



Sen. Napoleon Harris, III

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10300HB3857sam001

LRB103 27764 HLH 62310 a

1 AMENDMENT TO HOUSE BILL 3857

2 AMENDMENT NO. _____. Amend House Bill 3857 by replacing
3 everything after the enacting clause with the following:

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

6 (35 ILCS 105/3-10)

7 Sec. 3-10. Rate of tax. Unless otherwise provided in this
8 Section, the tax imposed by this Act is at the rate of 6.25% of
9 either the selling price or the fair market value, if any, of
10 the tangible personal property. In all cases where property
11 functionally used or consumed is the same as the property that
12 was purchased at retail, then the tax is imposed on the selling
13 price of the property. In all cases where property
14 functionally used or consumed is a by-product or waste product
15 that has been refined, manufactured, or produced from property
16 purchased at retail, then the tax is imposed on the lower of

1 the fair market value, if any, of the specific property so used
2 in this State or on the selling price of the property purchased
3 at retail. For purposes of this Section "fair market value"
4 means the price at which property would change hands between a
5 willing buyer and a willing seller, neither being under any
6 compulsion to buy or sell and both having reasonable knowledge
7 of the relevant facts. The fair market value shall be
8 established by Illinois sales by the taxpayer of the same
9 property as that functionally used or consumed, or if there
10 are no such sales by the taxpayer, then comparable sales or
11 purchases of property of like kind and character in Illinois.

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

16 Beginning on August 6, 2010 through August 15, 2010, and
17 beginning again on August 5, 2022 through August 14, 2022,
18 with respect to sales tax holiday items as defined in Section
19 3-6 of this Act, the tax is imposed at the rate of 1.25%.

20 With respect to gasohol, the tax imposed by this Act
21 applies to (i) 70% of the proceeds of sales made on or after
22 January 1, 1990, and before July 1, 2003, (ii) 80% of the
23 proceeds of sales made on or after July 1, 2003 and on or
24 before July 1, 2017, and (iii) 100% of the proceeds of sales
25 made thereafter. If, at any time, however, the tax under this
26 Act on sales of gasohol is imposed at the rate of 1.25%, then

1 the tax imposed by this Act applies to 100% of the proceeds of
2 sales of gasohol made during that time.

3 With respect to majority blended ethanol fuel, the tax
4 imposed by this Act does not apply to the proceeds of sales
5 made on or after July 1, 2003 and on or before December 31,
6 2023 but applies to 100% of the proceeds of sales made
7 thereafter.

8 With respect to biodiesel blends with no less than 1% and
9 no more than 10% biodiesel, the tax imposed by this Act applies
10 to (i) 80% of the proceeds of sales made on or after July 1,
11 2003 and on or before December 31, 2018 and (ii) 100% of the
12 proceeds of sales made after December 31, 2018 and before
13 January 1, 2024. On and after January 1, 2024 and on or before
14 December 31, 2030, the taxation of biodiesel, renewable
15 diesel, and biodiesel blends shall be as provided in Section
16 3-5.1. If, at any time, however, the tax under this Act on
17 sales of biodiesel blends with no less than 1% and no more than
18 10% biodiesel is imposed at the rate of 1.25%, then the tax
19 imposed by this Act applies to 100% of the proceeds of sales of
20 biodiesel blends with no less than 1% and no more than 10%
21 biodiesel made during that time.

22 With respect to biodiesel and biodiesel blends with more
23 than 10% but no more than 99% biodiesel, the tax imposed by
24 this Act does not apply to the proceeds of sales made on or
25 after July 1, 2003 and on or before December 31, 2023. On and
26 after January 1, 2024 and on or before December 31, 2030, the

1 taxation of biodiesel, renewable diesel, and biodiesel blends
2 shall be as provided in Section 3-5.1.

3 Until July 1, 2022 and beginning again on July 1, 2023,
4 with respect to food for human consumption that is to be
5 consumed off the premises where it is sold (other than
6 alcoholic beverages, food consisting of or infused with adult
7 use cannabis, soft drinks, and food that has been prepared for
8 immediate consumption), the tax is imposed at the rate of 1%.
9 Beginning on July 1, 2022 and until July 1, 2023, with respect
10 to food for human consumption that is to be consumed off the
11 premises where it is sold (other than alcoholic beverages,
12 food consisting of or infused with adult use cannabis, soft
13 drinks, and food that has been prepared for immediate
14 consumption), the tax is imposed at the rate of 0%.

15 With respect to prescription and nonprescription
16 medicines, drugs, medical appliances, products classified as
17 Class III medical devices by the United States Food and Drug
18 Administration that are used for cancer treatment pursuant to
19 a prescription, as well as any accessories and components
20 related to those devices, modifications to a motor vehicle for
21 the purpose of rendering it usable by a person with a
22 disability, and insulin, blood sugar testing materials,
23 syringes, and needles used by human diabetics, the tax is
24 imposed at the rate of 1%. For the purposes of this Section,
25 until September 1, 2009: the term "soft drinks" means any
26 complete, finished, ready-to-use, non-alcoholic drink, whether

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

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

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

1 regardless of the location of the vending machine.

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

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

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

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

1 substance or preparation.

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

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

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

20 Beginning on January 1, 2024, in addition to the 6.25%
21 general rate of tax imposed under this Act, a tax of 3% is
22 imposed on the selling price of ground-based sparklers that
23 are excluded from the definition of "fireworks" set forth in
24 Section 2 of the Fireworks Regulation Act of Illinois.

25 (Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19;
26 102-4, eff. 4-27-21; 102-700, Article 20, Section 20-5, eff.

1 4-19-22; 102-700, Article 60, Section 60-15, eff. 4-19-22;
2 102-700, Article 65, Section 65-5, eff. 4-19-22; revised
3 5-27-22.)

4 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

5 Sec. 9. Except as to motor vehicles, watercraft, aircraft,
6 and trailers that are required to be registered with an agency
7 of this State, each retailer required or authorized to collect
8 the tax imposed by this Act shall pay to the Department the
9 amount of such tax (except as otherwise provided) at the time
10 when he is required to file his return for the period during
11 which such tax was collected, less a discount of 2.1% prior to
12 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5
13 per calendar year, whichever is greater, which is allowed to
14 reimburse the retailer for expenses incurred in collecting the
15 tax, keeping records, preparing and filing returns, remitting
16 the tax and supplying data to the Department on request. When
17 determining the discount allowed under this Section, retailers
18 shall include the amount of tax that would have been due at the
19 6.25% rate but for the 1.25% rate imposed on sales tax holiday
20 items under Public Act 102-700 ~~this amendatory Act of the~~
21 ~~102nd General Assembly~~. The discount under this Section is not
22 allowed for the 1.25% portion of taxes paid on aviation fuel
23 that is subject to the revenue use requirements of 49 U.S.C.
24 47107(b) and 49 U.S.C. 47133. When determining the discount
25 allowed under this Section, retailers shall include the amount

1 of tax that would have been due at the 1% rate but for the 0%
2 rate imposed under Public Act 102-700 ~~this amendatory Act of~~
3 ~~the 102nd General Assembly~~. In the case of retailers who
4 report and pay the tax on a transaction by transaction basis,
5 as provided in this Section, such discount shall be taken with
6 each such tax remittance instead of when such retailer files
7 his periodic return. The discount allowed under this Section
8 is allowed only for returns that are filed in the manner
9 required by this Act. The Department may disallow the discount
10 for retailers whose certificate of registration is revoked at
11 the time the return is filed, but only if the Department's
12 decision to revoke the certificate of registration has become
13 final. A retailer need not remit that part of any tax collected
14 by him to the extent that he is required to remit and does
15 remit the tax imposed by the Retailers' Occupation Tax Act,
16 with respect to the sale of the same property.

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

1 Except as provided in this Section, on or before the
2 twentieth day of each calendar month, such retailer shall file
3 a return for the preceding calendar month. Such return shall
4 be filed on forms prescribed by the Department and shall
5 furnish such information as the Department may reasonably
6 require. The return shall include the gross receipts on food
7 for human consumption that is to be consumed off the premises
8 where it is sold (other than alcoholic beverages, food
9 consisting of or infused with adult use cannabis, soft drinks,
10 and food that has been prepared for immediate consumption)
11 which were received during the preceding calendar month,
12 quarter, or year, as appropriate, and upon which tax would
13 have been due but for the 0% rate imposed under Public Act
14 102-700 ~~this amendatory Act of the 102nd General Assembly~~. The
15 return shall also include the amount of tax that would have
16 been due on food for human consumption that is to be consumed
17 off the premises where it is sold (other than alcoholic
18 beverages, food consisting of or infused with adult use
19 cannabis, soft drinks, and food that has been prepared for
20 immediate consumption) but for the 0% rate imposed under
21 Public Act 102-700 ~~this amendatory Act of the 102nd General~~
22 ~~Assembly~~.

23 On and after January 1, 2018, except for returns required
24 to be filed prior to January 1, 2023 for motor vehicles,
25 watercraft, aircraft, and trailers that are required to be
26 registered with an agency of this State, with respect to

1 retailers whose annual gross receipts average \$20,000 or more,
2 all returns required to be filed pursuant to this Act shall be
3 filed electronically. On and after January 1, 2023, with
4 respect to retailers whose annual gross receipts average
5 \$20,000 or more, all returns required to be filed pursuant to
6 this Act, including, but not limited to, returns for motor
7 vehicles, watercraft, aircraft, and trailers that are required
8 to be registered with an agency of this State, shall be filed
9 electronically. Retailers who demonstrate that they do not
10 have access to the Internet or demonstrate hardship in filing
11 electronically may petition the Department to waive the
12 electronic filing requirement.

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

20 1. The name of the seller;

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

24 3. The total amount of taxable receipts received by
25 him during the preceding calendar month from sales of
26 tangible personal property by him during such preceding

1 calendar month, including receipts from charge and time
2 sales, but less all deductions allowed by law;

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

5 5. The amount of tax due;

6 5-5. The signature of the taxpayer; and

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

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

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

26 Notwithstanding any other provision of this Act to the

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

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

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

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

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

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

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

19 Before October 1, 2000, if the taxpayer's average monthly
20 tax liability to the Department under this Act, the Retailers'
21 Occupation Tax Act, the Service Occupation Tax Act, the
22 Service Use Tax Act was \$10,000 or more during the preceding 4
23 complete calendar quarters, he shall file a return with the
24 Department each month by the 20th day of the month next
25 following the month during which such tax liability is
26 incurred and shall make payments to the Department on or

1 before the 7th, 15th, 22nd and last day of the month during
2 which such liability is incurred. On and after October 1,
3 2000, if the taxpayer's average monthly tax liability to the
4 Department under this Act, the Retailers' Occupation Tax Act,
5 the Service Occupation Tax Act, and the Service Use Tax Act was
6 \$20,000 or more during the preceding 4 complete calendar
7 quarters, he shall file a return with the Department each
8 month by the 20th day of the month next following the month
9 during which such tax liability is incurred and shall make
10 payment to the Department on or before the 7th, 15th, 22nd and
11 last day of the month during which such liability is incurred.
12 If the month during which such tax liability is incurred began
13 prior to January 1, 1985, each payment shall be in an amount
14 equal to 1/4 of the taxpayer's actual liability for the month
15 or an amount set by the Department not to exceed 1/4 of the
16 average monthly liability of the taxpayer to the Department
17 for the preceding 4 complete calendar quarters (excluding the
18 month of highest liability and the month of lowest liability
19 in such 4 quarter period). If the month during which such tax
20 liability is incurred begins on or after January 1, 1985, and
21 prior to January 1, 1987, each payment shall be in an amount
22 equal to 22.5% of the taxpayer's actual liability for the
23 month or 27.5% of the taxpayer's liability for the same
24 calendar month of the preceding year. If the month during
25 which such tax liability is incurred begins on or after
26 January 1, 1987, and prior to January 1, 1988, each payment

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

1 taxpayer can show the Department that a substantial change in
2 the taxpayer's business has occurred which causes the taxpayer
3 to anticipate that his average monthly tax liability for the
4 reasonably foreseeable future will fall below the \$10,000
5 threshold stated above, then such taxpayer may petition the
6 Department for change in such taxpayer's reporting status. On
7 and after October 1, 2000, once applicable, the requirement of
8 the making of quarter monthly payments to the Department shall
9 continue until such taxpayer's average monthly liability to
10 the Department during the preceding 4 complete calendar
11 quarters (excluding the month of highest liability and the
12 month of lowest liability) is less than \$19,000 or until such
13 taxpayer's average monthly liability to the Department as
14 computed for each calendar quarter of the 4 preceding complete
15 calendar quarter period is less than \$20,000. However, if a
16 taxpayer can show the Department that a substantial change in
17 the taxpayer's business has occurred which causes the taxpayer
18 to anticipate that his average monthly tax liability for the
19 reasonably foreseeable future will fall below the \$20,000
20 threshold stated above, then such taxpayer may petition the
21 Department for a change in such taxpayer's reporting status.
22 The Department shall change such taxpayer's reporting status
23 unless it finds that such change is seasonal in nature and not
24 likely to be long term. Quarter monthly payment status shall
25 be determined under this paragraph as if the rate reduction to
26 1.25% in Public Act 102-700 ~~this amendatory Act of the 102nd~~

1 ~~General Assembly~~ on sales tax holiday items had not occurred.
2 For quarter monthly payments due on or after July 1, 2023 and
3 through June 30, 2024, "25% of the taxpayer's liability for
4 the same calendar month of the preceding year" shall be
5 determined as if the rate reduction to 1.25% in Public Act
6 102-700 ~~this amendatory Act of the 102nd General Assembly~~ on
7 sales tax holiday items had not occurred. Quarter monthly
8 payment status shall be determined under this paragraph as if
9 the rate reduction to 0% in Public Act 102-700 ~~this amendatory~~
10 ~~Act of the 102nd General Assembly~~ on food for human
11 consumption that is to be consumed off the premises where it is
12 sold (other than alcoholic beverages, food consisting of or
13 infused with adult use cannabis, soft drinks, and food that
14 has been prepared for immediate consumption) had not occurred.
15 For quarter monthly payments due under this paragraph on or
16 after July 1, 2023 and through June 30, 2024, "25% of the
17 taxpayer's liability for the same calendar month of the
18 preceding year" shall be determined as if the rate reduction
19 to 0% in Public Act 102-700 ~~this amendatory Act of the 102nd~~
20 ~~General Assembly~~ had not occurred. If any such quarter monthly
21 payment is not paid at the time or in the amount required by
22 this Section, then the taxpayer shall be liable for penalties
23 and interest on the difference between the minimum amount due
24 and the amount of such quarter monthly payment actually and
25 timely paid, except insofar as the taxpayer has previously
26 made payments for that month to the Department in excess of the

1 minimum payments previously due as provided in this Section.
2 The Department shall make reasonable rules and regulations to
3 govern the quarter monthly payment amount and quarter monthly
4 payment dates for taxpayers who file on other than a calendar
5 monthly basis.

