a
17 corporate officer of the applicant on the application for the
18 certificate of registration is or has been named as the owner,
19 a partner, a manager or member of a limited liability company,
20 or a corporate officer on the application for the certificate
21 of registration of another retailer that is in default for
22 moneys due under this Act or any other tax or fee Act
23 administered by the Department. For purposes of this paragraph
24 only, in determining whether a person is in default for moneys
25 due, the Department shall include only amounts established as
26 a final liability within the 23 ~~20~~ years prior to the date of

1 the Department's notice of denial of a certificate of
2 registration.

3 The Department may require an applicant for a certificate
4 of registration hereunder to, at the time of filing such
5 application, furnish a bond from a surety company authorized
6 to do business in the State of Illinois, or an irrevocable bank
7 letter of credit or a bond signed by 2 personal sureties who
8 have filed, with the Department, sworn statements disclosing
9 net assets equal to at least 3 times the amount of the bond to
10 be required of such applicant, or a bond secured by an
11 assignment of a bank account or certificate of deposit, stocks
12 or bonds, conditioned upon the applicant paying to the State
13 of Illinois all moneys becoming due under this Act and under
14 any other State tax law or municipal or county tax ordinance or
15 resolution under which the certificate of registration that is
16 issued to the applicant under this Act will permit the
17 applicant to engage in business without registering separately
18 under such other law, ordinance or resolution. In making a
19 determination as to whether to require a bond or other
20 security, the Department shall take into consideration whether
21 the owner, any partner, any manager or member of a limited
22 liability company, or a corporate officer of the applicant is
23 or has been the owner, a partner, a manager or member of a
24 limited liability company, or a corporate officer of another
25 retailer that is in default for moneys due under this Act or
26 any other tax or fee Act administered by the Department; and

1 whether the owner, any partner, any manager or member of a
2 limited liability company, or a corporate officer of the
3 applicant is or has been the owner, a partner, a manager or
4 member of a limited liability company, or a corporate officer
5 of another retailer whose certificate of registration has been
6 revoked within the previous 5 years under this Act or any other
7 tax or fee Act administered by the Department. If a bond or
8 other security is required, the Department shall fix the
9 amount of the bond or other security, taking into
10 consideration the amount of money expected to become due from
11 the applicant under this Act and under any other State tax law
12 or municipal or county tax ordinance or resolution under which
13 the certificate of registration that is issued to the
14 applicant under this Act will permit the applicant to engage
15 in business without registering separately under such other
16 law, ordinance, or resolution. The amount of security required
17 by the Department shall be such as, in its opinion, will
18 protect the State of Illinois against failure to pay the
19 amount which may become due from the applicant under this Act
20 and under any other State tax law or municipal or county tax
21 ordinance or resolution under which the certificate of
22 registration that is issued to the applicant under this Act
23 will permit the applicant to engage in business without
24 registering separately under such other law, ordinance or
25 resolution, but the amount of the security required by the
26 Department shall not exceed three times the amount of the

1 applicant's average monthly tax liability, or \$50,000.00,
2 whichever amount is lower.

3 No certificate of registration under this Act shall be
4 issued by the Department until the applicant provides the
5 Department with satisfactory security, if required, as herein
6 provided for.

7 Upon receipt of the application for certificate of
8 registration in proper form, and upon approval by the
9 Department of the security furnished by the applicant, if
10 required, the Department shall issue to such applicant a
11 certificate of registration which shall permit the person to
12 whom it is issued to engage in the business of selling tangible
13 personal property at retail in this State. The certificate of
14 registration shall be conspicuously displayed at the place of
15 business which the person so registered states in his
16 application to be the principal place of business from which
17 he engages in the business of selling tangible personal
18 property at retail in this State.

19 No certificate of registration issued prior to July 1,
20 2017 to a taxpayer who files returns required by this Act on a
21 monthly basis or renewed prior to July 1, 2017 by a taxpayer
22 who files returns required by this Act on a monthly basis shall
23 be valid after the expiration of 5 years from the date of its
24 issuance or last renewal. No certificate of registration
25 issued on or after July 1, 2017 to a taxpayer who files returns
26 required by this Act on a monthly basis or renewed on or after

1 July 1, 2017 by a taxpayer who files returns required by this
2 Act on a monthly basis shall be valid after the expiration of
3 one year from the date of its issuance or last renewal. The
4 expiration date of a sub-certificate of registration shall be
5 that of the certificate of registration to which the
6 sub-certificate relates. Prior to July 1, 2017, a certificate
7 of registration shall automatically be renewed, subject to
8 revocation as provided by this Act, for an additional 5 years
9 from the date of its expiration unless otherwise notified by
10 the Department as provided by this paragraph. On and after
11 July 1, 2017, a certificate of registration shall
12 automatically be renewed, subject to revocation as provided by
13 this Act, for an additional one year from the date of its
14 expiration unless otherwise notified by the Department as
15 provided by this paragraph.

16 Where a taxpayer to whom a certificate of registration is
17 issued under this Act is in default to the State of Illinois
18 for delinquent returns or for moneys due under this Act or any
19 other State tax law or municipal or county ordinance
20 administered or enforced by the Department, the Department
21 shall, not less than 60 days before the expiration date of such
22 certificate of registration, give notice to the taxpayer to
23 whom the certificate was issued of the account period of the
24 delinquent returns, the amount of tax, penalty and interest
25 due and owing from the taxpayer, and that the certificate of
26 registration shall not be automatically renewed upon its

1 expiration date unless the taxpayer, on or before the date of
2 expiration, has filed and paid the delinquent returns or paid
3 the defaulted amount in full. A taxpayer to whom such a notice
4 is issued shall be deemed an applicant for renewal. The
5 Department shall promulgate regulations establishing
6 procedures for taxpayers who file returns on a monthly basis
7 but desire and qualify to change to a quarterly or yearly
8 filing basis and will no longer be subject to renewal under
9 this Section, and for taxpayers who file returns on a yearly or
10 quarterly basis but who desire or are required to change to a
11 monthly filing basis and will be subject to renewal under this
12 Section.

13 The Department may in its discretion approve renewal by an
14 applicant who is in default if, at the time of application for
15 renewal, the applicant files all of the delinquent returns or
16 pays to the Department such percentage of the defaulted amount
17 as may be determined by the Department and agrees in writing to
18 waive all limitations upon the Department for collection of
19 the remaining defaulted amount to the Department over a period
20 not to exceed 5 years from the date of renewal of the
21 certificate; however, no renewal application submitted by an
22 applicant who is in default shall be approved if the
23 immediately preceding renewal by the applicant was conditioned
24 upon the installment payment agreement described in this
25 Section. The payment agreement herein provided for shall be in
26 addition to and not in lieu of the security that may be

1 required by this Section of a taxpayer who is no longer
2 considered a prior continuous compliance taxpayer. The
3 execution of the payment agreement as provided in this Act
4 shall not toll the accrual of interest at the statutory rate.

