

1 AN ACT in relation to taxes.

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

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

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

7 Sec. 9. Except as to motor vehicles, watercraft,
8 aircraft, and trailers that are required to be registered
9 with an agency of this State, each retailer required or
10 authorized to collect the tax imposed by this Act shall pay
11 to the Department the amount of such tax (except as otherwise
12 provided) at the time when he is required to file his return
13 for the period during which such tax was collected, less a
14 discount of 2.1% prior to January 1, 1990, and 1.75% on and
15 after January 1, 1990, or \$5 per calendar year, whichever is
16 greater, which is allowed to reimburse the retailer for
17 expenses incurred in collecting the tax, keeping records,
18 preparing and filing returns, remitting the tax and supplying
19 data to the Department on request. In the case of retailers
20 who report and pay the tax on a transaction by transaction
21 basis, as provided in this Section, such discount shall be
22 taken with each such tax remittance instead of when such
23 retailer files his periodic return. A retailer need not
24 remit that part of any tax collected by him to the extent
25 that he is required to remit and does remit the tax imposed
26 by the Retailers' Occupation Tax Act, with respect to the
27 sale of the same property.

28 Where such tangible personal property is sold under a
29 conditional sales contract, or under any other form of sale
30 wherein the payment of the principal sum, or a part thereof,
31 is extended beyond the close of the period for which the

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

7 Except as provided in this Section, on or before the
8 twentieth day of each calendar month, such retailer shall
9 file a return for the preceding calendar month. Such return
10 shall be filed on forms prescribed by the Department and
11 shall furnish such information as the Department may
12 reasonably require.

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.
17 The taxpayer shall also file a return with the Department for
18 each of the first two months of each calendar quarter, on or
19 before the twentieth day of the following calendar month,
20 stating:

- 21 1. The name of the seller;
- 22 2. The address of the principal place of business
23 from which he engages in the business of selling tangible
24 personal property at retail in this State;
- 25 3. The total amount of taxable receipts received by
26 him during the preceding calendar month from sales of
27 tangible personal property by him during such preceding
28 calendar month, including receipts from charge and time
29 sales, but less all deductions allowed by law;
- 30 4. The amount of credit provided in Section 2d of
31 this Act;
- 32 5. The amount of tax due;
- 33 5-5. The signature of the taxpayer; and
- 34 6. Such other reasonable information as the

1 Department may require.

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

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

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

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

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

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

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

14 Before October 1, 2000, if the taxpayer's average monthly
15 tax liability to the Department under this Act, the
16 Retailers' Occupation Tax Act, the Service Occupation Tax
17 Act, the Service Use Tax Act was \$10,000 or more during the
18 preceding 4 complete calendar quarters, he shall file a
19 return with the Department each month by the 20th day of the
20 month next following the month during which such tax
21 liability is incurred and shall make payments to the
22 Department on or before the 7th, 15th, 22nd and last day of
23 the month during which such liability is incurred. On and
24 after October 1, 2000, if the taxpayer's average monthly tax
25 liability to the Department under this Act, the Retailers'
26 Occupation Tax Act, the Service Occupation Tax Act, and the
27 Service Use Tax Act was \$20,000 or more during the preceding
28 4 complete calendar quarters, he shall file a return with the
29 Department each month by the 20th day of the month next
30 following the month during which such tax liability is
31 incurred and shall make payment to the Department on or
32 before the 7th, 15th, 22nd and last day of the month during
33 which such liability is incurred. If the month during which
34 such tax liability is incurred began prior to January 1,

1 1985, each payment shall be in an amount equal to 1/4 of the
2 taxpayer's actual liability for the month or an amount set by
3 the Department not to exceed 1/4 of the average monthly
4 liability of the taxpayer to the Department for the preceding
5 4 complete calendar quarters (excluding the month of highest
6 liability and the month of lowest liability in such 4 quarter
7 period). If the month during which such tax liability is
8 incurred begins on or after January 1, 1985, and prior to
9 January 1, 1987, each payment shall be in an amount equal to
10 22.5% of the taxpayer's actual liability for the month or
11 27.5% of the taxpayer's liability for the same calendar month
12 of the preceding year. If the month during which such tax
13 liability is incurred begins on or after January 1, 1987, and
14 prior to January 1, 1988, each payment shall be in an amount
15 equal to 22.5% of the taxpayer's actual liability for the
16 month or 26.25% of the taxpayer's liability for the same
17 calendar month of the preceding year. If the month during
18 which such tax liability is incurred begins on or after
19 January 1, 1988, and prior to January 1, 1989, or begins on
20 or after January 1, 1996, each payment shall be in an amount
21 equal to 22.5% of the taxpayer's actual liability for the
22 month or 25% of the taxpayer's liability for the same
23 calendar month of the preceding year. If the month during
24 which such tax liability is incurred begins on or after
25 January 1, 1989, and prior to January 1, 1996, each payment
26 shall be in an amount equal to 22.5% of the taxpayer's actual
27 liability for the month or 25% of the taxpayer's liability
28 for the same calendar month of the preceding year or 100% of
29 the taxpayer's actual liability for the quarter monthly
30 reporting period. The amount of such quarter monthly
31 payments shall be credited against the final tax liability of
32 the taxpayer's return for that month. Before October 1,
33 2000, once applicable, the requirement of the making of
34 quarter monthly payments to the Department shall continue