6 If any such payment provided for in this Section exceeds
7 the taxpayer's liabilities under this Act, the Retailers'
8 Occupation Tax Act, the Service Occupation Tax Act and the
9 Service Use Tax Act, as shown by an original monthly return,
10 the Department shall issue to the taxpayer a credit memorandum
11 no later than 30 days after the date of payment, which
12 memorandum may be submitted by the taxpayer to the Department
13 in payment of tax liability subsequently to be remitted by the
14 taxpayer to the Department or be assigned by the taxpayer to a
15 similar taxpayer under this Act, the Retailers' Occupation Tax
16 Act, the Service Occupation Tax Act or the Service Use Tax Act,
17 in accordance with reasonable rules and regulations to be
18 prescribed by the Department, except that if such excess
19 payment is shown on an original monthly return and is made
20 after December 31, 1986, no credit memorandum shall be issued,
21 unless requested by the taxpayer. If no such request is made,
22 the taxpayer may credit such excess payment against tax
23 liability subsequently to be remitted by the taxpayer to the
24 Department under this Act, the Retailers' Occupation Tax Act,
25 the Service Occupation Tax Act or the Service Use Tax Act, in
26 accordance with reasonable rules and regulations prescribed by

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

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

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

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

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

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

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

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

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

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

16 The transaction reporting return in the case of watercraft
17 and aircraft must show the name and address of the seller; the
18 name and address of the purchaser; the amount of the selling
19 price including the amount allowed by the retailer for
20 traded-in property, if any; the amount allowed by the retailer
21 for the traded-in tangible personal property, if any, to the
22 extent to which Section 2 of this Act allows an exemption for
23 the value of traded-in property; the balance payable after
24 deducting such trade-in allowance from the total selling
25 price; the amount of tax due from the retailer with respect to
26 such transaction; the amount of tax collected from the

1 purchaser by the retailer on such transaction (or satisfactory
2 evidence that such tax is not due in that particular instance,
3 if that is claimed to be the fact); the place and date of the
4 sale, a sufficient identification of the property sold, and
5 such other information as the Department may reasonably
6 require.

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

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

1 whom, he must title or register the tangible personal property
2 that is involved (if titling or registration is required) in
3 support of such purchaser's application for an Illinois
4 certificate or other evidence of title or registration to such
5 tangible personal property.

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

14 If the user who would otherwise pay tax to the retailer
15 wants the transaction reporting return filed and the payment
16 of tax or proof of exemption made to the Department before the
17 retailer is willing to take these actions and such user has not
18 paid the tax to the retailer, such user may certify to the fact
19 of such delay by the retailer, and may (upon the Department
20 being satisfied of the truth of such certification) transmit
21 the information required by the transaction reporting return
22 and the remittance for tax or proof of exemption directly to
23 the Department and obtain his tax receipt or exemption
24 determination, in which event the transaction reporting return
25 and tax remittance (if a tax payment was required) shall be
26 credited by the Department to the proper retailer's account

1 with the Department, but without the 2.1% or 1.75% discount
2 provided for in this Section being allowed. When the user pays
3 the tax directly to the Department, he shall pay the tax in the
4 same amount and in the same form in which it would be remitted
5 if the tax had been remitted to the Department by the retailer.

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

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

1 from the retailer filing such return, and such retailer shall
2 remit the amount of such tax to the Department when filing such
3 return.

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

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

15 Beginning January 1, 1990, each month the Department shall
16 pay into the State and Local Sales Tax Reform Fund, a special
17 fund in the State Treasury which is hereby created, the net
18 revenue realized for the preceding month from the 1% tax
19 imposed under this Act.

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

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

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

24 Beginning August 1, 2000, each month the Department shall
25 pay into the State and Local Sales Tax Reform Fund 100% of the
26 net revenue realized for the preceding month from the 1.25%

1 rate on the selling price of motor fuel and gasohol. If, in any
2 month, the tax on sales tax holiday items, as defined in
3 Section 3-6, is imposed at the rate of 1.25%, then the
4 Department shall pay 100% of the net revenue realized for that
5 month from the 1.25% rate on the selling price of sales tax
6 holiday items into the State and Local Sales Tax Reform Fund.

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

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

21 Beginning July 1, 2011, each month the Department shall
22 pay into the Clean Air Act Permit Fund 80% of the net revenue
23 realized for the preceding month from the 6.25% general rate
24 on the selling price of sorbents used in Illinois in the
25 process of sorbent injection as used to comply with the
26 Environmental Protection Act or the federal Clean Air Act, but

1 the total payment into the Clean Air Act Permit Fund under this
2 Act and the Retailers' Occupation Tax Act shall not exceed
3 \$2,000,000 in any fiscal year.

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

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

24 Beginning on January 1, 2024, each month the Department
25 shall pay into the Fireman's Annuity and Benefit Fund and the
26 Firefighters' Pension Investment Fund, cumulatively, 50% of

1 the net revenue realized for the preceding month from the 3%
2 tax on the selling price of ground-based sparklers. The Board
3 of Trustees of the Firemen's Annuity and Benefit Fund and the
4 Board of Trustees of the Firefighters' Pension Investment Fund
5 shall each annually certify to the Department the average
6 total number of participants in their respective funds for the
7 immediately preceding calendar year. The certifications for
8 the 2024 calendar year shall be provided as soon as possible
9 after the effective date of this amendatory Act of the 103rd
10 General Assembly, and the certifications for the 2025 calendar
11 year and each calendar year thereafter shall be provided by
12 January 15 of the calendar year for which the certification is
13 made. Each of those funds shall receive a portion of the total
14 net revenue required to be deposited into those funds equal to
15 the particular fund's proportionate share of the total number
16 of participants in both funds. The Department shall pay the
17 remaining 50% of the net revenue realized for the preceding
18 month from the 3% tax on the selling price of ground-based
19 sparklers into the General Revenue Fund.

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

1 to be paid into the Build Illinois Fund pursuant to Section 3
2 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
3 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
4 Service Occupation Tax Act, such Acts being hereinafter called
5 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
6 may be, of moneys being hereinafter called the "Tax Act
7 Amount", and (2) the amount transferred to the Build Illinois
8 Fund from the State and Local Sales Tax Reform Fund shall be
9 less than the Annual Specified Amount (as defined in Section 3
10 of the Retailers' Occupation Tax Act), an amount equal to the
11 difference shall be immediately paid into the Build Illinois
12 Fund from other moneys received by the Department pursuant to
13 the Tax Acts; and further provided, that if on the last
14 business day of any month the sum of (1) the Tax Act Amount
15 required to be deposited into the Build Illinois Bond Account
16 in the Build Illinois Fund during such month and (2) the amount
17 transferred during such month to the Build Illinois Fund from
18 the State and Local Sales Tax Reform Fund shall have been less
19 than 1/12 of the Annual Specified Amount, an amount equal to
20 the difference shall be immediately paid into the Build
21 Illinois Fund from other moneys received by the Department
22 pursuant to the Tax Acts; and, further provided, that in no
23 event shall the payments required under the preceding proviso
24 result in aggregate payments into the Build Illinois Fund
25 pursuant to this clause (b) for any fiscal year in excess of
26 the greater of (i) the Tax Act Amount or (ii) the Annual

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

1 of the preceding sentence and shall reduce the amount
2 otherwise payable for such fiscal year pursuant to clause (b)
3 of the preceding sentence. The moneys received by the
4 Department pursuant to this Act and required to be deposited
5 into the Build Illinois Fund are subject to the pledge, claim
6 and charge set forth in Section 12 of the Build Illinois Bond
7 Act.

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

20	Fiscal Year	Total Deposit
21	1993	\$0
22	1994	53,000,000
23	1995	58,000,000
24	1996	61,000,000
25	1997	64,000,000
26	1998	68,000,000

1	1999	71,000,000
2	2000	75,000,000
3	2001	80,000,000
4	2002	93,000,000
5	2003	99,000,000
6	2004	103,000,000
7	2005	108,000,000
8	2006	113,000,000
9	2007	119,000,000
10	2008	126,000,000
11	2009	132,000,000
12	2010	139,000,000
13	2011	146,000,000
14	2012	153,000,000
15	2013	161,000,000
16	2014	170,000,000
17	2015	179,000,000
18	2016	189,000,000
19	2017	199,000,000
20	2018	210,000,000
21	2019	221,000,000
22	2020	233,000,000
23	2021	300,000,000
24	2022	300,000,000
25	2023	300,000,000
26	2024	300,000,000

1	2025	300,000,000
2	2026	300,000,000
3	2027	375,000,000
4	2028	375,000,000
5	2029	375,000,000
6	2030	375,000,000
7	2031	375,000,000
8	2032	375,000,000
9	2033	375,000,000
10	2034	375,000,000
11	2035	375,000,000
12	2036	450,000,000

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

21 Beginning July 20, 1993 and in each month of each fiscal
22 year thereafter, one-eighth of the amount requested in the
23 certificate of the Chairman of the Metropolitan Pier and
24 Exposition Authority for that fiscal year, less the amount
25 deposited into the McCormick Place Expansion Project Fund by
26 the State Treasurer in the respective month under subsection

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

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

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

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

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

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

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

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

17 Subject to successful execution and delivery of a
18 public-private agreement between the public agency and private
19 entity and completion of the civic build, beginning on July 1,
20 2023, of the remainder of the moneys received by the
21 Department under the Use Tax Act, the Service Use Tax Act, the
22 Service Occupation Tax Act, and this Act, the Department shall
23 deposit the following specified deposits in the aggregate from
24 collections under the Use Tax Act, the Service Use Tax Act, the
25 Service Occupation Tax Act, and the Retailers' Occupation Tax
26 Act, as required under Section 8.25g of the State Finance Act

1 for distribution consistent with the Public-Private
 2 Partnership for Civic and Transit Infrastructure Project Act.
 3 The moneys received by the Department pursuant to this Act and
 4 required to be deposited into the Civic and Transit
 5 Infrastructure Fund are subject to the pledge, claim, and
 6 charge set forth in Section 25-55 of the Public-Private
 7 Partnership for Civic and Transit Infrastructure Project Act.
 8 As used in this paragraph, "civic build", "private entity",
 9 "public-private agreement", and "public agency" have the
 10 meanings provided in Section 25-10 of the Public-Private
 11 Partnership for Civic and Transit Infrastructure Project Act.

12	Fiscal Year.....	Total Deposit
13	2024	\$200,000,000
14	2025	\$206,000,000
15	2026	\$212,200,000
16	2027	\$218,500,000
17	2028	\$225,100,000
18	2029	\$288,700,000
19	2030	\$298,900,000
20	2031	\$309,300,000
21	2032	\$320,100,000
22	2033	\$331,200,000
23	2034	\$341,200,000
24	2035	\$351,400,000
25	2036	\$361,900,000
26	2037	\$372,800,000

1	2038	\$384,000,000
2	2039	\$395,500,000
3	2040	\$407,400,000
4	2041	\$419,600,000
5	2042	\$432,200,000
6	2043	\$445,100,000

7 Beginning July 1, 2021 and until July 1, 2022, subject to
8 the payment of amounts into the State and Local Sales Tax
9 Reform Fund, the Build Illinois Fund, the McCormick Place
10 Expansion Project Fund, the Illinois Tax Increment Fund, the
11 Energy Infrastructure Fund, and the Tax Compliance and
12 Administration Fund as provided in this Section, the
13 Department shall pay each month into the Road Fund the amount
14 estimated to represent 16% of the net revenue realized from
15 the taxes imposed on motor fuel and gasohol. Beginning July 1,
16 2022 and until July 1, 2023, subject to the payment of amounts
17 into the State and Local Sales Tax Reform Fund, the Build
18 Illinois Fund, the McCormick Place Expansion Project Fund, the
19 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
20 and the Tax Compliance and Administration Fund as provided in
21 this Section, the Department shall pay each month into the
22 Road Fund the amount estimated to represent 32% of the net
23 revenue realized from the taxes imposed on motor fuel and
24 gasohol. Beginning July 1, 2023 and until July 1, 2024,
25 subject to the payment of amounts into the State and Local
26 Sales Tax Reform Fund, the Build Illinois Fund, the McCormick

1 Place Expansion Project Fund, the Illinois Tax Increment Fund,
2 the Energy Infrastructure Fund, and the Tax Compliance and
3 Administration Fund as provided in this Section, the
4 Department shall pay each month into the Road Fund the amount
5 estimated to represent 48% of the net revenue realized from
6 the taxes imposed on motor fuel and gasohol. Beginning July 1,
7 2024 and until July 1, 2025, subject to the payment of amounts
8 into the State and Local Sales Tax Reform Fund, the Build
9 Illinois Fund, the McCormick Place Expansion Project Fund, the
10 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
11 and the Tax Compliance and Administration Fund as provided in
12 this Section, the Department shall pay each month into the
13 Road Fund the amount estimated to represent 64% of the net
14 revenue realized from the taxes imposed on motor fuel and
15 gasohol. Beginning on July 1, 2025, subject to the payment of
16 amounts into the State and Local Sales Tax Reform Fund, the
17 Build Illinois Fund, the McCormick Place Expansion Project
18 Fund, the Illinois Tax Increment Fund, the Energy
19 Infrastructure Fund, and the Tax Compliance and Administration
20 Fund as provided in this Section, the Department shall pay
21 each month into the Road Fund the amount estimated to
22 represent 80% of the net revenue realized from the taxes
23 imposed on motor fuel and gasohol. As used in this paragraph
24 "motor fuel" has the meaning given to that term in Section 1.1
25 of the Motor Fuel Tax Law, and "gasohol" has the meaning given
26 to that term in Section 3-40 of this Act.