5 The Department may suspend a certificate of registration
6 if the Department finds that the person to whom the
7 certificate of registration has been issued knowingly sold
8 contraband cigarettes.

9 A certificate of registration issued under this Act more
10 than 5 years before January 1, 1990 (the effective date of
11 Public Act 86-383) shall expire and be subject to the renewal
12 provisions of this Section on the next anniversary of the date
13 of issuance of such certificate which occurs more than 6
14 months after January 1, 1990 (the effective date of Public Act
15 86-383). A certificate of registration issued less than 5
16 years before January 1, 1990 (the effective date of Public Act
17 86-383) shall expire and be subject to the renewal provisions
18 of this Section on the 5th anniversary of the issuance of the
19 certificate.

20 If the person so registered states that he operates other
21 places of business from which he engages in the business of
22 selling tangible personal property at retail in this State,
23 the Department shall furnish him with a sub-certificate of
24 registration for each such place of business, and the
25 applicant shall display the appropriate sub-certificate of
26 registration at each such place of business. All

1 sub-certificates of registration shall bear the same
2 registration number as that appearing upon the certificate of
3 registration to which such sub-certificates relate.

4 If the applicant will sell tangible personal property at
5 retail through vending machines, the Department shall furnish
6 him with a sub-certificate of registration for each such
7 vending machine, and the applicant shall display the
8 appropriate sub-certificate of registration on each such
9 vending machine by attaching the sub-certificate of
10 registration to a conspicuous part of such vending machine. If
11 a person who is registered to sell tangible personal property
12 at retail through vending machines adds an additional vending
13 machine or additional vending machines to the number of
14 vending machines he or she uses in his or her business of
15 selling tangible personal property at retail, he or she shall
16 notify the Department, on a form prescribed by the Department,
17 to request an additional sub-certificate or additional
18 sub-certificates of registration, as applicable. With each
19 such request, the applicant shall report the number of
20 sub-certificates of registration he or she is requesting as
21 well as the total number of vending machines from which he or
22 she makes retail sales.

23 Where the same person engages in 2 or more businesses of
24 selling tangible personal property at retail in this State,
25 which businesses are substantially different in character or
26 engaged in under different trade names or engaged in under

1 other substantially dissimilar circumstances (so that it is
2 more practicable, from an accounting, auditing or bookkeeping
3 standpoint, for such businesses to be separately registered),
4 the Department may require or permit such person (subject to
5 the same requirements concerning the furnishing of security as
6 those that are provided for hereinbefore in this Section as to
7 each application for a certificate of registration) to apply
8 for and obtain a separate certificate of registration for each
9 such business or for any of such businesses, under a single
10 certificate of registration supplemented by related
11 sub-certificates of registration.

12 Any person who is registered under the Retailers'
13 Occupation Tax Act as of March 8, 1963, and who, during the
14 3-year period immediately prior to March 8, 1963, or during a
15 continuous 3-year period part of which passed immediately
16 before and the remainder of which passes immediately after
17 March 8, 1963, has been so registered continuously and who is
18 determined by the Department not to have been either
19 delinquent or deficient in the payment of tax liability during
20 that period under this Act or under any other State tax law or
21 municipal or county tax ordinance or resolution under which
22 the certificate of registration that is issued to the
23 registrant under this Act will permit the registrant to engage
24 in business without registering separately under such other
25 law, ordinance or resolution, shall be considered to be a
26 Prior Continuous Compliance taxpayer. Also any taxpayer who

1 has, as verified by the Department, faithfully and
2 continuously complied with the condition of his bond or other
3 security under the provisions of this Act for a period of 3
4 consecutive years shall be considered to be a Prior Continuous
5 Compliance taxpayer.

6 Every Prior Continuous Compliance taxpayer shall be exempt
7 from all requirements under this Act concerning the furnishing
8 of a bond or other security as a condition precedent to his
9 being authorized to engage in the business of selling tangible
10 personal property at retail in this State. This exemption
11 shall continue for each such taxpayer until such time as he may
12 be determined by the Department to be delinquent in the filing
13 of any returns, or is determined by the Department (either
14 through the Department's issuance of a final assessment which
15 has become final under the Act, or by the taxpayer's filing of
16 a return which admits tax that is not paid to be due) to be
17 delinquent or deficient in the paying of any tax under this Act
18 or under any other State tax law or municipal or county tax
19 ordinance or resolution under which the certificate of
20 registration that is issued to the registrant under this Act
21 will permit the registrant to engage in business without
22 registering separately under such other law, ordinance or
23 resolution, at which time that taxpayer shall become subject
24 to all the financial responsibility requirements of this Act
25 and, as a condition of being allowed to continue to engage in
26 the business of selling tangible personal property at retail,

1 may be required to post bond or other acceptable security with
2 the Department covering liability which such taxpayer may
3 thereafter incur. Any taxpayer who fails to pay an admitted or
4 established liability under this Act may also be required to
5 post bond or other acceptable security with this Department
6 guaranteeing the payment of such admitted or established
7 liability.

8 No certificate of registration shall be issued to any
9 person who is in default to the State of Illinois for moneys
10 due under this Act or under any other State tax law or
11 municipal or county tax ordinance or resolution under which
12 the certificate of registration that is issued to the
13 applicant under this Act will permit the applicant to engage
14 in business without registering separately under such other
15 law, ordinance or resolution.

16 Any person aggrieved by any decision of the Department
17 under this Section may, within 20 days after notice of such
18 decision, protest and request a hearing, whereupon the
19 Department shall give notice to such person of the time and
20 place fixed for such hearing and shall hold a hearing in
21 conformity with the provisions of this Act and then issue its
22 final administrative decision in the matter to such person. In
23 the absence of such a protest within 20 days, the Department's
24 decision shall become final without any further determination
25 being made or notice given.

26 With respect to security other than bonds (upon which the

1 Department may sue in the event of a forfeiture), if the
2 taxpayer fails to pay, when due, any amount whose payment such
3 security guarantees, the Department shall, after such
4 liability is admitted by the taxpayer or established by the
5 Department through the issuance of a final assessment that has
6 become final under the law, convert the security which that
7 taxpayer has furnished into money for the State, after first
8 giving the taxpayer at least 10 days' written notice, by
9 registered or certified mail, to pay the liability or forfeit
10 such security to the Department. If the security consists of
11 stocks or bonds or other securities which are listed on a
12 public exchange, the Department shall sell such securities
13 through such public exchange. If the security consists of an
14 irrevocable bank letter of credit, the Department shall
15 convert the security in the manner provided for in the Uniform
16 Commercial Code. If the security consists of a bank
17 certificate of deposit, the Department shall convert the
18 security into money by demanding and collecting the amount of
19 such bank certificate of deposit from the bank which issued
20 such certificate. If the security consists of a type of stocks
21 or other securities which are not listed on a public exchange,
22 the Department shall sell such security to the highest and
23 best bidder after giving at least 10 days' notice of the date,
24 time and place of the intended sale by publication in the
25 "State Official Newspaper". If the Department realizes more
26 than the amount of such liability from the security, plus the

1 expenses incurred by the Department in converting the security
2 into money, the Department shall pay such excess to the
3 taxpayer who furnished such security, and the balance shall be
4 paid into the State Treasury.