1 until such taxpayer's average monthly liability to the
2 Department during the preceding 4 complete calendar quarters
3 (excluding the month of highest liability and the month of
4 lowest liability) is less than \$9,000, or until such
5 taxpayer's average monthly liability to the Department as
6 computed for each calendar quarter of the 4 preceding
7 complete calendar quarter period is less than \$10,000.
8 However, if a taxpayer can show the Department that a
9 substantial change in the taxpayer's business has occurred
10 which causes the taxpayer to anticipate that his average
11 monthly tax liability for the reasonably foreseeable future
12 will fall below the \$10,000 threshold stated above, then such
13 taxpayer may petition the Department for change in such
14 taxpayer's reporting status. On and after October 1, 2000,
15 once applicable, the requirement of the making of quarter
16 monthly payments to the Department shall continue until such
17 taxpayer's average monthly liability to the Department during
18 the preceding 4 complete calendar quarters (excluding the
19 month of highest liability and the month of lowest liability)
20 is less than \$19,000 or until such taxpayer's average monthly
21 liability to the Department as computed for each calendar
22 quarter of the 4 preceding complete calendar quarter period
23 is less than \$20,000. However, if a taxpayer can show the
24 Department that a substantial change in the taxpayer's
25 business has occurred which causes the taxpayer to anticipate
26 that his average monthly tax liability for the reasonably
27 foreseeable future will fall below the \$20,000 threshold
28 stated above, then such taxpayer may petition the Department
29 for a change in such taxpayer's reporting status. The
30 Department shall change such taxpayer's reporting status
31 unless it finds that such change is seasonal in nature and
32 not likely to be long term. If any such quarter monthly
33 payment is not paid at the time or in the amount required by
34 this Section, then the taxpayer shall be liable for penalties

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

10 If any such payment provided for in this Section exceeds
11 the taxpayer's liabilities under this Act, the Retailers'
12 Occupation Tax Act, the Service Occupation Tax Act and the
13 Service Use Tax Act, as shown by an original monthly return,
14 the Department shall issue to the taxpayer a credit
15 memorandum no later than 30 days after the date of payment,
16 which memorandum may be submitted by the taxpayer to the
17 Department in payment of tax liability subsequently to be
18 remitted by the taxpayer to the Department or be assigned by
19 the taxpayer to a similar taxpayer under this Act, the
20 Retailers' Occupation Tax Act, the Service Occupation Tax Act
21 or the Service Use Tax Act, in accordance with reasonable
22 rules and regulations to be prescribed by the Department,
23 except that if such excess payment is shown on an original
24 monthly return and is made after December 31, 1986, no credit
25 memorandum shall be issued, unless requested by the taxpayer.
26 If no such request is made, the taxpayer may credit such
27 excess payment against tax liability subsequently to be
28 remitted by the taxpayer to the Department under this Act,
29 the Retailers' Occupation Tax Act, the Service Occupation Tax
30 Act or the Service Use Tax Act, in accordance with reasonable
31 rules and regulations prescribed by the Department. If the
32 Department subsequently determines that all or any part of
33 the credit taken was not actually due to the taxpayer, the
34 taxpayer's 2.1% or 1.75% vendor's discount shall be reduced

1 by 2.1% or 1.75% of the difference between the credit taken
2 and that actually due, and the taxpayer shall be liable for
3 penalties and interest on such difference.

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

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

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

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

31 In addition, with respect to motor vehicles, watercraft,
32 aircraft, and trailers that are required to be registered
33 with an agency of this State, every retailer selling this
34 kind of tangible personal property shall file, with the

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

20 The transaction reporting return in the case of motor
21 vehicles or trailers that are required to be registered with
22 an agency of this State, shall be the same document as the
23 Uniform Invoice referred to in Section 5-402 of the Illinois
24 Vehicle Code and must show the name and address of the
25 seller; the name and address of the purchaser; the amount of
26 the selling price including the amount allowed by the
27 retailer for traded-in property, if any; the amount allowed
28 by the retailer for the traded-in tangible personal property,
29 if any, to the extent to which Section 2 of this Act allows
30 an exemption for the value of traded-in property; the balance
31 payable after deducting such trade-in allowance from the
32 total selling price; the amount of tax due from the retailer
33 with respect to such transaction; the amount of tax collected
34 from the purchaser by the retailer on such transaction (or

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

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

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

1 the processing of applications for title or registration.

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

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

23 If the user who would otherwise pay tax to the retailer
24 wants the transaction reporting return filed and the payment
25 of tax or proof of exemption made to the Department before
26 the retailer is willing to take these actions and such user
27 has not paid the tax to the retailer, such user may certify
28 to the fact of such delay by the retailer, and may (upon the
29 Department being satisfied of the truth of such
30 certification) transmit the information required by the
31 transaction reporting return and the remittance for tax or
32 proof of exemption directly to the Department and obtain his
33 tax receipt or exemption determination, in which event the
34 transaction reporting return and tax remittance (if a tax

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

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

24 Any retailer filing a return under this Section shall
25 also include (for the purpose of paying tax thereon) the
26 total tax covered by such return upon the selling price of
27 tangible personal property purchased by him at retail from a
28 retailer, but as to which the tax imposed by this Act was not
29 collected from the retailer filing such return, and such
30 retailer shall remit the amount of such tax to the Department
31 when filing such return.