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

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

14 Net revenue realized for a month shall be the revenue
15 collected by the State pursuant to this Act, less the amount
16 paid out during that month as refunds to taxpayers for
17 overpayment of liability.

18 For greater simplicity of administration, manufacturers,
19 importers and wholesalers whose products are sold at retail in
20 Illinois by numerous retailers, and who wish to do so, may
21 assume the responsibility for accounting and paying to the
22 Department all tax accruing under this Act with respect to
23 such sales, if the retailers who are affected do not make
24 written objection to the Department to this arrangement.

25 (Source: P.A. 101-10, Article 15, Section 15-10, eff. 6-5-19;
26 101-10, Article 25, Section 25-105, eff. 6-5-19; 101-27, eff.

1 6-25-19; 101-32, eff. 6-28-19; 101-604, eff. 12-13-19;
2 101-636, eff. 6-10-20; 102-700, Article 60, Section 60-15,
3 eff. 4-19-22; 102-700, Article 65, Section 65-5, eff. 4-19-22;
4 102-1019, eff. 1-1-23; revised 12-13-22.)

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

7 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

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

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

18 With respect to gasohol, as defined in the Use Tax Act, the
19 tax imposed by this Act applies to (i) 70% of the selling price
20 of property transferred as an incident to the sale of service
21 on or after January 1, 1990, and before July 1, 2003, (ii) 80%
22 of the selling price of property transferred as an incident to
23 the sale of service on or after July 1, 2003 and on or before
24 July 1, 2017, and (iii) 100% of the selling price thereafter.

1 If, at any time, however, the tax under this Act on sales of
2 gasohol, as defined in the Use Tax Act, is imposed at the rate
3 of 1.25%, then the tax imposed by this Act applies to 100% of
4 the proceeds of sales of gasohol made during that time.

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

11 With respect to biodiesel blends, as defined in the Use
12 Tax Act, with no less than 1% and no more than 10% biodiesel,
13 the tax imposed by this Act applies to (i) 80% of the selling
14 price of property transferred as an incident to the sale of
15 service on or after July 1, 2003 and on or before December 31,
16 2018 and (ii) 100% of the proceeds of the selling price after
17 December 31, 2018 and before January 1, 2024. On and after
18 January 1, 2024 and on or before December 31, 2030, the
19 taxation of biodiesel, renewable diesel, and biodiesel blends
20 shall be as provided in Section 3-5.1 of the Use Tax Act. If,
21 at any time, however, the tax under this Act on sales of
22 biodiesel blends, as defined in the Use Tax Act, with no less
23 than 1% and no more than 10% biodiesel is imposed at the rate
24 of 1.25%, then the tax imposed by this Act applies to 100% of
25 the proceeds of sales of biodiesel blends with no less than 1%
26 and no more than 10% biodiesel made during that time.

1 With respect to biodiesel, as defined in the Use Tax Act,
2 and biodiesel blends, as defined in the Use Tax Act, with more
3 than 10% but no more than 99% biodiesel, the tax imposed by
4 this Act does not apply to the proceeds of the selling price of
5 property transferred as an incident to the sale of service on
6 or after July 1, 2003 and on or before December 31, 2023. On
7 and after January 1, 2024 and on or before December 31, 2030,
8 the taxation of biodiesel, renewable diesel, and biodiesel
9 blends shall be as provided in Section 3-5.1 of the Use Tax
10 Act.

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

21 Until July 1, 2022 and beginning again on July 1, 2023, the
22 tax shall be imposed at the rate of 1% on food prepared for
23 immediate consumption and transferred incident to a sale of
24 service subject to this Act or the Service Occupation Tax Act
25 by an entity licensed under the Hospital Licensing Act, the
26 Nursing Home Care Act, the Assisted Living and Shared Housing

1 Act, the ID/DD Community Care Act, the MC/DD Act, the
2 Specialized Mental Health Rehabilitation Act of 2013, or the
3 Child Care Act of 1969, or an entity that holds a permit issued
4 pursuant to the Life Care Facilities Act. Until July 1, 2022
5 and beginning again on July 1, 2023, the tax shall also be
6 imposed at the rate of 1% on food for human consumption that is
7 to be consumed off the premises where it is sold (other than
8 alcoholic beverages, food consisting of or infused with adult
9 use cannabis, soft drinks, and food that has been prepared for
10 immediate consumption and is not otherwise included in this
11 paragraph).

12 Beginning on July 1, 2022 and until July 1, 2023, the tax
13 shall be imposed at the rate of 0% on food prepared for
14 immediate consumption and transferred incident to a sale of
15 service subject to this Act or the Service Occupation Tax Act
16 by an entity licensed under the Hospital Licensing Act, the
17 Nursing Home Care Act, the Assisted Living and Shared Housing
18 Act, the ID/DD Community Care Act, the MC/DD Act, the
19 Specialized Mental Health Rehabilitation Act of 2013, or the
20 Child Care Act of 1969, or an entity that holds a permit issued
21 pursuant to the Life Care Facilities Act. Beginning on July 1,
22 2022 and until July 1, 2023, the tax shall also be imposed at
23 the rate of 0% on food for human consumption that is to be
24 consumed off the premises where it is sold (other than
25 alcoholic beverages, food consisting of or infused with adult
26 use cannabis, soft drinks, and food that has been prepared for

1 immediate consumption and is not otherwise included in this
2 paragraph).

3 The tax shall also be imposed at the rate of 1% on
4 prescription and nonprescription medicines, drugs, medical
5 appliances, products classified as Class III medical devices
6 by the United States Food and Drug Administration that are
7 used for cancer treatment pursuant to a prescription, as well
8 as any accessories and components related to those devices,
9 modifications to a motor vehicle for the purpose of rendering
10 it usable by a person with a disability, and insulin, blood
11 sugar testing materials, syringes, and needles used by human
12 diabetics. For the purposes of this Section, until September
13 1, 2009: the term "soft drinks" means any complete, finished,
14 ready-to-use, non-alcoholic drink, whether carbonated or not,
15 including, but not limited to, soda water, cola, fruit juice,
16 vegetable juice, carbonated water, and all other preparations
17 commonly known as soft drinks of whatever kind or description
18 that are contained in any closed or sealed bottle, can,
19 carton, or container, regardless of size; but "soft drinks"
20 does not include coffee, tea, non-carbonated water, infant
21 formula, milk or milk products as defined in the Grade A
22 Pasteurized Milk and Milk Products Act, or drinks containing
23 50% or more natural fruit or vegetable juice.

24 Notwithstanding any other provisions of this Act,
25 beginning September 1, 2009, "soft drinks" means non-alcoholic
26 beverages that contain natural or artificial sweeteners. "Soft

1 drinks" does ~~do~~ not include beverages that contain milk or
2 milk products, soy, rice or similar milk substitutes, or
3 greater than 50% of vegetable or fruit juice by volume.

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

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

25 Notwithstanding any other provisions of this Act,
26 beginning September 1, 2009, "nonprescription medicines and

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

12 (A) a ~~A~~ "Drug Facts" panel; or

13 (B) a ~~A~~ statement of the "active ingredient(s)" with a
14 list of those ingredients contained in the compound,
15 substance or preparation.

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

21 As used in this Section, "adult use cannabis" means
22 cannabis subject to tax under the Cannabis Cultivation
23 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law
24 and does not include cannabis subject to tax under the
25 Compassionate Use of Medical Cannabis Program Act.

26 Beginning on January 1, 2024, in addition to the 6.25%

1 general rate of tax imposed under this Act, a tax of 3% is
2 imposed on the selling price of ground-based sparklers that
3 are excluded from the definition of "fireworks" set forth in
4 Section 2 of the Fireworks Regulation Act of Illinois.

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

12 (Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19;
13 102-4, eff. 4-27-21; 102-16, eff. 6-17-21; 102-700, Article
14 20, Section 20-10, eff. 4-19-22; 102-700, Article 60, Section
15 60-20, eff. 4-19-22; revised 6-1-22.)

16 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

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

1 tax and supplying data to the Department on request. When
2 determining the discount allowed under this Section,
3 servicemen shall include the amount of tax that would have
4 been due at the 1% rate but for the 0% rate imposed under this
5 amendatory Act of the 102nd General Assembly. The discount
6 under this Section is not allowed for the 1.25% portion of
7 taxes paid on aviation fuel that is subject to the revenue use
8 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133. The
9 discount allowed under this Section is allowed only for
10 returns that are filed in the manner required by this Act. The
11 Department may disallow the discount for servicemen whose
12 certificate of registration is revoked at the time the return
13 is filed, but only if the Department's decision to revoke the
14 certificate of registration has become final. A serviceman
15 need not remit that part of any tax collected by him to the
16 extent that he is required to pay and does pay the tax imposed
17 by the Service Occupation Tax Act with respect to his sale of
18 service involving the incidental transfer by him of the same
19 property.

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

1 return shall include the gross receipts which were received
2 during the preceding calendar month or quarter on the
3 following items upon which tax would have been due but for the
4 0% rate imposed under this amendatory Act of the 102nd General
5 Assembly: (i) food for human consumption that is to be
6 consumed off the premises where it is sold (other than
7 alcoholic beverages, food consisting of or infused with adult
8 use cannabis, soft drinks, and food that has been prepared for
9 immediate consumption); and (ii) food prepared for immediate
10 consumption and transferred incident to a sale of service
11 subject to this Act or the Service Occupation Tax Act by an
12 entity licensed under the Hospital Licensing Act, the Nursing
13 Home Care Act, the Assisted Living and Shared Housing Act, the
14 ID/DD Community Care Act, the MC/DD Act, the Specialized
15 Mental Health Rehabilitation Act of 2013, or the Child Care
16 Act of 1969, or an entity that holds a permit issued pursuant
17 to the Life Care Facilities Act. The return shall also include
18 the amount of tax that would have been due on the items listed
19 in the previous sentence but for the 0% rate imposed under this
20 amendatory Act of the 102nd General Assembly.

21 On and after January 1, 2018, with respect to servicemen
22 whose annual gross receipts average \$20,000 or more, all
23 returns required to be filed pursuant to this Act shall be
24 filed electronically. Servicemen who demonstrate that they do
25 not have access to the Internet or demonstrate hardship in
26 filing electronically may petition the Department to waive the

1 electronic filing requirement.

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

9 1. The name of the seller;

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

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

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

19 5. The amount of tax due;

20 5-5. The signature of the taxpayer; and

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

23 Each serviceman required or authorized to collect the tax
24 imposed by this Act on aviation fuel transferred as an
25 incident of a sale of service in this State during the
26 preceding calendar month shall, instead of reporting and

1 paying tax on aviation fuel as otherwise required by this
2 Section, report and pay such tax on a separate aviation fuel
3 tax return. The requirements related to the return shall be as
4 otherwise provided in this Section. Notwithstanding any other
5 provisions of this Act to the contrary, servicemen collecting
6 tax on aviation fuel shall file all aviation fuel tax returns
7 and shall make all aviation fuel tax payments by electronic
8 means in the manner and form required by the Department. For
9 purposes of this Section, "aviation fuel" means jet fuel and
10 aviation gasoline.

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

15 Notwithstanding any other provision of this Act to the
16 contrary, servicemen subject to tax on cannabis shall file all
17 cannabis tax returns and shall make all cannabis tax payments
18 by electronic means in the manner and form required by the
19 Department.

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

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

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

24 Any taxpayer not required to make payments by electronic
25 funds transfer may make payments by electronic funds transfer
26 with the permission of the Department.

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

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

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

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

25 Such quarter annual and annual returns, as to form and
26 substance, shall be subject to the same requirements as

1 monthly returns.

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

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

26 Any serviceman filing a return hereunder shall also

1 include the total tax upon the selling price of tangible
2 personal property purchased for use by him as an incident to a
3 sale of service, and such serviceman shall remit the amount of
4 such tax to the Department when filing such return.

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

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

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

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

1 aviation fuel sold on or after December 1, 2019. This
2 exception for aviation fuel only applies for so long as the
3 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
4 47133 are binding on the State.

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

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

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

1 are now taxed at 6.25%.

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

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

22 Beginning on January 1, 2024, each month the Department
23 shall pay into the Fireman's Annuity and Benefit Fund and the
24 Firefighters' Pension Investment Fund, cumulatively, 50% of
25 the net revenue realized for the preceding month from the 3%
26 tax on the selling price of ground-based sparklers. The Board

1 of Trustees of the Firemen's Annuity and Benefit Fund and the
2 Board of Trustees of the Firefighters' Pension Investment Fund
3 shall each annually certify to the Department the average
4 total number of participants in their respective funds for the
5 immediately preceding calendar year. The certifications for
6 the 2024 calendar year shall be provided as soon as possible
7 after the effective date of this amendatory Act of the 103rd
8 General Assembly, and the certifications for the 2025 calendar
9 year and each calendar year thereafter shall be provided by
10 January 15 of the calendar year for which the certification is
11 made. Each of those funds shall receive a portion of the total
12 net revenue required to be deposited into those funds equal to
13 the particular fund's proportionate share of the total number
14 of participants in both funds. The Department shall pay the
15 remaining 50% of the net revenue realized for the preceding
16 month from the 3% tax on the selling price of ground-based
17 sparklers into the General Revenue Fund.