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

9 (1) such taxpayer becomes a Prior Continuous
10 Compliance taxpayer; or

11 (2) such taxpayer has ceased to collect receipts on
12 which he is required to remit tax to the Department, has
13 filed a final tax return, and has paid to the Department an
14 amount sufficient to discharge his remaining tax
15 liability, as determined by the Department, under this Act
16 and under every other State tax law or municipal or county
17 tax ordinance or resolution under which the certificate of
18 registration issued under this Act permits the registrant
19 to engage in business without registering separately under
20 such other law, ordinance or resolution. The Department
21 shall make a final determination of the taxpayer's
22 outstanding tax liability as expeditiously as possible
23 after his final tax return has been filed; if the
24 Department cannot make such final determination within 45
25 days after receiving the final tax return, within such
26 period it shall so notify the taxpayer, stating its

1 reasons therefor.

2 (Source: P.A. 100-302, eff. 8-24-17; 100-303, eff. 8-24-17;
3 100-863, eff. 8-14-18; 101-31, eff. 6-28-19.)

4 (35 ILCS 120/6) (from Ch. 120, par. 445)

5 Sec. 6. Credit memorandum or refund. If it appears, after
6 claim therefor filed with the Department, that an amount of
7 tax or penalty or interest has been paid which was not due
8 under this Act, whether as the result of a mistake of fact or
9 an error of law, except as hereinafter provided, then the
10 Department shall issue a credit memorandum or refund to the
11 person who made the erroneous payment or, if that person died
12 or became a person under legal disability, to his or her legal
13 representative, as such. For purposes of this Section, the tax
14 is deemed to be erroneously paid by a retailer when the
15 manufacturer of a motor vehicle sold by the retailer accepts
16 the return of that automobile and refunds to the purchaser the
17 selling price of that vehicle as provided in the New Vehicle
18 Buyer Protection Act. When a motor vehicle is returned for a
19 refund of the purchase price under the New Vehicle Buyer
20 Protection Act, the Department shall issue a credit memorandum
21 or a refund for the amount of tax paid by the retailer under
22 this Act attributable to the initial sale of that vehicle.
23 Claims submitted by the retailer are subject to the same
24 restrictions and procedures provided for in this Act. If it is
25 determined that the Department should issue a credit

1 memorandum or refund, the Department may first apply the
2 amount thereof against any tax or penalty or interest due or to
3 become due under this Act or under the Use Tax Act, the Service
4 Occupation Tax Act, the Service Use Tax Act, any local
5 occupation or use tax administered by the Department, Section
6 4 of the Water Commission Act of 1985, subsections (b), (c) and
7 (d) of Section 5.01 of the Local Mass Transit District Act, or
8 subsections (e), (f) and (g) of Section 4.03 of the Regional
9 Transportation Authority Act, from the person who made the
10 erroneous payment. If no tax or penalty or interest is due and
11 no proceeding is pending to determine whether such person is
12 indebted to the Department for tax or penalty or interest, the
13 credit memorandum or refund shall be issued to the claimant;
14 or (in the case of a credit memorandum) the credit memorandum
15 may be assigned and set over by the lawful holder thereof,
16 subject to reasonable rules of the Department, to any other
17 person who is subject to this Act, the Use Tax Act, the Service
18 Occupation Tax Act, the Service Use Tax Act, any local
19 occupation or use tax administered by the Department, Section
20 4 of the Water Commission Act of 1985, subsections (b), (c) and
21 (d) of Section 5.01 of the Local Mass Transit District Act, or
22 subsections (e), (f) and (g) of Section 4.03 of the Regional
23 Transportation Authority Act, and the amount thereof applied
24 by the Department against any tax or penalty or interest due or
25 to become due under this Act or under the Use Tax Act, the
26 Service Occupation Tax Act, the Service Use Tax Act, any local

1 occupation or use tax administered by the Department, Section
2 4 of the Water Commission Act of 1985, subsections (b), (c) and
3 (d) of Section 5.01 of the Local Mass Transit District Act, or
4 subsections (e), (f) and (g) of Section 4.03 of the Regional
5 Transportation Authority Act, from such assignee. However, as
6 to any claim for credit or refund filed with the Department on
7 and after each January 1 and July 1 no amount of tax or penalty
8 or interest erroneously paid (either in total or partial
9 liquidation of a tax or penalty or amount of interest under
10 this Act) more than 3 years prior to such January 1 and July 1,
11 respectively, shall be credited or refunded, except that if
12 both the Department and the taxpayer have agreed to an
13 extension of time to issue a notice of tax liability as
14 provided in Section 4 of this Act, such claim may be filed at
15 any time prior to the expiration of the period agreed upon.
16 Notwithstanding any other provision of this Act to the
17 contrary, for any period included in a claim for credit or
18 refund for which the statute of limitations for issuing a
19 notice of tax liability under this Act will expire less than 12
20 months after the date a taxpayer files the claim for credit or
21 refund, the statute of limitations is automatically extended
22 for 12 months from the date it would have otherwise expired.

23 No claim may be allowed for any amount paid to the
24 Department, whether paid voluntarily or involuntarily, if paid
25 in total or partial liquidation of an assessment which had
26 become final before the claim for credit or refund to recover

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

1 Tax Act.

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

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

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

1 However, when such credit is allowed to the retailer by the
2 Department, the vendor is precluded from refunding any of that
3 tax to the retailer and filing a claim for credit or refund
4 with respect thereto with the Department. The provisions of
5 this amendatory Act shall be applied retroactively, regardless
6 of the date of the transaction.

7 (Source: P.A. 101-10, eff. 6-5-19.)

8 Section 35. The Cigarette Machine Operators' Occupation
9 Tax Act is amended by changing Section 1-55 as follows:

10 (35 ILCS 128/1-55)

11 Sec. 1-55. Claims; credit memorandum or refunds. If it
12 appears, after claim is filed with the Department, that an
13 amount of tax or penalty has been paid which was not due under
14 this Act, whether as the result of a mistake of fact or an
15 error of law, except as hereinafter provided, then the
16 Department shall issue a credit memorandum or refund to the
17 person who made the erroneous payment or, if that person has
18 died or become a person under legal disability, to his or her
19 legal representative.

20 If it is determined that the Department should issue a
21 credit or refund under this Act, the Department may first
22 apply the amount thereof against any amount of tax or penalty
23 due under this Act, the Cigarette Tax Act, the Cigarette Use
24 Tax Act, or the Tobacco Products Act of 1995 from the person

1 entitled to that credit or refund. For this purpose, if
2 proceedings are pending to determine whether or not any tax or
3 penalty is due under this Act or under the Cigarette Tax Act,
4 Cigarette Use Tax Act, or the Tobacco Products Act of 1995 from
5 the person, the Department may withhold issuance of the credit
6 or refund pending the final disposition of such proceedings
7 and may apply such credit or refund against any amount found to
8 be due to the Department under this Act, the Cigarette Tax Act,
9 the Cigarette Use Tax Act, or the Tobacco Products Act of 1995
10 as a result of such proceedings. The balance, if any, of the
11 credit or refund shall be issued to the person entitled
12 thereto.