32 If experience indicates such action to be practicable,
33 the Department may prescribe and furnish a combination or
34 joint return which will enable retailers, who are required to

1 file returns hereunder and also under the Retailers'
2 Occupation Tax Act, to furnish all the return information
3 required by both Acts on the one form.

4 Where the retailer has more than one business registered
5 with the Department under separate registration under this
6 Act, such retailer may not file each return that is due as a
7 single return covering all such registered businesses, but
8 shall file separate returns for each such registered
9 business.

10 Beginning January 1, 1990, each month the Department
11 shall pay into the State and Local Sales Tax Reform Fund, a
12 special fund in the State Treasury which is hereby created,
13 the net revenue realized for the preceding month from the 1%
14 tax on sales of food for human consumption which is to be
15 consumed off the premises where it is sold (other than
16 alcoholic beverages, soft drinks and food which has been
17 prepared for immediate consumption) and prescription and
18 nonprescription medicines, drugs, medical appliances and
19 insulin, urine testing materials, syringes and needles used
20 by diabetics.

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

28 Beginning January 1, 1990, each month the Department
29 shall pay into the State and Local Sales Tax Reform Fund, a
30 special fund in the State Treasury, 20% of the net revenue
31 realized for the preceding month from the 6.25% general rate
32 on the selling price of tangible personal property, other
33 than tangible personal property which is purchased outside
34 Illinois at retail from a retailer and which is titled or

1 registered by an agency of this State's government.

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

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

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

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

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

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

24	Fiscal Year	Total Deposit
25	1993	\$0
26	1994	53,000,000
27	1995	58,000,000
28	1996	61,000,000
29	1997	64,000,000
30	1998	68,000,000
31	1999	71,000,000
32	2000	75,000,000
33	2001	80,000,000
34	2002	93,000,000

1	2003	99,000,000
2	2004	103,000,000
3	2005	108,000,000
4	2006	113,000,000
5	2007	119,000,000
6	2008	126,000,000
7	2009	132,000,000
8	2010	139,000,000
9	2011	146,000,000
10	2012	153,000,000
11	2013	161,000,000
12	2014	170,000,000
13	2015	179,000,000
14	2016	189,000,000
15	2017	199,000,000
16	2018	210,000,000
17	2019	221,000,000
18	2020	233,000,000
19	2021	246,000,000
20	2022	260,000,000
21	2023 and	275,000,000

22 each fiscal year
 23 thereafter that bonds
 24 are outstanding under
 25 Section 13.2 of the
 26 Metropolitan Pier and
 27 Exposition Authority
 28 Act, but not after fiscal year 2042.

29 Beginning July 20, 1993 and in each month of each fiscal
 30 year thereafter, one-eighth of the amount requested in the
 31 certificate of the Chairman of the Metropolitan Pier and
 32 Exposition Authority for that fiscal year, less the amount
 33 deposited into the McCormick Place Expansion Project Fund by
 34 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,
6 but not in excess of the amount specified above as "Total
7 Deposit", has been deposited.

8 Subject to payment of amounts into the Build Illinois
9 Fund and the McCormick Place Expansion Project Fund under the
10 preceding paragraphs, each month the Department shall,
11 subject to appropriation, pay into the Local Government
12 Distributive Fund 0.4% of the net revenue realized for the
13 preceding month from the 5% general rate, or 0.4% of 80% of
14 the net revenue realized for the preceding month from the
15 6.25% general rate, as the case may be, on the selling price
16 of tangible personal property. That amount shall, subject to
17 appropriation, be distributed as provided in Section 2 of the
18 State Revenue Sharing Act. No payments or distributions under
19 this paragraph shall be made if the tax imposed by this Act
20 on photoprocessing products is declared unconstitutional or
21 if the proceeds from that tax are unavailable for
22 distribution because of litigation.

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

32 Subject to payment of amounts into the Build Illinois
33 Fund, and the McCormick Place Expansion Project Fund, and the
34 Local Government Distributive Fund pursuant to the preceding

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

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

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

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

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

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

3 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;
4 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.
5 7-1-00; 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff.
6 6-28-01; 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; 92-600,
7 eff. 6-28-02; 92-651, eff. 7-11-02.)

8 Section 10. The Service Use Tax Act is amended by
9 changing Section 9 as follows:

10 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

11 Sec. 9. Each serviceman required or authorized to
12 collect the tax herein imposed shall pay to the Department
13 the amount of such tax (except as otherwise provided) at the
14 time when he is required to file his return for the period
15 during which such tax was collected, less a discount of 2.1%
16 prior to January 1, 1990 and 1.75% on and after January 1,
17 1990, or \$5 per calendar year, whichever is greater, which is
18 allowed to reimburse the serviceman for expenses incurred in
19 collecting the tax, keeping records, preparing and filing
20 returns, remitting the tax and supplying data to the
21 Department on request. A serviceman need not remit that part
22 of any tax collected by him to the extent that he is required
23 to pay and does pay the tax imposed by the Service Occupation
24 Tax Act with respect to his sale of service involving the
25 incidental transfer by him of the same property.