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

1 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
2 Service Occupation Tax Act, such Acts being hereinafter called
3 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
4 may be, of moneys being hereinafter called the "Tax Act
5 Amount", and (2) the amount transferred to the Build Illinois
6 Fund from the State and Local Sales Tax Reform Fund shall be
7 less than the Annual Specified Amount (as defined in Section 3
8 of the Retailers' Occupation Tax Act), an amount equal to the
9 difference shall be immediately paid into the Build Illinois
10 Fund from other moneys received by the Department pursuant to
11 the Tax Acts; and further provided, that if on the last
12 business day of any month the sum of (1) the Tax Act Amount
13 required to be deposited into the Build Illinois Bond Account
14 in the Build Illinois Fund during such month and (2) the amount
15 transferred during such month to the Build Illinois Fund from
16 the State and Local Sales Tax Reform Fund shall have been less
17 than 1/12 of the Annual Specified Amount, an amount equal to
18 the difference shall be immediately paid into the Build
19 Illinois Fund from other moneys received by the Department
20 pursuant to the Tax Acts; and, further provided, that in no
21 event shall the payments required under the preceding proviso
22 result in aggregate payments into the Build Illinois Fund
23 pursuant to this clause (b) for any fiscal year in excess of
24 the greater of (i) the Tax Act Amount or (ii) the Annual
25 Specified Amount for such fiscal year; and, further provided,
26 that the amounts payable into the Build Illinois Fund under

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

1 of the preceding sentence. The moneys received by the
2 Department pursuant to this Act and required to be deposited
3 into the Build Illinois Fund are subject to the pledge, claim
4 and charge set forth in Section 12 of the Build Illinois Bond
5 Act.

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

18	Fiscal Year	Total Deposit
19	1993	\$0
20	1994	53,000,000
21	1995	58,000,000
22	1996	61,000,000
23	1997	64,000,000
24	1998	68,000,000
25	1999	71,000,000

1	2000	75,000,000
2	2001	80,000,000
3	2002	93,000,000
4	2003	99,000,000
5	2004	103,000,000
6	2005	108,000,000
7	2006	113,000,000
8	2007	119,000,000
9	2008	126,000,000
10	2009	132,000,000
11	2010	139,000,000
12	2011	146,000,000
13	2012	153,000,000
14	2013	161,000,000
15	2014	170,000,000
16	2015	179,000,000
17	2016	189,000,000
18	2017	199,000,000
19	2018	210,000,000
20	2019	221,000,000
21	2020	233,000,000
22	2021	300,000,000
23	2022	300,000,000
24	2023	300,000,000
25	2024	300,000,000
26	2025	300,000,000

1	2026	300,000,000
2	2027	375,000,000
3	2028	375,000,000
4	2029	375,000,000
5	2030	375,000,000
6	2031	375,000,000
7	2032	375,000,000
8	2033	375,000,000
9	2034	375,000,000
10	2035	375,000,000
11	2036	450,000,000

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

20 Beginning July 20, 1993 and in each month of each fiscal
21 year thereafter, one-eighth of the amount requested in the
22 certificate of the Chairman of the Metropolitan Pier and
23 Exposition Authority for that fiscal year, less the amount
24 deposited into the McCormick Place Expansion Project Fund by
25 the State Treasurer in the respective month under subsection
26 (g) of Section 13 of the Metropolitan Pier and Exposition

1 Authority Act, plus cumulative deficiencies in the deposits
2 required under this Section for previous months and years,
3 shall be deposited into the McCormick Place Expansion Project
4 Fund, until the full amount requested for the fiscal year, but
5 not in excess of the amount specified above as "Total
6 Deposit", has been deposited.

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

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

1 price of tangible personal property.

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

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

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

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

16 Subject to successful execution and delivery of a
17 public-private agreement between the public agency and private
18 entity and completion of the civic build, beginning on July 1,
19 2023, of the remainder of the moneys received by the
20 Department under the Use Tax Act, the Service Use Tax Act, the
21 Service Occupation Tax Act, and this Act, the Department shall
22 deposit the following specified deposits in the aggregate from
23 collections under the Use Tax Act, the Service Use Tax Act, the
24 Service Occupation Tax Act, and the Retailers' Occupation Tax
25 Act, as required under Section 8.25g of the State Finance Act
26 for distribution consistent with the Public-Private

1 Partnership for Civic and Transit Infrastructure Project Act.
 2 The moneys received by the Department pursuant to this Act and
 3 required to be deposited into the Civic and Transit
 4 Infrastructure Fund are subject to the pledge, claim, and
 5 charge set forth in Section 25-55 of the Public-Private
 6 Partnership for Civic and Transit Infrastructure Project Act.
 7 As used in this paragraph, "civic build", "private entity",
 8 "public-private agreement", and "public agency" have the
 9 meanings provided in Section 25-10 of the Public-Private
 10 Partnership for Civic and Transit Infrastructure Project Act.

11	Fiscal Year.....	Total Deposit
12	2024	\$200,000,000
13	2025	\$206,000,000
14	2026	\$212,200,000
15	2027	\$218,500,000
16	2028	\$225,100,000
17	2029	\$288,700,000
18	2030	\$298,900,000
19	2031	\$309,300,000
20	2032	\$320,100,000
21	2033	\$331,200,000
22	2034	\$341,200,000
23	2035	\$351,400,000
24	2036	\$361,900,000
25	2037	\$372,800,000
26	2038	\$384,000,000

1	2039	\$395,500,000
2	2040	\$407,400,000
3	2041	\$419,600,000
4	2042	\$432,200,000
5	2043	\$445,100,000

6 Beginning July 1, 2021 and until July 1, 2022, subject to
7 the payment of amounts into the State and Local Sales Tax
8 Reform Fund, the Build Illinois Fund, the McCormick Place
9 Expansion Project Fund, the Illinois Tax Increment Fund, the
10 Energy Infrastructure Fund, and the Tax Compliance and
11 Administration Fund as provided in this Section, the
12 Department shall pay each month into the Road Fund the amount
13 estimated to represent 16% of the net revenue realized from
14 the taxes imposed on motor fuel and gasohol. Beginning July 1,
15 2022 and until July 1, 2023, subject to the payment of amounts
16 into the State and Local Sales Tax Reform Fund, the Build
17 Illinois Fund, the McCormick Place Expansion Project Fund, the
18 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
19 and the Tax Compliance and Administration Fund as provided in
20 this Section, the Department shall pay each month into the
21 Road Fund the amount estimated to represent 32% of the net
22 revenue realized from the taxes imposed on motor fuel and
23 gasohol. Beginning July 1, 2023 and until July 1, 2024,
24 subject to the payment of amounts into the State and Local
25 Sales Tax Reform Fund, the Build Illinois Fund, the McCormick
26 Place Expansion Project Fund, the Illinois Tax Increment Fund,

1 the Energy Infrastructure Fund, and the Tax Compliance and
2 Administration Fund as provided in this Section, the
3 Department shall pay each month into the Road Fund the amount
4 estimated to represent 48% of the net revenue realized from
5 the taxes imposed on motor fuel and gasohol. Beginning July 1,
6 2024 and until July 1, 2025, subject to the payment of amounts
7 into the State and Local Sales Tax Reform Fund, the Build
8 Illinois Fund, the McCormick Place Expansion Project Fund, the
9 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
10 and the Tax Compliance and Administration Fund as provided in
11 this Section, the Department shall pay each month into the
12 Road Fund the amount estimated to represent 64% of the net
13 revenue realized from the taxes imposed on motor fuel and
14 gasohol. Beginning on July 1, 2025, subject to the payment of
15 amounts into the State and Local Sales Tax Reform Fund, the
16 Build Illinois Fund, the McCormick Place Expansion Project
17 Fund, the Illinois Tax Increment Fund, the Energy
18 Infrastructure Fund, and the Tax Compliance and Administration
19 Fund as provided in this Section, the Department shall pay
20 each month into the Road Fund the amount estimated to
21 represent 80% of the net revenue realized from the taxes
22 imposed on motor fuel and gasohol. As used in this paragraph
23 "motor fuel" has the meaning given to that term in Section 1.1
24 of the Motor Fuel Tax Law, and "gasohol" has the meaning given
25 to that term in Section 3-40 of the Use Tax Act.

26 Of the remainder of the moneys received by the Department

1 pursuant to this Act, 75% thereof shall be paid into the
2 General Revenue Fund of the State Treasury and 25% shall be
3 reserved in a special account and used only for the transfer to
4 the Common School Fund as part of the monthly transfer from the
5 General Revenue Fund in accordance with Section 8a of the
6 State Finance Act.

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

14 Net revenue realized for a month shall be the revenue
15 collected by the State pursuant to this Act, less the amount
16 paid out during that month as refunds to taxpayers for
17 overpayment of liability.

18 (Source: P.A. 101-10, Article 15, Section 15-15, eff. 6-5-19;
19 101-10, Article 25, Section 25-110, eff. 6-5-19; 101-27, eff.
20 6-25-19; 101-32, eff. 6-28-19; 101-604, eff. 12-13-19;
21 101-636, eff. 6-10-20; 102-700, eff. 4-19-22.)

22 Section 15. The Service Occupation Tax Act is amended by
23 changing Sections 3-10 and 9 as follows:

24 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

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

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

23 With respect to gasohol, as defined in the Use Tax Act, the
24 tax imposed by this Act shall apply to (i) 70% of the cost
25 price of property transferred as an incident to the sale of
26 service on or after January 1, 1990, and before July 1, 2003,

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

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

14 With respect to biodiesel blends, as defined in the Use
15 Tax Act, with no less than 1% and no more than 10% biodiesel,
16 the tax imposed by this Act applies to (i) 80% of the selling
17 price of property transferred as an incident to the sale of
18 service on or after July 1, 2003 and on or before December 31,
19 2018 and (ii) 100% of the proceeds of the selling price after
20 December 31, 2018 and before January 1, 2024. On and after
21 January 1, 2024 and on or before December 31, 2030, the
22 taxation of biodiesel, renewable diesel, and biodiesel blends
23 shall be as provided in Section 3-5.1 of the Use Tax Act. If,
24 at any time, however, the tax under this Act on sales of
25 biodiesel blends, as defined in the Use Tax Act, with no less
26 than 1% and no more than 10% biodiesel is imposed at the rate

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

4 With respect to biodiesel, as defined in the Use Tax Act,
5 and biodiesel blends, as defined in the Use Tax Act, with more
6 than 10% but no more than 99% biodiesel material, the tax
7 imposed by this Act does not apply to the proceeds of the
8 selling price of property transferred as an incident to the
9 sale of service on or after July 1, 2003 and on or before
10 December 31, 2023. On and after January 1, 2024 and on or
11 before December 31, 2030, the taxation of biodiesel, renewable
12 diesel, and biodiesel blends shall be as provided in Section
13 3-5.1 of the Use Tax Act.

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

24 Until July 1, 2022 and beginning again on July 1, 2023, the
25 tax shall be imposed at the rate of 1% on food prepared for
26 immediate consumption and transferred incident to a sale of

1 service subject to this Act or the Service Use Tax Act by an
2 entity licensed under the Hospital Licensing Act, the Nursing
3 Home Care Act, the Assisted Living and Shared Housing Act, the
4 ID/DD Community Care Act, the MC/DD Act, the Specialized
5 Mental Health Rehabilitation Act of 2013, or the Child Care
6 Act of 1969, or an entity that holds a permit issued pursuant
7 to the Life Care Facilities Act. Until July 1, 2022 and
8 beginning again on July 1, 2023, the tax shall also be imposed
9 at the rate of 1% on food for human consumption that is to be
10 consumed off the premises where it is sold (other than
11 alcoholic beverages, food consisting of or infused with adult
12 use cannabis, soft drinks, and food that has been prepared for
13 immediate consumption and is not otherwise included in this
14 paragraph).

15 Beginning on July 1, 2022 and until July 1, 2023, the tax
16 shall be imposed at the rate of 0% on food prepared for
17 immediate consumption and transferred incident to a sale of
18 service subject to this Act or the Service Use Tax Act by an
19 entity licensed under the Hospital Licensing Act, the Nursing
20 Home Care Act, the Assisted Living and Shared Housing Act, the
21 ID/DD Community Care Act, the MC/DD Act, the Specialized
22 Mental Health Rehabilitation Act of 2013, or the Child Care
23 Act of 1969, or an entity that holds a permit issued pursuant
24 to the Life Care Facilities Act. Beginning July 1, 2022 and
25 until July 1, 2023, the tax shall also be imposed at the rate
26 of 0% on food for human consumption that is to be consumed off

1 the premises where it is sold (other than alcoholic beverages,
2 food consisting of or infused with adult use cannabis, soft
3 drinks, and food that has been prepared for immediate
4 consumption and is not otherwise included in this paragraph).

5 The tax shall also be imposed at the rate of 1% on
6 prescription and nonprescription medicines, drugs, medical
7 appliances, products classified as Class III medical devices
8 by the United States Food and Drug Administration that are
9 used for cancer treatment pursuant to a prescription, as well
10 as any accessories and components related to those devices,
11 modifications to a motor vehicle for the purpose of rendering
12 it usable by a person with a disability, and insulin, blood
13 sugar testing materials, syringes, and needles used by human
14 diabetics. For the purposes of this Section, until September
15 1, 2009: the term "soft drinks" means any complete, finished,
16 ready-to-use, non-alcoholic drink, whether carbonated or not,
17 including, but not limited to, soda water, cola, fruit juice,
18 vegetable juice, carbonated water, and all other preparations
19 commonly known as soft drinks of whatever kind or description
20 that are contained in any closed or sealed can, carton, or
21 container, regardless of size; but "soft drinks" does not
22 include coffee, tea, non-carbonated water, infant formula,
23 milk or milk products as defined in the Grade A Pasteurized
24 Milk and Milk Products Act, or drinks containing 50% or more
25 natural fruit or vegetable juice.