13 If no tax or penalty is due and no proceeding is pending to
14 determine whether such taxpayer is indebted to the Department
15 for the payment of a tax or penalty, the credit memorandum or
16 refund shall be issued to the claimant; or (in the case of a
17 credit memorandum) the credit memorandum may be assigned and
18 set over by the lawful holder thereof, subject to reasonable
19 rules of the Department, to any other person who is subject to
20 this Act, the Cigarette Tax Act, the Cigarette Use Tax Act, or
21 the Tobacco Products Act of 1995, and the amount thereof shall
22 be applied by the Department against any tax or penalty due or
23 to become due under this Act, the Cigarette Tax Act, the
24 Cigarette Use Tax Act, or the Tobacco Products Act of 1995 from
25 such assignee.

26 As to any claim filed hereunder with the Department on and

1 after each January 1 and July 1, no amount of tax or penalty
2 erroneously paid (either in total or partial liquidation of a
3 tax or penalty under this Act) more than 3 years prior to such
4 January 1 and July 1, respectively, shall be credited or
5 refunded, except that, if both the Department and the taxpayer
6 have agreed to an extension of time to issue a notice of tax
7 liability under this Act, the claim may be filed at any time
8 prior to the expiration of the period agreed upon.
9 Notwithstanding any other provision of this Act to the
10 contrary, for any period included in a claim for credit or
11 refund for which the statute of limitations for issuing a
12 notice of tax liability under this Act will expire less than 12
13 months after the date a taxpayer files the claim for credit or
14 refund, the statute of limitations is automatically extended
15 for 12 months from the date it would have otherwise expired.

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

19 In case the Department determines that the claimant is
20 entitled to a refund, such refund shall be made only from
21 appropriations available for that purpose. If it appears
22 unlikely that the amount appropriated would permit everyone
23 having a claim allowed during the period covered by such
24 appropriation to elect to receive a cash refund, the
25 Department, by rule or regulation, shall provide for the
26 payment of refunds in hardship cases and shall define what

1 types of cases qualify as hardship cases.

2 The provisions of Sections 6a, 6b, and 6c of the
3 Retailers' Occupation Tax Act which are not inconsistent with
4 this Act shall apply, as far as practicable, to the subject
5 matter of this Act to the same extent as if such provisions
6 were included herein.

7 (Source: P.A. 97-688, eff. 6-14-12.)

8 Section 40. The Cigarette Tax Act is amended by changing
9 Section 9d as follows:

10 (35 ILCS 130/9d) (from Ch. 120, par. 453.9d)

11 Sec. 9d. If it appears, after claim therefor filed with
12 the Department, that an amount of tax or penalty has been paid
13 which was not due under this Act, whether as the result of a
14 mistake of fact or an error of law, except as hereinafter
15 provided, then the Department shall issue a credit memorandum
16 or refund to the person who made the erroneous payment or, if
17 that person has died or become a person under legal
18 disability, to his or her legal representative, as such.

19 If it is determined that the Department should issue a
20 credit or refund under this Act, the Department may first
21 apply the amount thereof against any amount of tax or penalty
22 due under this Act or under the Cigarette Use Tax Act from the
23 person entitled to such credit or refund. For this purpose, if
24 proceedings are pending to determine whether or not any tax or

1 penalty is due under this Act or under the Cigarette Use Tax
2 Act from such person, the Department may withhold issuance of
3 the credit or refund pending the final disposition of such
4 proceedings and may apply such credit or refund against any
5 amount found to be due to the Department under this Act or
6 under the Cigarette Use Tax Act as a result of such
7 proceedings. The balance, if any, of the credit or refund
8 shall be issued to the person entitled thereto.

9 If no tax or penalty is due and no proceeding is pending to
10 determine whether such taxpayer is indebted to the Department
11 for tax or penalty, the credit memorandum or refund shall be
12 issued to the claimant; or (in the case of a credit memorandum)
13 the credit memorandum may be assigned and set over by the
14 lawful holder thereof, subject to reasonable rules of the
15 Department, to any other person who is subject to this Act or
16 the Cigarette Use Tax Act, and the amount thereof shall be
17 applied by the Department against any tax or penalty due or to
18 become due under this Act or under the Cigarette Use Tax Act
19 from such assignee.

20 As to any claim filed hereunder with the Department on and
21 after each January 1 and July 1, no amount of tax or penalty
22 erroneously paid (either in total or partial liquidation of a
23 tax or penalty under this Act) more than 3 years prior to such
24 January 1 and July 1, respectively, shall be credited or
25 refunded, except that if both the Department and the taxpayer
26 have agreed to an extension of time to issue a notice of tax

1 liability under this Act, the claim may be filed at any time
2 prior to the expiration of the period agreed upon.
3 Notwithstanding any other provision of this Act to the
4 contrary, for any period included in a claim for credit or
5 refund for which the statute of limitations for issuing a
6 notice of tax liability under this Act will expire less than 12
7 months after the date a taxpayer files the claim for credit or
8 refund, the statute of limitations is automatically extended
9 for 12 months from the date it would have otherwise expired.

10 If the Department approves a claim for stamps affixed to a
11 product returned to a manufacturer or for replacement of
12 stamps, the credit memorandum shall not exceed the face value
13 of stamps originally affixed, and replacement stamps shall be
14 issued only in an amount equal to the value of the stamps
15 previously affixed. Higher denomination stamps shall not be
16 issued as replacements for lower value stamps. Distributors
17 must prove the face value of the stamps which have been
18 destroyed or returned to manufacturers when filing claims.

19 Any credit or refund that is allowed under this Act shall
20 bear interest at the rate and in the manner set forth in the
21 Uniform Penalty and Interest Act.

22 In case the Department determines that the claimant is
23 entitled to a refund, such refund shall be made only from such
24 appropriation as may be available for that purpose. If it
25 appears unlikely that the amount appropriated would permit
26 everyone having a claim allowed during the period covered by

1 such appropriation to elect to receive a cash refund, the
2 Department, by rule or regulation, shall provide for the
3 payment of refunds in hardship cases and shall define what
4 types of cases qualify as hardship cases.

5 If the Department approves a claim for the physical
6 replacement of cigarette tax stamps, the Department (subject
7 to the same limitations as those provided for hereinbefore in
8 this Section) may issue an assignable credit memorandum or
9 refund to the claimant or to the claimant's legal
10 representative.

11 The provisions of Sections 6a, 6b and 6c of the Retailers'
12 Occupation Tax Act which are not inconsistent with this Act,
13 shall apply, as far as practicable, to the subject matter of
14 this Act to the same extent as if such provisions were included
15 herein.