26 Except as provided hereinafter in this Section, on or
27 before the twentieth day of each calendar month, such
28 serviceman shall file a return for the preceding calendar
29 month in accordance with reasonable Rules and Regulations to
30 be promulgated by the Department. Such return shall be filed
31 on a form prescribed by the Department and shall contain such
32 information as the Department may reasonably require.

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

- 9 1. The name of the seller;
- 10 2. The address of the principal place of business
11 from 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
18 this 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
22 Department may require.

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

27 Beginning October 1, 1993, a taxpayer who has an average
28 monthly tax liability of \$150,000 or more shall make all
29 payments required by rules of the Department by electronic
30 funds transfer. Beginning October 1, 1994, a taxpayer who
31 has an average monthly tax liability of \$100,000 or more
32 shall make all payments required by rules of the Department
33 by electronic funds transfer. Beginning October 1, 1995, a
34 taxpayer who has an average monthly tax liability of \$50,000

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

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

28 All taxpayers required to make payment by electronic
29 funds transfer and any taxpayers authorized to voluntarily
30 make payments by electronic funds transfer shall make those
31 payments in the manner authorized by the Department.

32 The Department shall adopt such rules as are necessary to
33 effectuate a program of electronic funds transfer and the
34 requirements of this Section.

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

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

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

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

28 Where a serviceman collects the tax with respect to the
29 selling price of property which he sells and the purchaser
30 thereafter returns such property and the serviceman refunds
31 the selling price thereof to the purchaser, such serviceman
32 shall also refund, to the purchaser, the tax so collected
33 from the purchaser. When filing his return for the period in
34 which he refunds such tax to the purchaser, the serviceman

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

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

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

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

28 Beginning January 1, 1990, each month the Department
29 shall pay into the State and Local Tax Reform Fund, a special
30 fund in the State Treasury, the net revenue realized for the
31 preceding month from the 1% tax on sales of food for human
32 consumption which is to be consumed off the premises where it
33 is sold (other than alcoholic beverages, soft drinks and food
34 which has been prepared for immediate consumption) and

1 prescription and nonprescription medicines, drugs, medical
2 appliances and insulin, urine testing materials, syringes and
3 needles used by diabetics.

4 Beginning January 1, 1990, each month the Department
5 shall pay into the State and Local Sales Tax Reform Fund 20%
6 of the net revenue realized for the preceding month from the
7 6.25% general rate on transfers of tangible personal
8 property, other than tangible personal property which is
9 purchased outside Illinois at retail from a retailer and
10 which is titled or registered by an agency of this State's
11 government.

12 Beginning August 1, 2000, each month the Department shall
13 pay into the State and Local Sales Tax Reform Fund 100% of
14 the net revenue realized for the preceding month from the
15 1.25% rate on the selling price of motor fuel and gasohol.

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

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

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

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

27	Fiscal Year	Total Deposit
28	1993	\$0
29	1994	53,000,000
30	1995	58,000,000
31	1996	61,000,000
32	1997	64,000,000
33	1998	68,000,000
34	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	246,000,000
23	2022	260,000,000
24	2023 and	275,000,000

25 each fiscal year
 26 thereafter that bonds
 27 are outstanding under
 28 Section 13.2 of the
 29 Metropolitan Pier and
 30 Exposition Authority Act,
 31 but not after fiscal year 2042.

32 Beginning July 20, 1993 and in each month of each fiscal
 33 year thereafter, one-eighth of the amount requested in the
 34 certificate of the Chairman of the Metropolitan Pier and

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

11 Subject to payment of amounts into the Build Illinois
12 Fund and the McCormick Place Expansion Project Fund under the
13 preceding paragraphs, each month the Department shall,
14 subject to appropriation, pay into the Local Government
15 Distributive Fund 0.4% of the net revenue realized for the
16 preceding month from the 5% general rate, or 0.4% of 80% of
17 the net revenue realized for the preceding month from the
18 6.25% general rate, as the case may be, on the selling price
19 of tangible personal property. That amount shall, subject to
20 appropriation, be distributed as provided in Section 2 of the
21 State Revenue Sharing Act. No payments or distributions under
22 this paragraph shall be made if the tax imposed by this Act
23 on photoprocessing products is declared unconstitutional or
24 if the proceeds from that tax are unavailable for
25 distribution because of litigation.

26 Subject to payment of amounts into the Build Illinois
27 Fund, and the McCormick Place Expansion Project Fund, and the
28 Local Government Distributive Fund pursuant to the preceding
29 paragraphs or in any amendments thereto hereafter enacted,
30 beginning July 1, 1993, the Department shall each month pay
31 into the Illinois Tax Increment Fund 0.27% of 80% of the net
32 revenue realized for the preceding month from the 6.25%
33 general rate on the selling price of tangible personal
34 property.

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

15 All remaining moneys received by the Department pursuant
16 to this Act shall be paid into the General Revenue Fund of
17 the State Treasury.

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

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

30 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;
31 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.
32 7-1-00; 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492, eff.
33 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02.)