26 Notwithstanding any other provisions of this Act,

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

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

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

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

- 14 (A) a ~~A~~ "Drug Facts" panel; or
15 (B) a ~~A~~ statement of the "active ingredient(s)" with a
16 list of those ingredients contained in the compound,
17 substance or preparation.

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

23 As used in this Section, "adult use cannabis" means
24 cannabis subject to tax under the Cannabis Cultivation
25 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law
26 and does not include cannabis subject to tax under the

1 Compassionate Use of Medical Cannabis Program Act.

2 Beginning on January 1, 2024, in addition to the 6.25%
3 general rate of tax imposed under this Act, a tax of 3% is
4 imposed on the selling price of ground-based sparklers that
5 are excluded from the definition of "fireworks" set forth in
6 Section 2 of the Fireworks Regulation Act of Illinois.

7 (Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19;
8 102-4, eff. 4-27-21; 102-16, eff. 6-17-21; 102-700, Article
9 20, Section 20-15, eff. 4-19-22; 102-700, Article 60, Section
10 60-25, eff. 4-19-22; revised 6-1-22.)

11 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

12 Sec. 9. Each serviceman required or authorized to collect
13 the tax herein imposed shall pay to the Department the amount
14 of such tax at the time when he is required to file his return
15 for the period during which such tax was collectible, less a
16 discount of 2.1% prior to January 1, 1990, and 1.75% on and
17 after January 1, 1990, or \$5 per calendar year, whichever is
18 greater, which is allowed to reimburse the serviceman for
19 expenses incurred in collecting the tax, keeping records,
20 preparing and filing returns, remitting the tax and supplying
21 data to the Department on request. When determining the
22 discount allowed under this Section, servicemen shall include
23 the amount of tax that would have been due at the 1% rate but
24 for the 0% rate imposed under this amendatory Act of the 102nd
25 General Assembly. The discount under this Section is not

1 allowed for the 1.25% portion of taxes paid on aviation fuel
2 that is subject to the revenue use requirements of 49 U.S.C.
3 47107(b) and 49 U.S.C. 47133. The discount allowed under this
4 Section is allowed only for returns that are filed in the
5 manner required by this Act. The Department may disallow the
6 discount for servicemen whose certificate of registration is
7 revoked at the time the return is filed, but only if the
8 Department's decision to revoke the certificate of
9 registration has become final.

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

18 Except as provided hereinafter in this Section, on or
19 before the twentieth day of each calendar month, such
20 serviceman shall file a return for the preceding calendar
21 month in accordance with reasonable rules and regulations to
22 be promulgated by the Department of Revenue. Such return shall
23 be filed on a form prescribed by the Department and shall
24 contain such information as the Department may reasonably
25 require. The return shall include the gross receipts which
26 were received during the preceding calendar month or quarter

1 on the following items upon which tax would have been due but
2 for the 0% rate imposed under this amendatory Act of the 102nd
3 General Assembly: (i) food for human consumption that is to be
4 consumed off the premises where it is sold (other than
5 alcoholic beverages, food consisting of or infused with adult
6 use cannabis, soft drinks, and food that has been prepared for
7 immediate consumption); and (ii) food prepared for immediate
8 consumption and transferred incident to a sale of service
9 subject to this Act or the Service Use Tax Act by an entity
10 licensed under the Hospital Licensing Act, the Nursing Home
11 Care Act, the Assisted Living and Shared Housing Act, the
12 ID/DD Community Care Act, the MC/DD Act, the Specialized
13 Mental Health Rehabilitation Act of 2013, or the Child Care
14 Act of 1969, or an entity that holds a permit issued pursuant
15 to the Life Care Facilities Act. The return shall also include
16 the amount of tax that would have been due on the items listed
17 in the previous sentence but for the 0% rate imposed under this
18 amendatory Act of the 102nd General Assembly.

19 On and after January 1, 2018, with respect to servicemen
20 whose annual gross receipts average \$20,000 or more, all
21 returns required to be filed pursuant to this Act shall be
22 filed electronically. Servicemen who demonstrate that they do
23 not have access to the Internet or demonstrate hardship in
24 filing electronically may petition the Department to waive the
25 electronic filing requirement.

26 The Department may require returns to be filed on a

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

7 1. The name of the seller;

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

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

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

17 5. The amount of tax due;

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

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

21 Each serviceman required or authorized to collect the tax
22 herein imposed on aviation fuel acquired as an incident to the
23 purchase of a service in this State during the preceding
24 calendar month shall, instead of reporting and paying tax as
25 otherwise required by this Section, report and pay such tax on
26 a separate aviation fuel tax return. The requirements related

1 to the return shall be as otherwise provided in this Section.
2 Notwithstanding any other provisions of this Act to the
3 contrary, servicemen transferring aviation fuel incident to
4 sales of service shall file all aviation fuel tax returns and
5 shall make all aviation fuel tax payments by electronic means
6 in the manner and form required by the Department. For
7 purposes of this Section, "aviation fuel" means jet fuel and
8 aviation gasoline.

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

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

18 Prior to October 1, 2003, and on and after September 1,
19 2004 a serviceman may accept a Manufacturer's Purchase Credit
20 certification from a purchaser in satisfaction of Service Use
21 Tax as provided in Section 3-70 of the Service Use Tax Act if
22 the purchaser provides the appropriate documentation as
23 required by Section 3-70 of the Service Use Tax Act. A
24 Manufacturer's Purchase Credit certification, accepted prior
25 to October 1, 2003 or on or after September 1, 2004 by a
26 serviceman as provided in Section 3-70 of the Service Use Tax

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

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

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

1 a given year being due by January 20 of the following year.

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

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

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

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

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

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

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

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

26 Where a serviceman collects the tax with respect to the

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

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

24 Where the serviceman has more than one business registered
25 with the Department under separate registrations hereunder,
26 such serviceman shall file separate returns for each

1 registered business.

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

5 Beginning January 1, 1990, each month the Department shall
6 pay into the County and Mass Transit District Fund 4% of the
7 revenue realized for the preceding month from the 6.25%
8 general rate on sales of tangible personal property other than
9 aviation fuel sold on or after December 1, 2019. This
10 exception for aviation fuel only applies for so long as the
11 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
12 47133 are binding on the State.

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

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

25 For aviation fuel sold on or after December 1, 2019, each
26 month the Department shall pay into the State Aviation Program

1 Fund 20% of the net revenue realized for the preceding month
2 from the 6.25% general rate on the selling price of aviation
3 fuel, less an amount estimated by the Department to be
4 required for refunds of the 20% portion of the tax on aviation
5 fuel under this Act, which amount shall be deposited into the
6 Aviation Fuel Sales Tax Refund Fund. The Department shall only
7 pay moneys into the State Aviation Program Fund and the
8 Aviation Fuel Sales Tax Refund Fund under this Act for so long
9 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
10 U.S.C. 47133 are binding on the State.

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

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

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

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

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

16 Beginning on January 1, 2024, each month the Department
17 shall pay into the Fireman's Annuity and Benefit Fund and the
18 Firefighters' Pension Investment Fund, cumulatively, 50% of
19 the net revenue realized for the preceding month from the 3%
20 tax on the selling price of ground-based sparklers. The Board
21 of Trustees of the Firemen's Annuity and Benefit Fund and the
22 Board of Trustees of the Firefighters' Pension Investment Fund
23 shall each annually certify to the Department the average
24 total number of participants in their respective funds for the
25 immediately preceding calendar year. The certifications for
26 the 2024 calendar year shall be provided as soon as possible

1 after the effective date of this amendatory Act of the 103rd
2 General Assembly, and the certifications for the 2025 calendar
3 year and each calendar year thereafter shall be provided by
4 January 15 of the calendar year for which the certification is
5 made. Each of those funds shall receive a portion of the total
6 net revenue required to be deposited into those funds equal to
7 the particular fund's proportionate share of the total number
8 of participants in both funds. The Department shall pay the
9 remaining 50% of the net revenue realized for the preceding
10 month from the 3% tax on the selling price of ground-based
11 sparklers into the General Revenue Fund.

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

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

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

26 Subject to payment of amounts into the Build Illinois Fund

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

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

1	2006	113,000,000
2	2007	119,000,000
3	2008	126,000,000
4	2009	132,000,000
5	2010	139,000,000
6	2011	146,000,000
7	2012	153,000,000
8	2013	161,000,000
9	2014	170,000,000
10	2015	179,000,000
11	2016	189,000,000
12	2017	199,000,000
13	2018	210,000,000
14	2019	221,000,000
15	2020	233,000,000
16	2021	300,000,000
17	2022	300,000,000
18	2023	300,000,000
19	2024	300,000,000
20	2025	300,000,000
21	2026	300,000,000
22	2027	375,000,000
23	2028	375,000,000
24	2029	375,000,000
25	2030	375,000,000
26	2031	375,000,000

1	2032	375,000,000
2	2033	375,000,000
3	2034	375,000,000
4	2035	375,000,000
5	2036	450,000,000

6 and

7 each fiscal year

8 thereafter that bonds

9 are outstanding under

10 Section 13.2 of the

11 Metropolitan Pier and

12 Exposition Authority Act,

13 but not after fiscal year 2060.

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

1 Subject to payment of amounts into the Capital Projects
2 Fund, the Build Illinois Fund, and the McCormick Place
3 Expansion Project Fund pursuant to the preceding paragraphs or
4 in any amendments thereto hereafter enacted, for aviation fuel
5 sold on or after December 1, 2019, the Department shall each
6 month deposit into the Aviation Fuel Sales Tax Refund Fund an
7 amount estimated by the Department to be required for refunds
8 of the 80% portion of the tax on aviation fuel under this Act.
9 The Department shall only deposit moneys into the Aviation
10 Fuel Sales Tax Refund Fund under this paragraph for so long as
11 the revenue use requirements of 49 U.S.C. 47107(b) and 49
12 U.S.C. 47133 are binding on the State.

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

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

1 Energy Infrastructure Fund 80% of the net revenue realized
2 from the 6.25% general rate on the selling price of
3 Illinois-mined coal that was sold to an eligible business. For
4 purposes of this paragraph, the term "eligible business" means
5 a new electric generating facility certified pursuant to
6 Section 605-332 of the Department of Commerce and Economic
7 Opportunity Law of the Civil Administrative Code of Illinois.

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

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

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

1 "public-private agreement", and "public agency" have the
 2 meanings provided in Section 25-10 of the Public-Private
 3 Partnership for Civic and Transit Infrastructure Project Act.

4	Fiscal Year.....	Total Deposit
5	2024	\$200,000,000
6	2025	\$206,000,000
7	2026	\$212,200,000
8	2027	\$218,500,000
9	2028	\$225,100,000
10	2029	\$288,700,000
11	2030	\$298,900,000
12	2031	\$309,300,000
13	2032	\$320,100,000
14	2033	\$331,200,000
15	2034	\$341,200,000
16	2035	\$351,400,000
17	2036	\$361,900,000
18	2037	\$372,800,000
19	2038	\$384,000,000
20	2039	\$395,500,000
21	2040	\$407,400,000
22	2041	\$419,600,000
23	2042	\$432,200,000
24	2043	\$445,100,000

25 Beginning July 1, 2021 and until July 1, 2022, subject to
 26 the payment of amounts into the County and Mass Transit

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

1 2024 and until July 1, 2025, subject to the payment of amounts
2 into the County and Mass Transit District Fund, the Local
3 Government Tax Fund, the Build Illinois Fund, the McCormick
4 Place Expansion Project Fund, the Illinois Tax Increment Fund,
5 the Energy Infrastructure Fund, and the Tax Compliance and
6 Administration Fund as provided in this Section, the
7 Department shall pay each month into the Road Fund the amount
8 estimated to represent 64% of the net revenue realized from
9 the taxes imposed on motor fuel and gasohol. Beginning on July
10 1, 2025, subject to the payment of amounts into the County and
11 Mass Transit District Fund, the Local Government Tax Fund, the
12 Build Illinois Fund, the McCormick Place Expansion Project
13 Fund, the Illinois Tax Increment Fund, the Energy
14 Infrastructure Fund, and the Tax Compliance and Administration
15 Fund as provided in this Section, the Department shall pay
16 each month into the Road Fund the amount estimated to
17 represent 80% of the net revenue realized from the taxes
18 imposed on motor fuel and gasohol. As used in this paragraph
19 "motor fuel" has the meaning given to that term in Section 1.1
20 of the Motor Fuel Tax Law, and "gasohol" has the meaning given
21 to that term in Section 3-40 of the Use Tax Act.

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

1 Revenue Fund in accordance with Section 8a of the State
2 Finance Act.

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

26 If the annual information return required by this Section

1 is not filed when and as required, the taxpayer shall be liable
2 as follows:

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

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

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

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

25 As soon as possible after the first day of each month, upon
26 certification of the Department of Revenue, the Comptroller

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

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

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

18 (Source: P.A. 101-10, Article 15, Section 15-20, eff. 6-5-19;
19 101-10, Article 25, Section 25-115, eff. 6-5-19; 101-27, eff.
20 6-25-19; 101-32, eff. 6-28-19; 101-604, eff. 12-13-19;
21 101-636, eff. 6-10-20; 102-700, eff. 4-19-22.)

22 Section 20. The Retailers' Occupation Tax Act is amended
23 by changing Sections 2-10 and 3 as follows:

24 (35 ILCS 120/2-10)

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

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

9 Beginning on August 6, 2010 through August 15, 2010, and
10 beginning again on August 5, 2022 through August 14, 2022,
11 with respect to sales tax holiday items as defined in Section
12 2-8 of this Act, the tax is imposed at the rate of 1.25%.