16 (Source: P.A. 90-491, eff. 1-1-98.)

17 Section 45. The Cigarette Use Tax Act is amended by
18 changing Section 14a as follows:

19 (35 ILCS 135/14a) (from Ch. 120, par. 453.44a)

20 Sec. 14a. If it appears, after claim therefor filed with
21 the Department, that an amount of tax or penalty has been paid
22 which was not due under this Act, whether as the result of a
23 mistake of fact or an error of law, except as hereinafter
24 provided, then the Department shall issue a credit memorandum

1 or refund to the person who made the erroneous payment or, if
2 that person has died or become a person under legal
3 disability, to his or her legal representative, as such.

4 If it is determined that the Department should issue a
5 credit or refund under this Act, the Department may first
6 apply the amount thereof against any amount of tax or penalty
7 due under this Act or under the Cigarette Tax Act from the
8 person entitled to such credit or refund. For this purpose, if
9 proceedings are pending to determine whether or not any tax or
10 penalty is due under this Act or under the Cigarette Tax Act
11 from such person, the Department may withhold issuance of the
12 credit or refund pending the final disposition of such
13 proceedings and may apply such credit or refund against any
14 amount found to be due to the Department under this Act or
15 under the Cigarette Tax Act as a result of such proceedings.
16 The balance, if any, of the credit or refund shall be issued to
17 the person entitled thereto.

18 If no tax or penalty is due and no proceeding is pending to
19 determine whether such taxpayer is indebted to the Department
20 for tax or penalty, the credit memorandum or refund shall be
21 issued to the claimant; or (in the case of a credit memorandum)
22 may be assigned and set over by the lawful holder thereof,
23 subject to reasonable rules of the Department, to any other
24 person who is subject to this Act or the Cigarette Tax Act, and
25 the amount thereof shall be applied by the Department against
26 any tax or penalty due or to become due under this Act or under

1 the Cigarette Tax Act from such assignee.

2 As to any claim filed hereunder with the Department on and
3 after each January 1 and July 1, no amount of tax or penalty
4 erroneously paid (either in total or partial liquidation of a
5 tax or penalty under this Act) more than 3 years prior to such
6 January 1 and July 1, respectively, shall be credited or
7 refunded, except that if both the Department and the taxpayer
8 have agreed to an extension of time to issue a notice of tax
9 liability under this Act, the claim may be filed at any time
10 prior to the expiration of the period agreed upon.
11 Notwithstanding any other provision of this Act to the
12 contrary, for any period included in a claim for credit or
13 refund for which the statute of limitations for issuing a
14 notice of tax liability under this Act will expire less than 12
15 months after the date a taxpayer files the claim for credit or
16 refund, the statute of limitations is automatically extended
17 for 12 months from the date it would have otherwise expired.

18 In case the Department determines that the claimant is
19 entitled to a refund, such refund shall be made only from such
20 appropriation as may be available for that purpose. If it
21 appears unlikely that the amount appropriated would permit
22 everyone having a claim allowed during the period covered by
23 such appropriation to elect to receive a cash refund, the
24 Department, by rule or regulation, shall provide for the
25 payment of refunds in hardship cases and shall define what
26 types of cases qualify as hardship cases.

1 If the Department approves a claim for the physical
2 replacement of cigarette tax stamps, the Department (subject
3 to the same limitations as those provided for hereinbefore in
4 this Section) may issue an assignable credit memorandum or
5 refund to the claimant or to the claimant's legal
6 representative.

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

10 The provisions of Sections 6a, 6b and 6c of the
11 "Retailers' Occupation Tax Act", approved June 28, 1933, as
12 amended, in effect on the effective date of this amendatory
13 Act, as subsequently amended, which are not inconsistent with
14 this Act, shall apply, as far as practicable, to the subject
15 matter of this Act to the same extent as if such provisions
16 were included herein.

17 (Source: P.A. 90-491, eff. 1-1-98.)

18 Section 50. The Property Tax Code is amended by changing
19 Sections 11-25 and 16-180 as follows:

20 (35 ILCS 200/11-25)

21 Sec. 11-25. Certification procedure. Application for a
22 pollution control facility certificate shall be filed with the
23 Pollution Control Board in a manner and form prescribed in
24 regulations issued by that board. The application shall

1 contain appropriate and available descriptive information
2 concerning anything claimed to be entitled in whole or in part
3 to tax treatment as a pollution control facility. If it is
4 found that the claimed facility or relevant portion thereof is
5 a pollution control facility as defined in Section 11-10, the
6 Pollution Control Board, acting through its Chairman or his or
7 her specifically authorized delegate, shall enter a finding
8 and issue a certificate to that effect. The certificate shall
9 require tax treatment as a pollution control facility, but
10 only for the portion certified if only a portion is certified.
11 The effective date of a certificate shall be the date of the
12 last submission of documentation that finalizes the
13 application ~~for the certificate~~ or the date of the
14 construction of the facility, whichever is later.

15 (Source: P.A. 100-201, eff. 8-18-17.)

16 (35 ILCS 200/16-180)

17 Sec. 16-180. Procedure for determination of correct
18 assessment and filing fees.

19 (a) The Property Tax Appeal Board shall establish by rules
20 an informal procedure for the determination of the correct
21 assessment of property which is the subject of an appeal. The
22 procedure, to the extent that the Board considers practicable,
23 shall eliminate formal rules of pleading, practice and
24 evidence, and except for any reasonable filing fee determined
25 by the Board, may provide that costs shall be in the discretion

1 of the Board. A copy of the appellant's petition shall be
2 mailed or sent by electronic means by the clerk of the Property
3 Tax Appeal Board to the board of review whose decision is being
4 appealed. In all cases where a change in assessed valuation of
5 \$100,000 or more is sought, the board of review shall serve a
6 copy of the petition on all taxing districts as shown on the
7 last available tax bill. The chairman of the Property Tax
8 Appeal Board shall provide for the speedy hearing of all such
9 appeals. Each appeal shall be limited to the grounds listed in
10 the petition filed with the Property Tax Appeal Board. All
11 appeals shall be considered de novo and the Property Tax
12 Appeal Board shall not be limited to the evidence presented to
13 the board of review of the county. A party participating in the
14 hearing before the Property Tax Appeal Board is entitled to
15 introduce evidence that is otherwise proper and admissible
16 without regard to whether that evidence has previously been
17 introduced at a hearing before the board of review of the
18 county. Where no complaint has been made to the board of review
19 of the county where the property is located and the appeal is
20 based solely on the effect of an equalizing factor assigned to
21 all property or to a class of property by the board of review,
22 the Property Tax Appeal Board shall not grant a reduction in
23 assessment greater than the amount that was added as the
24 result of the equalizing factor.

25 The provisions added to this Section by this amendatory
26 Act of the 93rd General Assembly shall be construed as

1 declaratory of existing law and not as a new enactment.