1 Section 15. The Service Occupation Tax Act is amended by
2 changing Section 9 as follows:

3 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

4 Sec. 9. Each serviceman required or authorized to
5 collect the tax herein imposed shall pay to the Department
6 the amount of such tax at the time when he is required to
7 file his return for the period during which such tax was
8 collectible, less a discount of 2.1% prior to January 1,
9 1990, and 1.75% on and after January 1, 1990, or \$5 per
10 calendar year, whichever is greater, which is allowed to
11 reimburse the serviceman for expenses incurred in collecting
12 the tax, keeping records, preparing and filing returns,
13 remitting the tax and supplying data to the Department on
14 request.

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

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

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

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

6 1. The name of the seller;

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

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

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

16 5. The amount of tax due;

17 5-5. The signature of the taxpayer; and

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

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

24 A serviceman may accept a Manufacturer's Purchase Credit
25 certification from a purchaser in satisfaction of Service Use
26 Tax as provided in Section 3-70 of the Service Use Tax Act if
27 the purchaser provides the appropriate documentation as
28 required by Section 3-70 of the Service Use Tax Act. A
29 Manufacturer's Purchase Credit certification, accepted by a
30 serviceman as provided in Section 3-70 of the Service Use Tax
31 Act, may be used by that serviceman to satisfy Service
32 Occupation Tax liability in the amount claimed in the
33 certification, not to exceed 6.25% of the receipts subject to
34 tax from a qualifying purchase.

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

11 If the serviceman's average monthly tax liability to the
12 Department does not exceed \$50, the Department may authorize
13 his returns to be filed on an annual basis, with the return
14 for a given year being due by January 20 of the following
15 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
20 concerning the time within which a serviceman may file his
21 return, in the case of any serviceman who ceases to engage in
22 a kind of business which makes him responsible for filing
23 returns under this Act, such serviceman shall file a final
24 return under this Act with the Department not more than 1
25 month after discontinuing such business.

26 Beginning October 1, 1993, a taxpayer who has an average
27 monthly tax liability of \$150,000 or more shall make all
28 payments required by rules of the Department by electronic
29 funds transfer. Beginning October 1, 1994, a taxpayer who
30 has an average monthly tax liability of \$100,000 or more
31 shall make all payments required by rules of the Department
32 by electronic funds transfer. Beginning October 1, 1995, a
33 taxpayer who has an average monthly tax liability of \$50,000
34 or more shall make all payments required by rules of the

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

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

27 All taxpayers required to make payment by electronic
28 funds transfer and any taxpayers authorized to voluntarily
29 make payments by electronic funds transfer shall make those
30 payments in the manner authorized by the Department.

31 The Department shall adopt such rules as are necessary to
32 effectuate a program of electronic funds transfer and the
33 requirements of this Section.

34 Where a serviceman collects the tax with respect to the

1 selling price of tangible personal property which he sells
2 and 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
9 Service Occupation Tax, Service Use Tax, Retailers'
10 Occupation Tax or Use Tax which such serviceman may be
11 required to pay or remit to the Department, as shown by such
12 return, provided that the amount of the tax to be deducted
13 shall previously have been remitted to the Department by such
14 serviceman. If the serviceman shall not previously have
15 remitted the amount of such tax to the Department, he shall
16 be entitled to no deduction hereunder upon refunding such tax
17 to the purchaser.

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

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

29 Beginning January 1, 1990, each month the Department
30 shall pay into the Local Government Tax Fund the revenue
31 realized for the preceding month from the 1% tax on sales of
32 food for human consumption which is to be consumed off the
33 premises where it is sold (other than alcoholic beverages,
34 soft drinks and food which has been prepared for immediate

1 consumption) and prescription and nonprescription medicines,
2 drugs, medical appliances and insulin, urine testing
3 materials, syringes and needles used by diabetics.

4 Beginning January 1, 1990, each month the Department
5 shall pay into the County and Mass Transit District Fund 4%
6 of the revenue realized for the preceding month from the
7 6.25% general rate.

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

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

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.

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

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

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

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

31	Fiscal Year	Total Deposit
32	1993	\$0
33	1994	53,000,000
34	1995	58,000,000

1	1996	61,000,000
2	1997	64,000,000
3	1998	68,000,000
4	1999	71,000,000
5	2000	75,000,000
6	2001	80,000,000
7	2002	93,000,000
8	2003	99,000,000
9	2004	103,000,000
10	2005	108,000,000
11	2006	113,000,000
12	2007	119,000,000
13	2008	126,000,000
14	2009	132,000,000
15	2010	139,000,000
16	2011	146,000,000
17	2012	153,000,000
18	2013	161,000,000
19	2014	170,000,000
20	2015	179,000,000
21	2016	189,000,000
22	2017	199,000,000
23	2018	210,000,000
24	2019	221,000,000
25	2020	233,000,000
26	2021	246,000,000
27	2022	260,000,000
28	2023 and	275,000,000

29 each fiscal year
30 thereafter that bonds
31 are outstanding under
32 Section 13.2 of the
33 Metropolitan Pier and
34 Exposition Authority

1 Act, but not after fiscal year 2042.

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

15 Subject to payment of amounts into the Build Illinois
16 Fund and the McCormick Place Expansion Project Fund under the
17 preceding paragraphs, each month the Department shall,
18 subject to appropriation, pay into the Local Government
19 Distributive Fund 0.4% of the net revenue realized for the
20 preceding month from the 5% general rate or 0.4% of 80% of
21 the net revenue realized for the preceding month from the
22 6.25% general rate, as the case may be, on the selling price
23 of tangible personal property. That amount shall, subject to
24 appropriation, be distributed as provided in Section 2 of the
25 State Revenue Sharing Act. No payments or distributions
26 under this paragraph shall be made if the tax imposed by this
27 Act on photoprocessing products is declared unconstitutional
28 or if the proceeds from that tax are unavailable for
29 distribution because of litigation.