13 Within 14 days after July 1, 2000 (the effective date of
14 Public Act 91-872) ~~this amendatory Act of the 91st General~~
15 ~~Assembly~~, each retailer of motor fuel and gasohol shall cause
16 the following notice to be posted in a prominently visible
17 place on each retail dispensing device that is used to
18 dispense motor fuel or gasohol in the State of Illinois: "As of
19 July 1, 2000, the State of Illinois has eliminated the State's
20 share of sales tax on motor fuel and gasohol through December
21 31, 2000. The price on this pump should reflect the
22 elimination of the tax." The notice shall be printed in bold
23 print on a sign that is no smaller than 4 inches by 8 inches.
24 The sign shall be clearly visible to customers. Any retailer
25 who fails to post or maintain a required sign through December
26 31, 2000 is guilty of a petty offense for which the fine shall

1 be \$500 per day per each retail premises where a violation
2 occurs.

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

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

18 With respect to biodiesel blends, as defined in the Use
19 Tax Act, with no less than 1% and no more than 10% biodiesel,
20 the tax imposed by this Act applies to (i) 80% of the proceeds
21 of sales made on or after July 1, 2003 and on or before
22 December 31, 2018 and (ii) 100% of the proceeds of sales made
23 after December 31, 2018 and before January 1, 2024. On and
24 after January 1, 2024 and on or before December 31, 2030, the
25 taxation of biodiesel, renewable diesel, and biodiesel blends
26 shall be as provided in Section 3-5.1 of the Use Tax Act. If,

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

7 With respect to biodiesel, as defined in the Use Tax Act,
8 and biodiesel blends, as defined in the Use Tax Act, with more
9 than 10% but no more than 99% biodiesel, the tax imposed by
10 this Act does not apply to the proceeds of sales made on or
11 after July 1, 2003 and on or before December 31, 2023. On and
12 after January 1, 2024 and on or before December 31, 2030, the
13 taxation of biodiesel, renewable diesel, and biodiesel blends
14 shall be as provided in Section 3-5.1 of the Use Tax Act.

15 Until July 1, 2022 and beginning again on July 1, 2023,
16 with respect to food for human consumption that is to be
17 consumed off the premises where it is sold (other than
18 alcoholic beverages, food consisting of or infused with adult
19 use cannabis, soft drinks, and food that has been prepared for
20 immediate consumption), the tax is imposed at the rate of 1%.
21 Beginning July 1, 2022 and until July 1, 2023, with respect to
22 food for human consumption that is to be consumed off the
23 premises where it is sold (other than alcoholic beverages,
24 food consisting of or infused with adult use cannabis, soft
25 drinks, and food that has been prepared for immediate
26 consumption), the tax is imposed at the rate of 0%.

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

22 Notwithstanding any other provisions of this Act,
23 beginning September 1, 2009, "soft drinks" means non-alcoholic
24 beverages that contain natural or artificial sweeteners. "Soft
25 drinks" does ~~do~~ not include beverages that contain milk or
26 milk products, soy, rice or similar milk substitutes, or

1 greater than 50% of vegetable or fruit juice by volume.

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

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

23 Notwithstanding any other provisions of this Act,
24 beginning September 1, 2009, "nonprescription medicines and
25 drugs" does not include grooming and hygiene products. For
26 purposes of this Section, "grooming and hygiene products"

1 includes, but is not limited to, soaps and cleaning solutions,
2 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
3 lotions and screens, unless those products are available by
4 prescription only, regardless of whether the products meet the
5 definition of "over-the-counter-drugs". For the purposes of
6 this paragraph, "over-the-counter-drug" means a drug for human
7 use that contains a label that identifies the product as a drug
8 as required by 21 CFR ~~C.F.R. §~~ 201.66. The
9 "over-the-counter-drug" label includes:

10 (A) a ~~A~~ "Drug Facts" panel; or

11 (B) a ~~A~~ statement of the "active ingredient(s)" with a
12 list of those ingredients contained in the compound,
13 substance or preparation.

14 Beginning on January 1, 2014 (the effective date of Public
15 Act 98-122) ~~this amendatory Act of the 98th General Assembly,~~
16 "prescription and nonprescription medicines and drugs"
17 includes medical cannabis purchased from a registered
18 dispensing organization under the Compassionate Use of Medical
19 Cannabis Program Act.

20 As used in this Section, "adult use cannabis" means
21 cannabis subject to tax under the Cannabis Cultivation
22 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law
23 and does not include cannabis subject to tax under the
24 Compassionate Use of Medical Cannabis Program Act.

25 Beginning on January 1, 2024, in addition to the 6.25%
26 general rate of tax imposed under this Act, a tax of 3% is

1 imposed on the gross receipts from sales of ground-based
2 sparklers that are excluded from the definition of "fireworks"
3 set forth in Section 2 of the Fireworks Regulation Act of
4 Illinois.

5 (Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19;
6 102-4, eff. 4-27-21; 102-700, Article 20, Section 20-20, eff.
7 4-19-22; 102-700, Article 60, Section 60-30, eff. 4-19-22;
8 102-700, Article 65, Section 65-10, eff. 4-19-22; revised
9 6-1-22.)

10 (35 ILCS 120/3) (from Ch. 120, par. 442)

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

16 1. The name of the seller;

17 2. His residence address and the address of his
18 principal place of business and the address of the
19 principal place of business (if that is a different
20 address) from which he engages in the business of selling
21 tangible personal property at retail in this State;

22 3. Total amount of receipts received by him during the
23 preceding calendar month or quarter, as the case may be,
24 from sales of tangible personal property, and from
25 services furnished, by him during such preceding calendar

1 month or quarter;

2 4. Total amount received by him during the preceding
3 calendar month or quarter on charge and time sales of
4 tangible personal property, and from services furnished,
5 by him prior to the month or quarter for which the return
6 is filed;

7 5. Deductions allowed by law;

8 6. Gross receipts which were received by him during
9 the preceding calendar month or quarter and upon the basis
10 of which the tax is imposed, including gross receipts on
11 food for human consumption that is to be consumed off the
12 premises where it is sold (other than alcoholic beverages,
13 food consisting of or infused with adult use cannabis,
14 soft drinks, and food that has been prepared for immediate
15 consumption) which were received during the preceding
16 calendar month or quarter and upon which tax would have
17 been due but for the 0% rate imposed under Public Act
18 102-700 ~~this amendatory Act of the 102nd General Assembly;~~

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

21 8. The amount of tax due, including the amount of tax
22 that would have been due on food for human consumption
23 that is to be consumed off the premises where it is sold
24 (other than alcoholic beverages, food consisting of or
25 infused with adult use cannabis, soft drinks, and food
26 that has been prepared for immediate consumption) but for

1 the 0% rate imposed under Public Act 102-700 ~~this~~
2 ~~amendatory Act of the 102nd General Assembly;~~

3 9. The signature of the taxpayer; and

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

6 On and after January 1, 2018, except for returns required
7 to be filed prior to January 1, 2023 for motor vehicles,
8 watercraft, aircraft, and trailers that are required to be
9 registered with an agency of this State, with respect to
10 retailers whose annual gross receipts average \$20,000 or more,
11 all returns required to be filed pursuant to this Act shall be
12 filed electronically. On and after January 1, 2023, with
13 respect to retailers whose annual gross receipts average
14 \$20,000 or more, all returns required to be filed pursuant to
15 this Act, including, but not limited to, returns for motor
16 vehicles, watercraft, aircraft, and trailers that are required
17 to be registered with an agency of this State, shall be filed
18 electronically. Retailers who demonstrate that they do not
19 have access to the Internet or demonstrate hardship in filing
20 electronically may petition the Department to waive the
21 electronic filing requirement.

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

26 Each return shall be accompanied by the statement of

1 prepaid tax issued pursuant to Section 2e for which credit is
2 claimed.

3 Prior to October 1, 2003, and on and after September 1,
4 2004 a retailer may accept a Manufacturer's Purchase Credit
5 certification from a purchaser in satisfaction of Use Tax as
6 provided in Section 3-85 of the Use Tax Act if the purchaser
7 provides the appropriate documentation as required by Section
8 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
9 certification, accepted by a retailer prior to October 1, 2003
10 and on and after September 1, 2004 as provided in Section 3-85
11 of the Use Tax Act, may be used by that retailer to satisfy
12 Retailers' Occupation Tax liability in the amount claimed in
13 the certification, not to exceed 6.25% of the receipts subject
14 to tax from a qualifying purchase. A Manufacturer's Purchase
15 Credit reported on any original or amended return filed under
16 this Act after October 20, 2003 for reporting periods prior to
17 September 1, 2004 shall be disallowed. Manufacturer's Purchase
18 Credit reported on annual returns due on or after January 1,
19 2005 will be disallowed for periods prior to September 1,
20 2004. No Manufacturer's Purchase Credit may be used after
21 September 30, 2003 through August 31, 2004 to satisfy any tax
22 liability imposed under this Act, including any audit
23 liability.

24 The Department may require returns to be filed on a
25 quarterly basis. If so required, a return for each calendar
26 quarter shall be filed on or before the twentieth day of the

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

5 1. The name of the seller;

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

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

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

16 5. The amount of tax due; and

17 6. Such other reasonable information as the Department
18 may require.

19 Every person engaged in the business of selling aviation
20 fuel at retail in this State during the preceding calendar
21 month shall, instead of reporting and paying tax as otherwise
22 required by this Section, report and pay such tax on a separate
23 aviation fuel tax return. The requirements related to the
24 return shall be as otherwise provided in this Section.
25 Notwithstanding any other provisions of this Act to the
26 contrary, retailers selling aviation fuel shall file all

1 aviation fuel tax returns and shall make all aviation fuel tax
2 payments by electronic means in the manner and form required
3 by the Department. For purposes of this Section, "aviation
4 fuel" means jet fuel and aviation gasoline.

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

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

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

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

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

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

4 Beginning October 1, 1993, a taxpayer who has an average
5 monthly tax liability of \$150,000 or more shall make all
6 payments required by rules of the Department by electronic
7 funds transfer. Beginning October 1, 1994, a taxpayer who has
8 an average monthly tax liability of \$100,000 or more shall
9 make all payments required by rules of the Department by
10 electronic funds transfer. Beginning October 1, 1995, a
11 taxpayer who has an average monthly tax liability of \$50,000
12 or more shall make all payments required by rules of the
13 Department by electronic funds transfer. Beginning October 1,
14 2000, a taxpayer who has an annual tax liability of \$200,000 or
15 more shall make all payments required by rules of the
16 Department by electronic funds transfer. The term "annual tax
17 liability" shall be the sum of the taxpayer's liabilities
18 under this Act, and under all other State and local occupation
19 and use tax laws administered by the Department, for the
20 immediately preceding calendar year. The term "average monthly
21 tax liability" shall be the sum of the taxpayer's liabilities
22 under this Act, and under all other State and local occupation
23 and use tax laws administered by the Department, for the
24 immediately preceding calendar year divided by 12. Beginning
25 on October 1, 2002, a taxpayer who has a tax liability in the
26 amount set forth in subsection (b) of Section 2505-210 of the

1 Department of Revenue Law shall make all payments required by
2 rules of the Department by electronic funds transfer.

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

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

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

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

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

25 If the retailer is otherwise required to file a monthly
26 return and if the retailer's average monthly tax liability to

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

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

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

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

26 Where the same person has more than one business

1 registered with the Department under separate registrations
2 under this Act, such person may not file each return that is
3 due as a single return covering all such registered
4 businesses, but shall file separate returns for each such
5 registered business.

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

1 3-2 of the Boat Registration and Safety Act, a personal
2 watercraft, or any boat equipped with an inboard motor.

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

19 Any retailer who sells only motor vehicles, watercraft,
20 aircraft, or trailers that are required to be registered with
21 an agency of this State, so that all retailers' occupation tax
22 liability is required to be reported, and is reported, on such
23 transaction reporting returns and who is not otherwise
24 required to file monthly or quarterly returns, need not file
25 monthly or quarterly returns. However, those retailers shall
26 be required to file returns on an annual basis.

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

22 The transaction reporting return in the case of watercraft
23 or aircraft must show the name and address of the seller; the
24 name and address of the purchaser; the amount of the selling
25 price including the amount allowed by the retailer for
26 traded-in property, if any; the amount allowed by the retailer

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

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

25 With each such transaction reporting return, the retailer
26 shall remit the proper amount of tax due (or shall submit

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

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

20 If the user who would otherwise pay tax to the retailer
21 wants the transaction reporting return filed and the payment
22 of the tax or proof of exemption made to the Department before
23 the retailer is willing to take these actions and such user has
24 not paid the tax to the retailer, such user may certify to the
25 fact of such delay by the retailer and may (upon the Department
26 being satisfied of the truth of such certification) transmit

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

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

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

24 Where the seller is a limited liability company, the
25 return filed on behalf of the limited liability company shall
26 be signed by a manager, member, or properly accredited agent

1 of the limited liability company.

2 Except as provided in this Section, the retailer filing
3 the return under this Section shall, at the time of filing such
4 return, pay to the Department the amount of tax imposed by this
5 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
6 on and after January 1, 1990, or \$5 per calendar year,
7 whichever is greater, which is allowed to reimburse the
8 retailer for the expenses incurred in keeping records,
9 preparing and filing returns, remitting the tax and supplying
10 data to the Department on request. On and after January 1,
11 2021, a certified service provider, as defined in the Leveling
12 the Playing Field for Illinois Retail Act, filing the return
13 under this Section on behalf of a remote retailer shall, at the
14 time of such return, pay to the Department the amount of tax
15 imposed by this Act less a discount of 1.75%. A remote retailer
16 using a certified service provider to file a return on its
17 behalf, as provided in the Leveling the Playing Field for
18 Illinois Retail Act, is not eligible for the discount. When
19 determining the discount allowed under this Section, retailers
20 shall include the amount of tax that would have been due at the
21 1% rate but for the 0% rate imposed under Public Act 102-700
22 ~~this amendatory Act of the 102nd General Assembly~~. When
23 determining the discount allowed under this Section, retailers
24 shall include the amount of tax that would have been due at the
25 6.25% rate but for the 1.25% rate imposed on sales tax holiday
26 items under Public Act 102-700 ~~this amendatory Act of the~~

1 ~~102nd General Assembly~~. The discount under this Section is not
2 allowed for the 1.25% portion of taxes paid on aviation fuel
3 that is subject to the revenue use requirements of 49 U.S.C.
4 47107(b) and 49 U.S.C. 47133. Any prepayment made pursuant to
5 Section 2d of this Act shall be included in the amount on which
6 such 2.1% or 1.75% discount is computed. In the case of
7 retailers who report and pay the tax on a transaction by
8 transaction basis, as provided in this Section, such discount
9 shall be taken with each such tax remittance instead of when
10 such retailer files his periodic return. The discount allowed
11 under this Section is allowed only for returns that are filed
12 in the manner required by this Act. The Department may
13 disallow the discount for retailers whose certificate of
14 registration is revoked at the time the return is filed, but
15 only if the Department's decision to revoke the certificate of
16 registration has become final.