2 (b) The Property Tax Appeal Board Supplemental Fund is
3 created as a special fund in the State treasury. All filing
4 fees collected by the Board in accordance with this Section
5 shall be deposited into the Property Tax Appeal Board
6 Supplemental Fund. All moneys in the Property Tax Appeal Board
7 Supplemental Fund shall be appropriated to the Board, on an
8 annual basis, to be used in enhancing the Board's operations,
9 including, but not limited to, information technology
10 initiatives, personnel, and office equipment for increasing
11 the Board's efficiency in rendering final administrative
12 decisions in a timely fashion.

13 (Source: P.A. 99-626, eff. 7-22-16.)

14 Section 55. The Messages Tax Act is amended by changing
15 Section 6 as follows:

16 (35 ILCS 610/6) (from Ch. 120, par. 467.6)

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

1 If it is determined that the Department should issue a
2 credit or refund under this Act, the Department may first
3 apply the amount thereof against any amount of tax or penalty
4 or interest due hereunder from the person entitled to such
5 credit or refund. For this purpose, if proceedings are pending
6 to determine whether or not any tax or penalty or interest is
7 due under this Act from such person, the Department may
8 withhold issuance of the credit or refund pending the final
9 disposition of such proceedings and may apply such credit or
10 refund against any amount found to be due to the Department as
11 a result of such proceedings. The balance, if any, of the
12 credit or refund shall be issued to the person entitled
13 thereto.

14 If no tax or penalty or interest is due and no proceeding
15 is pending to determine whether such person is indebted to the
16 Department for tax or penalty or interest, the credit
17 memorandum or refund shall be issued to the claimant; or (in
18 the case of a credit memorandum) the credit memorandum may be
19 assigned and set over by the lawful holder thereof, subject to
20 reasonable rules of the Department, to any other person who is
21 subject to this Act, and the amount thereof shall be applied by
22 the Department against any tax or penalty or interest due or to
23 become due under this Act from such assignee.

24 As to any claim for credit or refund filed with the
25 Department on or after each January 1 and July 1, no amounts
26 erroneously paid more than 3 years prior to such January 1 and

1 July 1, respectively, shall be credited or refunded, except
2 that if both the Department and the taxpayer have agreed to an
3 extension of time to issue a notice of tax liability under this
4 Act, the claim may be filed at any time prior to the expiration
5 of the period agreed upon. Notwithstanding any other provision
6 of this Act to the contrary, for any period included in a claim
7 for credit or refund for which the statute of limitations for
8 issuing a notice of tax liability under this Act will expire
9 less than 12 months after the date a taxpayer files the claim
10 for credit or refund, the statute of limitations is
11 automatically extended for 12 months from the date it would
12 have otherwise expired.

13 Claims for credit or refund shall be filed upon forms
14 provided by the Department. As soon as practicable after any
15 claim for credit or refund is filed, the Department shall
16 examine the same and determine the amount of credit or refund
17 to which the claimant is entitled and shall notify the
18 claimant of such determination, which amount shall be prima
19 facie correct.

20 Any credit or refund that is allowed under this Act shall
21 bear interest at the rate and in the manner specified in the
22 Uniform Penalty and Interest Act.

23 In case the Department determines that the claimant is
24 entitled to a refund, such refund shall be made only from such
25 appropriation as may be available for that purpose. If it
26 appears unlikely that the amount appropriated would permit

1 everyone having a claim allowed during the period covered by
2 such appropriation to elect to receive a cash refund, the
3 Department, by rule or regulation, shall provide for the
4 payment of refunds in hardship cases and shall define what
5 types of cases qualify as hardship cases.

6 (Source: P.A. 90-491, eff. 1-1-98.)

7 Section 60. The Gas Revenue Tax Act is amended by changing
8 Section 6 as follows:

9 (35 ILCS 615/6) (from Ch. 120, par. 467.21)

10 Sec. 6. If it appears, after claim therefor filed with the
11 Department, that an amount of tax or penalty or interest has
12 been paid which was not due under this Act, whether as the
13 result of a mistake of fact or an error of law, except as
14 hereinafter provided, then the Department shall issue a credit
15 memorandum or refund to the person who made the erroneous
16 payment or, if that person has died or become a person under
17 legal disability, to his or her legal representative, as such.

18 If it is determined that the Department should issue a
19 credit or refund under this Act, the Department may first
20 apply the amount thereof against any amount of tax or penalty
21 or interest due hereunder from the person entitled to such
22 credit or refund. For this purpose, if proceedings are pending
23 to determine whether or not any tax or penalty or interest is
24 due under this Act from such person, the Department may

1 withhold issuance of the credit or refund pending the final
2 disposition of such proceedings and may apply such credit or
3 refund against any amount found to be due to the Department as
4 a result of such proceedings. The balance, if any, of the
5 credit or refund shall be issued to the person entitled
6 thereto.

7 If no tax or penalty or interest is due and no proceeding
8 is pending to determine whether such person is indebted to the
9 Department for tax or penalty or interest, the credit
10 memorandum or refund shall be issued to the claimant; or (in
11 the case of a credit memorandum) the credit memorandum may be
12 assigned and set over by the lawful holder thereof, subject to
13 reasonable rules of the Department, to any other person who is
14 subject to this Act, and the amount thereof shall be applied by
15 the Department against any tax or penalty or interest due or to
16 become due under this Act from such assignee.

17 As to any claim for credit or refund filed with the
18 Department on or after each January 1 and July 1, no amounts
19 erroneously paid more than 3 years prior to such January 1 and
20 July 1, respectively, shall be credited or refunded, except
21 that if both the Department and the taxpayer have agreed to an
22 extension of time to issue a notice of tax liability under this
23 Act, the claim may be filed at any time prior to the expiration
24 of the period agreed upon. Notwithstanding any other provision
25 of this Act to the contrary, for any period included in a claim
26 for credit or refund for which the statute of limitations for

1 issuing a notice of tax liability under this Act will expire
2 less than 12 months after the date a taxpayer files the claim
3 for credit or refund, the statute of limitations is
4 automatically extended for 12 months from the date it would
5 have otherwise expired.

6 Claims for credit or refund shall be filed upon forms
7 provided by the Department. As soon as practicable after any
8 claim for credit or refund is filed, the Department shall
9 examine the same and determine the amount of credit or refund
10 to which the claimant is entitled and shall notify the
11 claimant of such determination, which amount shall be prima
12 facie correct.

13 Any credit or refund that is allowed under this Act shall
14 bear interest at the rate and in the manner specified in the
15 Uniform Penalty and Interest Act.

16 In case the Department determines that the claimant is
17 entitled to a refund, such refund shall be made only from such
18 appropriation as may be available for that purpose. If it
19 appears unlikely that the amount appropriated would permit
20 everyone having a claim allowed during the period covered by
21 such appropriation to elect to receive a cash refund, the
22 Department, by rule or regulation, shall provide for the
23 payment of refunds in hardship cases and shall define what
24 types of cases qualify as hardship cases.

25 (Source: P.A. 90-491, eff. 1-1-98.)