30 Subject to payment of amounts into the Build Illinois
31 Fund, and the McCormick Place Expansion Project Fund, and the
32 Local Government Distributive Fund pursuant to the preceding
33 paragraphs or in any amendments thereto hereafter enacted,
34 beginning July 1, 1993, the Department shall each month pay

1 into the Illinois Tax Increment Fund 0.27% of 80% of the net
2 revenue realized for the preceding month from the 6.25%
3 general rate on the selling price of tangible personal
4 property.

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

19 Remaining moneys received by the Department pursuant to
20 this Act shall be paid into the General Revenue Fund of the
21 State Treasury.

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

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

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

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

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

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

32 The foregoing portion of this Section concerning the
33 filing of an annual information return shall not apply to a
34 serviceman who is not required to file an income tax return

1 with the United States Government.

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

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

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

22 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;
23 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.
24 7-1-00; 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492, eff.
25 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02.)

26 Section 20. The Retailers' Occupation Tax Act is amended
27 by changing Section 3 as follows:

28 (35 ILCS 120/3) (from Ch. 120, par. 442)

29 Sec. 3. Except as provided in this Section, on or before
30 the twentieth day of each calendar month, every person
31 engaged in the business of selling tangible personal property
32 at retail in this State during the preceding calendar month

1 shall file a return with the Department, stating:

2 1. The name of the seller;

3 2. His residence address and the address of his
4 principal place of business and the address of the
5 principal place of business (if that is a different
6 address) from which he engages in the business of selling
7 tangible personal property at retail in this State;

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

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

18 5. Deductions allowed by law;

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

22 7. The amount of credit provided in Section 2d of
23 this Act;

24 8. The amount of tax due;

25 9. The signature of the taxpayer; and

26 10. Such other reasonable information as the
27 Department may require.

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

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

1 A retailer may accept a Manufacturer's Purchase Credit
2 certification from a purchaser in satisfaction of Use Tax as
3 provided in Section 3-85 of the Use Tax Act if the purchaser
4 provides the appropriate documentation as required by Section
5 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
6 certification, accepted by a retailer as provided in Section
7 3-85 of the Use Tax Act, may be used by that retailer to
8 satisfy Retailers' Occupation Tax liability in the amount
9 claimed in the certification, not to exceed 6.25% of the
10 receipts subject to tax from a qualifying purchase.

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

- 19 1. The name of the seller;
- 20 2. The address of the principal place of business
21 from which he engages in the business of selling tangible
22 personal property at retail in this State;
- 23 3. The total amount of taxable receipts received by
24 him during the preceding calendar month from sales of
25 tangible personal property by him during such preceding
26 calendar month, including receipts from charge and time
27 sales, but less all deductions allowed by law;
- 28 4. The amount of credit provided in Section 2d of
29 this Act;
- 30 5. The amount of tax due; and
- 31 6. Such other reasonable information as the
32 Department may require.

33 If a total amount of less than \$1 is payable, refundable
34 or creditable, such amount shall be disregarded if it is less

1 than 50 cents and shall be increased to \$1 if it is 50 cents
2 or more.

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

29 Before August 1 of each year beginning in 1993, the
30 Department shall notify all taxpayers required to make
31 payments by electronic funds transfer. All taxpayers
32 required to make payments by electronic funds transfer shall
33 make those payments for a minimum of one year beginning on
34 October 1.

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

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

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

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

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

29 If the retailer is otherwise required to file a monthly
30 or quarterly return and if the retailer's average monthly tax
31 liability with the Department does not exceed \$50, the
32 Department may authorize his returns to be filed on an annual
33 basis, with the return for a given year being due by January
34 20 of the following year.

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

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

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

17 In addition, with respect to motor vehicles, watercraft,
18 aircraft, and trailers that are required to be registered
19 with an agency of this State, every retailer selling this
20 kind of tangible personal property shall file, with the
21 Department, upon a form to be prescribed and supplied by the
22 Department, a separate return for each such item of tangible
23 personal property which the retailer sells, except that if,
24 in the same transaction, (i) a retailer of aircraft,
25 watercraft, motor vehicles or trailers transfers more than
26 one aircraft, watercraft, motor vehicle or trailer to another
27 aircraft, watercraft, motor vehicle retailer or trailer
28 retailer for the purpose of resale or (ii) a retailer of
29 aircraft, watercraft, motor vehicles, or trailers transfers
30 more than one aircraft, watercraft, motor vehicle, or trailer
31 to a purchaser for use as a qualifying rolling stock as
32 provided in Section 2-5 of this Act, then that seller may
33 report the transfer of all aircraft, watercraft, motor
34 vehicles or trailers involved in that transaction to the

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

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

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

1 information as the Department may reasonably require.