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

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

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

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

1 The Department shall change such taxpayer's reporting status
2 unless it finds that such change is seasonal in nature and not
3 likely to be long term. Quarter monthly payment status shall
4 be determined under this paragraph as if the rate reduction to
5 0% in Public Act 102-700 ~~this amendatory Act of the 102nd~~
6 ~~General Assembly~~ on food for human consumption that is to be
7 consumed off the premises where it is sold (other than
8 alcoholic beverages, food consisting of or infused with adult
9 use cannabis, soft drinks, and food that has been prepared for
10 immediate consumption) had not occurred. For quarter monthly
11 payments due under this paragraph on or after July 1, 2023 and
12 through June 30, 2024, "25% of the taxpayer's liability for
13 the same calendar month of the preceding year" shall be
14 determined as if the rate reduction to 0% in Public Act 102-700
15 ~~this amendatory Act of the 102nd General Assembly~~ had not
16 occurred. Quarter monthly payment status shall be determined
17 under this paragraph as if the rate reduction to 1.25% in
18 Public Act 102-700 ~~this amendatory Act of the 102nd General~~
19 ~~Assembly~~ on sales tax holiday items had not occurred. For
20 quarter monthly payments due on or after July 1, 2023 and
21 through June 30, 2024, "25% of the taxpayer's liability for
22 the same calendar month of the preceding year" shall be
23 determined as if the rate reduction to 1.25% in Public Act
24 102-700 ~~this amendatory Act of the 102nd General Assembly~~ on
25 sales tax holiday items had not occurred. If any such quarter
26 monthly payment is not paid at the time or in the amount

1 required by this Section, then the taxpayer shall be liable
2 for penalties and interest on the difference between the
3 minimum amount due as a payment and the amount of such quarter
4 monthly payment actually and timely paid, except insofar as
5 the taxpayer has previously made payments for that month to
6 the Department in excess of the minimum payments previously
7 due as provided in this Section. The Department shall make
8 reasonable rules and regulations to govern the quarter monthly
9 payment amount and quarter monthly payment dates for taxpayers
10 who file on other than a calendar monthly basis.

11 The provisions of this paragraph apply before October 1,
12 2001. Without regard to whether a taxpayer is required to make
13 quarter monthly payments as specified above, any taxpayer who
14 is required by Section 2d of this Act to collect and remit
15 prepaid taxes and has collected prepaid taxes which average in
16 excess of \$25,000 per month during the preceding 2 complete
17 calendar quarters, shall file a return with the Department as
18 required by Section 2f and shall make payments to the
19 Department on or before the 7th, 15th, 22nd and last day of the
20 month during which such liability is incurred. If the month
21 during which such tax liability is incurred began prior to
22 September 1, 1985 (the effective date of Public Act 84-221),
23 each payment shall be in an amount not less than 22.5% of the
24 taxpayer's actual liability under Section 2d. If the month
25 during which such tax liability is incurred begins on or after
26 January 1, 1986, each payment shall be in an amount equal to

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

21 The provisions of this paragraph apply on and after
22 October 1, 2001. Without regard to whether a taxpayer is
23 required to make quarter monthly payments as specified above,
24 any taxpayer who is required by Section 2d of this Act to
25 collect and remit prepaid taxes and has collected prepaid
26 taxes that average in excess of \$20,000 per month during the

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

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

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

21 If a retailer of motor fuel is entitled to a credit under
22 Section 2d of this Act which exceeds the taxpayer's liability
23 to the Department under this Act for the month for which the
24 taxpayer is filing a return, the Department shall issue the
25 taxpayer a credit memorandum for the excess.

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

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

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

13 Beginning August 1, 2000, each month the Department shall
14 pay into the County and Mass Transit District Fund 20% of the
15 net revenue realized for the preceding month from the 1.25%
16 rate on the selling price of motor fuel and gasohol. If, in any
17 month, the tax on sales tax holiday items, as defined in
18 Section 2-8, is imposed at the rate of 1.25%, then the
19 Department shall pay 20% of the net revenue realized for that
20 month from the 1.25% rate on the selling price of sales tax
21 holiday items into the County and Mass Transit District Fund.

22 Beginning January 1, 1990, each month the Department shall
23 pay into the Local Government Tax Fund 16% of the net revenue
24 realized for the preceding month from the 6.25% general rate
25 on the selling price of tangible personal property other than
26 aviation fuel sold on or after December 1, 2019. This

1 exception for aviation fuel only applies for so long as the
2 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
3 47133 are binding on the State.

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

16 Beginning August 1, 2000, each month the Department shall
17 pay into the Local Government Tax Fund 80% of the net revenue
18 realized for the preceding month from the 1.25% rate on the
19 selling price of motor fuel and gasohol. If, in any month, the
20 tax on sales tax holiday items, as defined in Section 2-8, is
21 imposed at the rate of 1.25%, then the Department shall pay 80%
22 of the net revenue realized for that month from the 1.25% rate
23 on the selling price of sales tax holiday items into the Local
24 Government Tax Fund.

25 Beginning October 1, 2009, each month the Department shall
26 pay into the Capital Projects Fund an amount that is equal to

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

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

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

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

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

9 Beginning on January 1, 2024, each month the Department
10 shall pay into the Fireman's Annuity and Benefit Fund and the
11 Firefighters' Pension Investment Fund, cumulatively, 50% of
12 the net revenue realized for the preceding month from the 3%
13 tax on the gross receipts from sales of ground-based
14 sparklers. The Board of Trustees of the Firemen's Annuity and
15 Benefit Fund and the Board of Trustees of the Firefighters'
16 Pension Investment Fund shall each annually certify to the
17 Department the average total number of participants in their
18 respective funds for the immediately preceding calendar year.
19 The certifications for the 2024 calendar year shall be
20 provided as soon as possible after the effective date of this
21 amendatory Act of the 103rd General Assembly, and the
22 certifications for the 2025 calendar year and each calendar
23 year thereafter shall be provided by January 15 of the
24 calendar year for which the certification is made. Each of
25 those funds shall receive a portion of the total net revenue
26 required to be deposited into those funds equal to the

1 particular fund's proportionate share of the total number of
2 participants in both funds. The Department shall pay the
3 remaining 50% of the net revenue realized for the preceding
4 month from the 3% tax on the gross receipts from sales of
5 ground-based sparklers into the General Revenue Fund.

6 Of the remainder of the moneys received by the Department
7 pursuant to this Act, (a) 1.75% thereof shall be paid into the
8 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
9 and after July 1, 1989, 3.8% thereof shall be paid into the
10 Build Illinois Fund; provided, however, that if in any fiscal
11 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
12 may be, of the moneys received by the Department and required
13 to be paid into the Build Illinois Fund pursuant to this Act,
14 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
15 Act, and Section 9 of the Service Occupation Tax Act, such Acts
16 being hereinafter called the "Tax Acts" and such aggregate of
17 2.2% or 3.8%, as the case may be, of moneys being hereinafter
18 called the "Tax Act Amount", and (2) the amount transferred to
19 the Build Illinois Fund from the State and Local Sales Tax
20 Reform Fund shall be less than the Annual Specified Amount (as
21 hereinafter defined), an amount equal to the difference shall
22 be immediately paid into the Build Illinois Fund from other
23 moneys received by the Department pursuant to the Tax Acts;
24 the "Annual Specified Amount" means the amounts specified
25 below for fiscal years 1986 through 1993:

26 Fiscal Year

Annual Specified Amount

1	1986	\$54,800,000
2	1987	\$76,650,000
3	1988	\$80,480,000
4	1989	\$88,510,000
5	1990	\$115,330,000
6	1991	\$145,470,000
7	1992	\$182,730,000
8	1993	\$206,520,000;

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

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

1 pursuant to that clause (b). The moneys received by the
2 Department pursuant to this Act and required to be deposited
3 into the Build Illinois Fund are subject to the pledge, claim
4 and charge set forth in Section 12 of the Build Illinois Bond
5 Act.

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

18	Fiscal Year	Total Deposit
19	1993	\$0
20	1994	53,000,000
21	1995	58,000,000
22	1996	61,000,000
23	1997	64,000,000
24	1998	68,000,000
25	1999	71,000,000
26	2000	75,000,000

1	2001	80,000,000
2	2002	93,000,000
3	2003	99,000,000
4	2004	103,000,000
5	2005	108,000,000
6	2006	113,000,000
7	2007	119,000,000
8	2008	126,000,000
9	2009	132,000,000
10	2010	139,000,000
11	2011	146,000,000
12	2012	153,000,000
13	2013	161,000,000
14	2014	170,000,000
15	2015	179,000,000
16	2016	189,000,000
17	2017	199,000,000
18	2018	210,000,000
19	2019	221,000,000
20	2020	233,000,000
21	2021	300,000,000
22	2022	300,000,000
23	2023	300,000,000
24	2024	300,000,000
25	2025	300,000,000
26	2026	300,000,000

1	2027	375,000,000
2	2028	375,000,000
3	2029	375,000,000
4	2030	375,000,000
5	2031	375,000,000
6	2032	375,000,000
7	2033	375,000,000
8	2034	375,000,000
9	2035	375,000,000
10	2036	450,000,000

11 and

12 each fiscal year

13 thereafter that bonds

14 are outstanding under

15 Section 13.2 of the

16 Metropolitan Pier and

17 Exposition Authority Act,

18 but not after fiscal year 2060.

19 Beginning July 20, 1993 and in each month of each fiscal
20 year thereafter, one-eighth of the amount requested in the
21 certificate of the Chairman of the Metropolitan Pier and
22 Exposition Authority for that fiscal year, less the amount
23 deposited into the McCormick Place Expansion Project Fund by
24 the State Treasurer in the respective month under subsection
25 (g) of Section 13 of the Metropolitan Pier and Exposition
26 Authority Act, plus cumulative deficiencies in the deposits

1 required under this Section for previous months and years,
2 shall be deposited into the McCormick Place Expansion Project
3 Fund, until the full amount requested for the fiscal year, but
4 not in excess of the amount specified above as "Total
5 Deposit", has been deposited.

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

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

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

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

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

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

15 Subject to successful execution and delivery of a
16 public-private agreement between the public agency and private
17 entity and completion of the civic build, beginning on July 1,
18 2023, of the remainder of the moneys received by the
19 Department under the Use Tax Act, the Service Use Tax Act, the
20 Service Occupation Tax Act, and this Act, the Department shall
21 deposit the following specified deposits in the aggregate from
22 collections under the Use Tax Act, the Service Use Tax Act, the
23 Service Occupation Tax Act, and the Retailers' Occupation Tax
24 Act, as required under Section 8.25g of the State Finance Act
25 for distribution consistent with the Public-Private
26 Partnership for Civic and Transit Infrastructure Project Act.

1 The moneys received by the Department pursuant to this Act and
 2 required to be deposited into the Civic and Transit
 3 Infrastructure Fund are subject to the pledge, claim and
 4 charge set forth in Section 25-55 of the Public-Private
 5 Partnership for Civic and Transit Infrastructure Project Act.
 6 As used in this paragraph, "civic build", "private entity",
 7 "public-private agreement", and "public agency" have the
 8 meanings provided in Section 25-10 of the Public-Private
 9 Partnership for Civic and Transit Infrastructure Project Act.

10	Fiscal Year.....	Total Deposit
11	2024	\$200,000,000
12	2025	\$206,000,000
13	2026	\$212,200,000
14	2027	\$218,500,000
15	2028	\$225,100,000
16	2029	\$288,700,000
17	2030	\$298,900,000
18	2031	\$309,300,000
19	2032	\$320,100,000
20	2033	\$331,200,000
21	2034	\$341,200,000
22	2035	\$351,400,000
23	2036	\$361,900,000
24	2037	\$372,800,000
25	2038	\$384,000,000
26	2039	\$395,500,000

1	2040	\$407,400,000
2	2041	\$419,600,000
3	2042	\$432,200,000
4	2043	\$445,100,000

5 Beginning July 1, 2021 and until July 1, 2022, subject to
6 the payment of amounts into the County and Mass Transit
7 District Fund, the Local Government Tax Fund, the Build
8 Illinois Fund, the McCormick Place Expansion Project Fund, the
9 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
10 and the Tax Compliance and Administration Fund as provided in
11 this Section, the Department shall pay each month into the
12 Road Fund the amount estimated to represent 16% of the net
13 revenue realized from the taxes imposed on motor fuel and
14 gasohol. Beginning July 1, 2022 and until July 1, 2023,
15 subject to the payment of amounts into the County and Mass
16 Transit District Fund, the Local Government Tax Fund, the
17 Build Illinois Fund, the McCormick Place Expansion Project
18 Fund, the Illinois Tax Increment Fund, the Energy
19 Infrastructure Fund, and the Tax Compliance and Administration
20 Fund as provided in this Section, the Department shall pay
21 each month into the Road Fund the amount estimated to
22 represent 32% of the net revenue realized from the taxes
23 imposed on motor fuel and gasohol. Beginning July 1, 2023 and
24 until July 1, 2024, subject to the payment of amounts into the
25 County and Mass Transit District Fund, the Local Government
26 Tax Fund, the Build Illinois Fund, the McCormick Place

1 Expansion Project Fund, the Illinois Tax Increment Fund, the
2 Energy Infrastructure Fund, and the Tax Compliance and
3 Administration Fund as provided in this Section, the
4 Department shall pay each month into the Road Fund the amount
5 estimated to represent 48% of the net revenue realized from
6 the taxes imposed on motor fuel and gasohol. Beginning July 1,
7 2024 and until July 1, 2025, subject to the payment of amounts
8 into the County and Mass Transit District Fund, the Local
9 Government Tax Fund, the Build Illinois Fund, the McCormick
10 Place Expansion Project Fund, the Illinois Tax Increment Fund,
11 the Energy Infrastructure Fund, and the Tax Compliance and
12 Administration Fund as provided in this Section, the
13 Department shall pay each month into the Road Fund the amount
14 estimated to represent 64% of the net revenue realized from
15 the taxes imposed on motor fuel and gasohol. Beginning on July
16 1, 2025, subject to the payment of amounts into the County and
17 Mass Transit District Fund, the Local Government Tax Fund, the
18 Build Illinois Fund, the McCormick Place Expansion Project
19 Fund, the Illinois Tax Increment Fund, the Energy
20 Infrastructure Fund, and the Tax Compliance and Administration
21 Fund as provided in this Section, the Department shall pay
22 each month into the Road Fund the amount estimated to
23 represent 80% of the net revenue realized from the taxes
24 imposed on motor fuel and gasohol. As used in this paragraph
25 "motor fuel" has the meaning given to that term in Section 1.1
26 of the Motor Fuel Tax Law, and "gasohol" has the meaning given

1 to that term in Section 3-40 of the Use Tax Act.