1 Section 65. The Public Utilities Revenue Act is amended by
2 changing Section 6 as follows:

3 (35 ILCS 620/6) (from Ch. 120, par. 473)

4 Sec. 6. If it appears, after claim therefor filed with the
5 Department, that an amount of tax or penalty or interest has
6 been paid which was not due under this Act, whether as the
7 result of a mistake of fact or an error of law, except as
8 hereinafter provided, then the Department shall issue a credit
9 memorandum or refund to the person who made the erroneous
10 payment or, if that person has died or become a person under
11 legal disability, to his or her legal representative, as such.

12 If it is determined that the Department should issue a
13 credit or refund under this Act, the Department may first
14 apply the amount thereof against any amount of tax or penalty
15 or interest due hereunder from the person entitled to such
16 credit or refund. Any credit memorandum issued under the
17 Electricity Excise Tax Law may be applied against any
18 liability incurred under the tax previously imposed by Section
19 2 of this Act. For this purpose, if proceedings are pending to
20 determine whether or not any tax or penalty or interest is due
21 under this Act from such person, the Department may withhold
22 issuance of the credit or refund pending the final disposition
23 of such proceedings and may apply such credit or refund
24 against any amount found to be due to the Department as a
25 result of such proceedings. The balance, if any, of the credit

1 or refund shall be issued to the person entitled thereto.

2 If no tax or penalty or interest is due and no proceeding
3 is pending to determine whether such person is indebted to the
4 Department for tax or penalty or interest, the credit
5 memorandum or refund shall be issued to the claimant; or (in
6 the case of a credit memorandum) the credit memorandum may be
7 assigned and set over by the lawful holder thereof, subject to
8 reasonable rules of the Department, to any other person who is
9 subject to this Act, and the amount thereof shall be applied by
10 the Department against any tax or penalty or interest due or to
11 become due under this Act from such assignee.

12 As to any claim for credit or refund filed with the
13 Department on or after each January 1 and July 1, no amounts
14 erroneously paid more than 3 years prior to such January 1 and
15 July 1, respectively, shall be credited or refunded, except
16 that if both the Department and the taxpayer have agreed to an
17 extension of time to issue a notice of tax liability under this
18 Act, the claim may be filed at any time prior to the expiration
19 of the period agreed upon. Notwithstanding any other provision
20 of this Act to the contrary, for any period included in a claim
21 for credit or refund for which the statute of limitations for
22 issuing a notice of tax liability under this Act will expire
23 less than 12 months after the date a taxpayer files the claim
24 for credit or refund, the statute of limitations is
25 automatically extended for 12 months from the date it would
26 have otherwise expired.

1 Claims for credit or refund shall be filed upon forms
2 provided by the Department. As soon as practicable after any
3 claim for credit or refund is filed, the Department shall
4 examine the same and determine the amount of credit or refund
5 to which the claimant is entitled and shall notify the
6 claimant of such determination, which amount shall be prima
7 facie correct.

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

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

20 (Source: P.A. 90-491, eff. 1-1-98; 90-624, eff. 7-10-98.)

21 Section 70. The Water Company Invested Capital Tax Act is
22 amended by changing Section 6 as follows:

23 (35 ILCS 625/6) (from Ch. 120, par. 1416)

24 Sec. 6. If it appears, after claim therefor filed with the

1 Department, that an amount of tax or penalty or interest has
2 been paid which was not due under this Act, whether as the
3 result of a mistake of fact or an error of law, except as
4 hereinafter provided, then the Department shall issue a credit
5 memorandum or refund to the person who made the erroneous
6 payment or, if that person has died or become incompetent, to
7 his legal representative, as such.

8 If it is determined that the Department should issue a
9 credit or refund under this Act, the Department may first
10 apply the amount thereof against any amount of tax or penalty
11 or interest due hereunder from the person entitled to such
12 credit or refund. For this purpose, if proceedings are pending
13 to determine whether or not any tax or penalty or interest is
14 due under this Act from such person, the Department may
15 withhold issuance of the credit or refund pending the final
16 disposition of such proceedings and may apply such credit or
17 refund against any amount found to be due to the Department as
18 a result of such proceedings. The balance, if any, of the
19 credit or refund shall be issued to the person entitled
20 thereto.

21 If no tax or penalty or interest is due and no proceeding
22 is pending to determine whether such person is indebted to the
23 Department for tax or penalty or interest, the credit
24 memorandum or refund shall be issued to the claimant; or (in
25 the case of a credit memorandum) the credit memorandum may be
26 assigned and set over by the lawful holder thereof, subject to

1 reasonable rules of the Department, to any other person who is
2 subject to this Act, and the amount thereof shall be applied by
3 the Department against any tax or penalty or interest due or to
4 become due under this Act from such assignee.

5 As to any claim for credit or refund filed with the
6 Department on or after each January 1 and July 1, no amounts
7 erroneously paid more than 3 years prior to such January 1 and
8 July 1, respectively, shall be credited or refunded, except
9 that if both the Department and the taxpayer have agreed to an
10 extension of time to issue a notice of tax liability under this
11 Act, the claim may be filed at any time prior to the expiration
12 of the period agreed upon. Notwithstanding any other provision
13 of this Act to the contrary, for any period included in a claim
14 for credit or refund for which the statute of limitations for
15 issuing a notice of tax liability under this Act will expire
16 less than 12 months after the date a taxpayer files the claim
17 for credit or refund, the statute of limitations is
18 automatically extended for 12 months from the date it would
19 have otherwise expired.

20 Claims for credit or refund shall be filed upon forms
21 provided by the Department. As soon as practicable after any
22 claim for credit or refund is filed, the Department shall
23 examine the same and determine the amount of credit or refund
24 to which the claimant is entitled and shall notify the
25 claimant of such determination, which amount shall be prima
26 facie correct.

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

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

13 (Source: P.A. 90-491, eff. 1-1-98.)

14 Section 75. The Telecommunications Excise Tax Act is
15 amended by changing Section 10 as follows:

16 (35 ILCS 630/10) (from Ch. 120, par. 2010)

17 Sec. 10. If it shall appear that an amount of tax or
18 penalty or interest has been paid in error hereunder to the
19 Department by a taxpayer, as distinguished from the retailer,
20 whether such amount be paid through a mistake of fact or an
21 error of law, such taxpayer may file a claim for credit or
22 refund with the Department. If it shall appear that an amount
23 of tax or penalty or interest has been paid in error to the
24 Department hereunder by a retailer who is required or

1 authorized to collect and remit the tax imposed by this
2 Article, whether such amount be paid through a mistake of fact
3 or an error of law, such retailer may file a claim for credit
4 or refund with the Department, provided that no credit or
5 refund shall be allowed for any amount paid by any such
6 retailer unless it shall appear that he bore the burden of such
7 amount and did not shift the burden thereof to anyone else, or
8 unless it shall appear that he or she or his or her legal
9 representative has unconditionally repaid such amount to his
10 customer (1) who bore the burden thereof and has not shifted
11 such burden directly or indirectly in any manner whatsoever;
12 or (2) who, if he or she shifted such burden, has repaid
13 unconditionally such amount to his or her own customer; and
14 (3) who is not entitled to receive any reimbursement therefor
15 from any other source than from his retailer, nor to be
16 relieved of such burden in any other manner whatsoever.