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

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

31 With each such transaction reporting return, the retailer
32 shall remit the proper amount of tax due (or shall submit
33 satisfactory evidence that the sale is not taxable if that is
34 the case), to the Department or its agents, whereupon the

1 Department shall issue, in the purchaser's name, a use tax
2 receipt (or a certificate of exemption if the Department is
3 satisfied that the particular sale is tax exempt) which such
4 purchaser may submit to the agency with which, or State
5 officer with whom, he must title or register the tangible
6 personal property that is involved (if titling or
7 registration is required) in support of such purchaser's
8 application for an Illinois certificate or other evidence of
9 title or registration to such tangible personal property.

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

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

1 and in the same form in which it would be remitted if the tax
2 had been remitted to the Department by the retailer.

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

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

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

20 Except as provided in this Section, the retailer filing
21 the return under this Section shall, at the time of filing
22 such return, pay to the Department the amount of tax imposed
23 by this Act less a discount of 2.1% prior to January 1, 1990
24 and 1.75% on and after January 1, 1990, or \$5 per calendar
25 year, whichever is greater, which is allowed to reimburse the
26 retailer for the expenses incurred in keeping records,
27 preparing and filing returns, remitting the tax and supplying
28 data to the Department on request. Any prepayment made
29 pursuant to Section 2d of this Act shall be included in the
30 amount on which such 2.1% or 1.75% discount is computed. In
31 the case of retailers who report and pay the tax on a
32 transaction by transaction basis, as provided in this
33 Section, such discount shall be taken with each such tax
34 remittance instead of when such retailer files his periodic

1 return.

2 Before October 1, 2000, if the taxpayer's average monthly
3 tax liability to the Department under this Act, the Use Tax
4 Act, the Service Occupation Tax Act, and the Service Use Tax
5 Act, excluding any liability for prepaid sales tax to be
6 remitted in accordance with Section 2d of this Act, was
7 \$10,000 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 payments to the Department on or before the 7th, 15th, 22nd
12 and last day of the month during which such liability is
13 incurred. On and after October 1, 2000, if the taxpayer's
14 average monthly tax liability to the Department under this
15 Act, the Use Tax Act, the Service Occupation Tax Act, and the
16 Service Use Tax Act, excluding any liability for prepaid
17 sales tax to be remitted in accordance with Section 2d of
18 this Act, was \$20,000 or more during the preceding 4 complete
19 calendar quarters, he shall file a return with the Department
20 each month by the 20th day of the month next following the
21 month during which such tax liability is incurred and shall
22 make payment to the Department on or before the 7th, 15th,
23 22nd and last day of the month during which such liability is
24 incurred. If the month during which such tax liability is
25 incurred began prior to January 1, 1985, each payment shall
26 be in an amount equal to 1/4 of the taxpayer's actual
27 liability for the month or an amount set by the Department
28 not to exceed 1/4 of the average monthly liability of the
29 taxpayer to the Department for the preceding 4 complete
30 calendar quarters (excluding the month of highest liability
31 and the month of lowest liability in such 4 quarter period).
32 If the month during which such tax liability is incurred
33 begins on or after January 1, 1985 and prior to January 1,
34 1987, each payment shall be in an amount equal to 22.5% of

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

1 substantial change in the taxpayer's business has occurred
2 which causes the taxpayer to anticipate that his average
3 monthly tax liability for the reasonably foreseeable future
4 will fall below the \$10,000 threshold stated above, then such
5 taxpayer may petition the Department for a change in such
6 taxpayer's reporting status. On and after October 1, 2000,
7 once applicable, the requirement of the making of quarter
8 monthly payments to the Department by taxpayers having an
9 average monthly tax liability of \$20,000 or more as
10 determined in the manner provided above shall continue until
11 such taxpayer's average monthly liability to the Department
12 during the preceding 4 complete calendar quarters (excluding
13 the month of highest liability and the month of lowest
14 liability) is less than \$19,000 or until such taxpayer's
15 average monthly liability to the Department as computed for
16 each calendar quarter of the 4 preceding complete calendar
17 quarter period is less than \$20,000. However, if a taxpayer
18 can show the Department that a substantial change in the
19 taxpayer's business has occurred which causes the taxpayer to
20 anticipate that his average monthly tax liability for the
21 reasonably foreseeable future will fall below the \$20,000
22 threshold stated above, then such taxpayer may petition the
23 Department for a change in such taxpayer's reporting status.
24 The Department shall change such taxpayer's reporting status
25 unless it finds that such change is seasonal in nature and
26 not likely to be long term. If any such quarter monthly
27 payment is not paid at the time or in the amount required by
28 this Section, then the taxpayer shall be liable for penalties
29 and interest on the difference between the minimum amount due
30 as a payment and the amount of such quarter monthly payment
31 actually and timely paid, except insofar as the taxpayer has
32 previously made payments for that month to the Department in
33 excess of the minimum payments previously due as provided in
34 this Section. The Department shall make reasonable rules and

1 regulations to govern the quarter monthly payment amount and
2 quarter monthly payment dates for taxpayers who file on other
3 than a calendar monthly basis.