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

8 The Department may, upon separate written notice to a
9 taxpayer, require the taxpayer to prepare and file with the
10 Department on a form prescribed by the Department within not
11 less than 60 days after receipt of the notice an annual
12 information return for the tax year specified in the notice.
13 Such annual return to the Department shall include a statement
14 of gross receipts as shown by the retailer's last Federal
15 income tax return. If the total receipts of the business as
16 reported in the Federal income tax return do not agree with the
17 gross receipts reported to the Department of Revenue for the
18 same period, the retailer shall attach to his annual return a
19 schedule showing a reconciliation of the 2 amounts and the
20 reasons for the difference. The retailer's annual return to
21 the Department shall also disclose the cost of goods sold by
22 the retailer during the year covered by such return, opening
23 and closing inventories of such goods for such year, costs of
24 goods used from stock or taken from stock and given away by the
25 retailer during such year, payroll information of the
26 retailer's business during such year and any additional

1 reasonable information which the Department deems would be
2 helpful in determining the accuracy of the monthly, quarterly
3 or annual returns filed by such retailer as provided for in
4 this Section.

5 If the annual information return required by this Section
6 is not filed when and as required, the taxpayer shall be liable
7 as follows:

8 (i) Until January 1, 1994, the taxpayer shall be
9 liable for a penalty equal to 1/6 of 1% of the tax due from
10 such taxpayer under this Act during the period to be
11 covered by the annual return for each month or fraction of
12 a month until such return is filed as required, the
13 penalty to be assessed and collected in the same manner as
14 any other penalty provided for in this Act.

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

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

26 The provisions of this Section concerning the filing of an

1 annual information return do not apply to a retailer who is not
2 required to file an income tax return with the United States
3 Government.

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

11 Net revenue realized for a month shall be the revenue
12 collected by the State pursuant to this Act, less the amount
13 paid out during that month as refunds to taxpayers for
14 overpayment of liability.

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

22 Any person who promotes, organizes, provides retail
23 selling space for concessionaires or other types of sellers at
24 the Illinois State Fair, DuQuoin State Fair, county fairs,
25 local fairs, art shows, flea markets and similar exhibitions
26 or events, including any transient merchant as defined by

1 Section 2 of the Transient Merchant Act of 1987, is required to
2 file a report with the Department providing the name of the
3 merchant's business, the name of the person or persons engaged
4 in merchant's business, the permanent address and Illinois
5 Retailers Occupation Tax Registration Number of the merchant,
6 the dates and location of the event and other reasonable
7 information that the Department may require. The report must
8 be filed not later than the 20th day of the month next
9 following the month during which the event with retail sales
10 was held. Any person who fails to file a report required by
11 this Section commits a business offense and is subject to a
12 fine not to exceed \$250.

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

1 the exhibition or event, or other evidence of a significant
2 risk of loss of revenue to the State. The Department shall
3 notify concessionaires and other sellers affected by the
4 imposition of this requirement. In the absence of notification
5 by the Department, the concessionaires and other sellers shall
6 file their returns as otherwise required in this Section.

7 (Source: P.A. 101-10, Article 15, Section 15-25, eff. 6-5-19;
8 101-10, Article 25, Section 25-120, eff. 6-5-19; 101-27, eff.
9 6-25-19; 101-32, eff. 6-28-19; 101-604, eff. 12-13-19;
10 101-636, eff. 6-10-20; 102-634, eff. 8-27-21; 102-700, Article
11 60, Section 60-30, eff. 4-19-22; 102-700, Article 65, Section
12 65-10, eff. 4-19-22; 102-813, eff. 5-13-22; 102-1019, eff.
13 1-1-23; revised 12-13-22.)

14 Section 25. The Fireworks Regulation Act of Illinois is
15 amended by changing Section 2 and by adding Section 3.6 as
16 follows:

17 (425 ILCS 30/2) (from Ch. 127 1/2, par. 102)

18 Sec. 2. The following words and phrases, when used in this
19 Act, shall for the purpose of this Act have the following
20 definition and meaning:

21 (a) The term fireworks shall mean and include any
22 explosive composition or any substance or combination of
23 substances, or article prepared for the purpose of producing a
24 visible or audible effect of a temporary exhibitional nature

1 by explosion, combustion, deflagration or detonation, and
2 shall include blank cartridges, toy cannons in which
3 explosives are used, the type of balloons which require fire
4 underneath to propel the same, firecrackers, torpedoes, sky
5 rockets, Roman candles, bombs or other fireworks of like
6 construction and any fireworks containing any explosive
7 compound; or any tablets or other device containing any
8 explosive substance, or containing combustible substances
9 producing visual effects. The term "fireworks" shall not
10 include snake or glow worm pellets; smoke devices; handheld or
11 ground-based sparklers that are nonexplosive and nonaerial,
12 that may produce a crackling or whistling effect, and that
13 contain 75 grams or less of pyrotechnic composition per tube
14 or a total of 500 grams or less for multiple tubes; trick
15 noisemakers known as "party poppers", "booby traps",
16 "snappers", "trick matches", "cigarette loads" and "auto
17 burglar alarms"; toy pistols, toy canes, toy guns, or other
18 devices in which paper or plastic caps containing twenty-five
19 hundredths grains or less of explosive compound are used,
20 provided they are so constructed that the hand cannot come in
21 contact with the cap when in place for the explosion; wood
22 stick or wire sparklers that contain not more than 100 grams of
23 pyrotechnic mixture per item; and toy pistol paper or plastic
24 caps which contain less than twenty-five hundredths grains of
25 explosive mixture; the sale and use of which shall be
26 permitted at all times.

1 (b) The term "fireworks plant" shall mean and include all
2 lands, with buildings thereon, used in connection with the
3 manufacture or processing of fireworks, as well as storehouses
4 located thereon for the storage of finished fireworks.

5 (c) The term "fireworks factory building" shall mean any
6 building or other structure in which the manufacture of
7 fireworks, or in which any processing involving fireworks is
8 carried on.

9 (d) The term "magazine" shall mean any building or other
10 structure used for the storage of explosive raw materials used
11 in the manufacture of fireworks.

12 (e) The term "Office" shall mean the Office of the State
13 Fire Marshal.

14 (Source: P.A. 83-474.)

15 (425 ILCS 30/3.6 new)

16 Sec. 3.6. Sale of sparklers. The following may not be sold
17 to a person under the age of 18: (i) any ground-based sparkler
18 that is nonexplosive and nonaerial, that may produce a
19 crackling or whistling effect, and that contains 75 grams or
20 less of pyrotechnic composition per tube or a total of 500
21 grams or less for multiple tubes; or (ii) any wood stick or
22 wire sparkler that contains not more than 100 grams of
23 pyrotechnic mixture per item.

24 Section 30. The Pyrotechnic Use Act is amended by changing

1 Section 1 and by adding Section 3.5 as follows:

2 (425 ILCS 35/1) (from Ch. 127 1/2, par. 127)

3 Sec. 1. Definitions. As used in this Act, the following
4 words shall have the following meanings:

5 "1.3G fireworks" means those fireworks used for
6 professional outdoor displays and classified as fireworks
7 UN0333, UN0334, or UN0335 by the United States Department of
8 Transportation under 49 C.F.R. 172.101.

9 "Consumer distributor" means any person who distributes,
10 offers for sale, sells, or exchanges for consideration
11 consumer fireworks in Illinois to another distributor or
12 directly to any retailer or person for resale.

13 "Consumer fireworks" means those fireworks that must
14 comply with the construction, chemical composition, and
15 labeling regulations of the U.S. Consumer Products Safety
16 Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and
17 classified as fireworks UN0336 or UN0337 by the United States
18 Department of Transportation under 49 C.F.R. 172.101.

19 "Consumer fireworks" shall not include snake or glow worm
20 pellets; smoke devices; trick noisemakers known as "party
21 poppers", "booby traps", "snappers", "trick matches",
22 "cigarette loads", and "auto burglar alarms"; handheld or
23 ground-based sparklers that are nonexplosive and nonaerial,
24 that produce a crackling or whistling effect, and that contain
25 75 grams or less of pyrotechnic composition per tube or a total

1 of 500 grams or less for multiple tubes; toy pistols, toy
2 canes, toy guns, or other devices in which paper or plastic
3 caps containing twenty-five hundredths grains or less of
4 explosive compound are used, provided they are so constructed
5 that the hand cannot come in contact with the cap when in place
6 for the explosion; wood stick or wire sparklers that contain
7 not more than 100 grams of pyrotechnic mixture per item; and
8 toy pistol paper or plastic caps that contain less than twenty
9 hundredths grains of explosive mixture; the sale and use of
10 which shall be permitted at all times.

11 "Consumer fireworks display" or "consumer display" means
12 the detonation, ignition, or deflagration of consumer
13 fireworks to produce a visual or audible effect.

14 "Consumer operator" means an adult individual who is
15 responsible for the safety, setup, and discharge of the
16 consumer fireworks display and who has completed the training
17 required in Section 2.2 of this Act.

18 "Consumer retailer" means any person who offers for sale,
19 sells, or exchanges for consideration consumer fireworks in
20 Illinois directly to any person with a consumer display
21 permit.

22 "Display fireworks" means 1.3G or special effects
23 fireworks or as further defined in the Pyrotechnic Distributor
24 and Operator Licensing Act.

25 "Flame effect" means the detonation, ignition, or
26 deflagration of flammable gases, liquids, or special materials

1 to produce a thermal, physical, visual, or audible effect
2 before the public, invitees, or licensees, regardless of
3 whether admission is charged, in accordance with National Fire
4 Protection Association 160 guidelines, and as may be further
5 defined in the Pyrotechnic Distributor and Operator Licensing
6 Act.

7 "Lead pyrotechnic operator" means an individual who is
8 responsible for the safety, setup, and discharge of the
9 pyrotechnic display or pyrotechnic service and who is licensed
10 pursuant to the Pyrotechnic Distributor and Operator Licensing
11 Act.

12 "Person" means an individual, firm, corporation,
13 association, partnership, company, consortium, joint venture,
14 commercial entity, state, municipality, or political
15 subdivision of a state or any agency, department, or
16 instrumentality of the United States and any officer, agent,
17 or employee of these entities.

18 "Production company" means any person in the film, digital
19 and video media, television, commercial, music, or theatrical
20 stage industry who provides pyrotechnic services or
21 pyrotechnic display services as part of a film, digital and
22 video media, television, commercial, music, or theatrical
23 production in the State of Illinois and is licensed by the
24 Office pursuant to the Pyrotechnic Distributor and Operator
25 Licensing Act.

26 "Pyrotechnic display" means the detonation, ignition, or

1 deflagration of display fireworks or flame effects to produce
2 visual or audible effects of an exhibitional nature before the
3 public, invitees, or licensees, regardless of whether
4 admission is charged, and as may be further defined in the
5 Pyrotechnic Distributor and Operator Licensing Act.

6 "Pyrotechnic distributor" means any person who distributes
7 display fireworks for sale in the State of Illinois or
8 provides them as part of a pyrotechnic display service in the
9 State of Illinois or provides only pyrotechnic services and is
10 licensed by the Office pursuant to the Pyrotechnic Distributor
11 and Operator Licensing Act.

12 "Pyrotechnic service" means the detonation, ignition, or
13 deflagration of display fireworks, special effects, or flame
14 effects to produce a visual or audible effect.

15 "Special effects fireworks" means pyrotechnic devices used
16 for special effects by professionals in the performing arts in
17 conjunction with theatrical, musical, or other productions
18 that are similar to consumer fireworks in chemical
19 compositions and construction, but are not intended for
20 consumer use and are not labeled as such or identified as
21 "intended for indoor use". "Special effects fireworks" are
22 classified as fireworks UN0431 or UN0432 by the United States
23 Department of Transportation under 49 C.F.R. 172.101.

24 (Source: P.A. 99-642, eff. 7-28-16.)

1 Sec. 3.5. Sale of sparklers. The following may not be sold
2 to a person under the age of 18: (i) any ground-based sparkler
3 that is nonexplosive and nonaerial, that may produce a
4 crackling or whistling effect, and that contains 75 grams or
5 less of pyrotechnic composition per tube or a total of 500
6 grams or less for multiple tubes; or (ii) any wood stick or
7 wire sparkler that contains not more than 100 grams of
8 pyrotechnic mixture per item.

9 Section 99. Effective date. This Act takes effect January
10 1, 2024."