17 If it is determined that the Department should issue a
18 credit or refund under this Article, the Department may first
19 apply the amount thereof against any amount of tax or penalty
20 or interest due hereunder from the person entitled to such
21 credit or refund. For this purpose, if proceedings are pending
22 to determine whether or not any tax or penalty or interest is
23 due under this Article from such person, the Department may
24 withhold issuance of the credit or refund pending the final
25 disposition of such proceedings and may apply such credit or
26 refund against any amount found to be due to the Department as

1 a result of such proceedings. The balance, if any, of the
2 credit or refund shall be issued to the person entitled
3 thereto.

4 If no tax or penalty or interest is due and no proceeding
5 is pending to determine whether such person is indebted to the
6 Department for tax or penalty or interest, the credit
7 memorandum or refund shall be issued to the claimant; or (in
8 the case of a credit memorandum) the credit memorandum may be
9 assigned and set over by the lawful holder thereof, subject to
10 reasonable rules of the Department, to any other person who is
11 subject to this Article, and the amount thereof shall be
12 applied by the Department against any tax or penalty or
13 interest due or to become due under this Article from such
14 assignee.

15 As to any claim for credit or refund filed with the
16 Department on or after each January 1 and July 1, no amounts
17 erroneously paid more than three years prior to such January 1
18 and July 1, respectively, shall be credited or refunded,
19 except that if both the Department and the taxpayer have
20 agreed to an extension of time to issue a notice of tax
21 liability under this Act, the claim may be filed at any time
22 prior to the expiration of the period agreed upon.
23 Notwithstanding any other provision of this Act to the
24 contrary, for any period included in a claim for credit or
25 refund for which the statute of limitations for issuing a
26 notice of tax liability under this Act will expire less than 12

1 months after the date a taxpayer files the claim for credit or
2 refund, the statute of limitations is automatically extended
3 for 12 months from the date it would have otherwise expired.

4 Claims for credit or refund shall be filed upon forms
5 provided by the Department. As soon as practicable after any
6 claim for credit or refund is filed, the Department shall
7 examine the same and determine the amount of credit or refund
8 to which the claimant is entitled and shall notify the
9 claimant of such determination, which amount shall be prima
10 facie correct.

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

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

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

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

19 If a retailer who has failed to pay tax on gross charges
20 for telecommunications is required by the Department to pay
21 such tax, such retailer, without filing any formal claim with
22 the Department, shall be allowed to take credit against such
23 tax liability to the extent, if any, to which such retailer has
24 paid the tax to its vendor of the telecommunications which
25 such retailer purchased and used for resale, and no penalty or
26 interest shall be charged to such retailer on the amount of

1 such credit. However, when such credit is allowed to the
2 retailer by the Department, the vendor is precluded from
3 refunding any of the tax to the retailer and filing a claim for
4 credit or refund with respect thereto with the Department. The
5 provisions of this Section added by this amendatory Act of
6 1988 shall be applied retroactively, regardless of the date of
7 the transaction.

8 (Source: P.A. 90-491, eff. 1-1-98.)

9 Section 80. The Liquor Control Act of 1934 is amended by
10 changing Section 8-3 as follows:

11 (235 ILCS 5/8-3) (from Ch. 43, par. 159a)

12 Sec. 8-3. If it appears, after claim therefor filed with
13 the Department, that an amount of tax or penalty or interest
14 has been paid which was not due under this Article, whether as
15 the result of a mistake of fact or an error of law, except as
16 hereinafter provided, then the Department shall issue a credit
17 memorandum or refund to the person who made the erroneous
18 payment or, if that person died or became a person under legal
19 disability, to his or her legal representative, as such.

20 If it is determined that the Department should issue a
21 credit or refund under this Article, the Department may first
22 apply the amount thereof against any amount of tax or penalty
23 or interest due hereunder from the person entitled to such
24 credit or refund. For this purpose, if proceedings are pending

1 to determine whether or not any tax or penalty or interest is
2 due under this Article from such person, the Department may
3 withhold issuance of the credit or refund pending the final
4 disposition of such proceedings and may apply such credit or
5 refund against any amount found to be due to the Department as
6 a result of such proceedings. The balance, if any, of the
7 credit or refund shall be issued to the person entitled
8 thereto.

9 If no tax or penalty or interest is due and no proceeding
10 is pending to determine whether such taxpayer is indebted to
11 the Department for tax or penalty or interest the credit
12 memorandum or refund shall be issued to the claimant; or (in
13 the case of a credit memorandum) the credit memorandum may be
14 assigned and set over by the lawful holder thereof, subject to
15 reasonable rules of the Department, to any other person who is
16 subject to this Article, and the amount thereof shall be
17 applied by the Department against any tax or penalty or
18 interest due or to become due under this Article from such
19 assignee.

20 As to any claim filed hereunder with the Department on and
21 after each January 1 and July 1, no amount of tax or penalty or
22 interest, erroneously paid (either in total or partial
23 liquidation of a tax or penalty or interest under this
24 Article) more than 3 years prior to such January 1 and July 1,
25 respectively, shall be credited or refunded. Notwithstanding
26 any other provision of this Act to the contrary, for any period

1 included in a claim for credit or refund for which the statute
2 of limitations for issuing a notice of tax liability under
3 this Act will expire less than 12 months after the date a
4 taxpayer files the claim for credit or refund, the statute of
5 limitations is automatically extended for 12 months from the
6 date it would have otherwise expired.

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

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

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

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

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2		Statutes amended in order of appearance
3	20 ILCS 2505/2505-380	was 20 ILCS 2505/39b47
4	30 ILCS 105/5.935 new	
5	35 ILCS 5/905	from Ch. 120, par. 9-905
6	35 ILCS 105/21	from Ch. 120, par. 439.21
7	35 ILCS 115/19	from Ch. 120, par. 439.119
8	35 ILCS 120/2a	from Ch. 120, par. 441a
9	35 ILCS 120/6	from Ch. 120, par. 445
10	35 ILCS 128/1-55	
11	35 ILCS 130/9d	from Ch. 120, par. 453.9d
12	35 ILCS 135/14a	from Ch. 120, par. 453.44a
13	35 ILCS 200/11-25	
14	35 ILCS 200/16-180	
15	35 ILCS 610/6	from Ch. 120, par. 467.6
16	35 ILCS 615/6	from Ch. 120, par. 467.21
17	35 ILCS 620/6	from Ch. 120, par. 473
18	35 ILCS 625/6	from Ch. 120, par. 1416
19	35 ILCS 630/10	from Ch. 120, par. 2010
20	235 ILCS 5/8-3	from Ch. 43, par. 159a