4 The provisions of this paragraph apply before October 1,
5 2001. Without regard to whether a taxpayer is required to
6 make quarter monthly payments as specified above, any
7 taxpayer who is required by Section 2d of this Act to collect
8 and remit prepaid taxes and has collected prepaid taxes which
9 average in excess of \$25,000 per month during the preceding 2
10 complete calendar quarters, shall file a return with the
11 Department as required by Section 2f and shall make payments
12 to the Department on or before the 7th, 15th, 22nd and last
13 day of the month during which such liability is incurred. If
14 the month during which such tax liability is incurred began
15 prior to the effective date of this amendatory Act of 1985,
16 each payment shall be in an amount not less than 22.5% of the
17 taxpayer's actual liability under Section 2d. If the month
18 during which such tax liability is incurred begins on or
19 after January 1, 1986, each payment shall be in an amount
20 equal to 22.5% of the taxpayer's actual liability for the
21 month or 27.5% of the taxpayer's liability for the same
22 calendar month of the preceding calendar year. If the month
23 during which such tax liability is incurred begins on or
24 after January 1, 1987, each payment shall be in an amount
25 equal to 22.5% of the taxpayer's actual liability for the
26 month or 26.25% of the taxpayer's liability for the same
27 calendar month of the preceding year. The amount of such
28 quarter monthly payments shall be credited against the final
29 tax liability of the taxpayer's return for that month filed
30 under this Section or Section 2f, as the case may be. Once
31 applicable, the requirement of the making of quarter monthly
32 payments to the Department pursuant to this paragraph shall
33 continue until such taxpayer's average monthly prepaid tax
34 collections during the preceding 2 complete calendar quarters

1 is \$25,000 or less. If any such quarter monthly payment is
2 not paid at the time or in the amount required, the taxpayer
3 shall be liable for penalties and interest on such
4 difference, except insofar as the taxpayer has previously
5 made payments for that month in excess of the minimum
6 payments previously due.

7 The provisions of this paragraph apply on and after
8 October 1, 2001. Without regard to whether a taxpayer is
9 required to make quarter monthly payments as specified above,
10 any taxpayer who is required by Section 2d of this Act to
11 collect and remit prepaid taxes and has collected prepaid
12 taxes that average in excess of \$20,000 per month during the
13 preceding 4 complete calendar quarters shall file a return
14 with the Department as required by Section 2f and shall make
15 payments to the Department on or before the 7th, 15th, 22nd
16 and last day of the month during which the liability is
17 incurred. Each payment shall be in an amount equal to 22.5%
18 of the taxpayer's actual liability for the month or 25% of
19 the taxpayer's liability for the same calendar month of the
20 preceding year. The amount of the quarter monthly payments
21 shall be credited against the final tax liability of the
22 taxpayer's return for that month filed under this Section or
23 Section 2f, as the case may be. Once applicable, the
24 requirement of the making of quarter monthly payments to the
25 Department pursuant to this paragraph shall continue until
26 the taxpayer's average monthly prepaid tax collections during
27 the preceding 4 complete calendar quarters (excluding the
28 month of highest liability and the month of lowest liability)
29 is less than \$19,000 or until such taxpayer's average monthly
30 liability to the Department as computed for each calendar
31 quarter of the 4 preceding complete calendar quarters is less
32 than \$20,000. If any such quarter monthly payment is not
33 paid at the time or in the amount required, the taxpayer
34 shall be liable for penalties and interest on such

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

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

27 If a retailer of motor fuel is entitled to a credit under
28 Section 2d of this Act which exceeds the taxpayer's liability
29 to the Department under this Act for the month which the
30 taxpayer is filing a return, the Department shall issue the
31 taxpayer a credit memorandum for the excess.

32 Beginning January 1, 1990, each month the Department
33 shall pay into the Local Government Tax Fund, a special fund
34 in the State treasury which is hereby created, the net

1 revenue realized for the preceding month from the 1% tax on
 2 sales of food for human consumption which is to be consumed
 3 off the premises where it is sold (other than alcoholic
 4 beverages, soft drinks and food which has been prepared for
 5 immediate consumption) and prescription and nonprescription
 6 medicines, drugs, medical appliances and insulin, urine
 7 testing materials, syringes and needles used by diabetics.

8 Beginning January 1, 1990, each month the Department
 9 shall pay into the County and Mass Transit District Fund, a
 10 special fund in the State treasury which is hereby created,
 11 4% of the net revenue realized for the preceding month from
 12 the 6.25% general rate.

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
 18 shall pay into the Local Government Tax Fund 16% of the net
 19 revenue realized for the preceding month from the 6.25%
 20 general rate on the selling price of tangible personal
 21 property.

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

26 Of the remainder of the moneys received by the Department
 27 pursuant to this Act, (a) 1.75% thereof shall be paid into
 28 the Build Illinois Fund and (b) prior to July 1, 1989, 2.2%
 29 and on and after July 1, 1989, 3.8% thereof shall be paid
 30 into the Build Illinois Fund; provided, however, that if in
 31 any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%,
 32 as the case may be, of the moneys received by the Department
 33 and required to be paid into the Build Illinois Fund pursuant
 34 to this Act, Section 9 of the Use Tax Act, Section 9 of the

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

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

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

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

1 Build Illinois Fund are subject to the pledge, claim and
 2 charge set forth in Section 12 of the Build Illinois Bond
 3 Act.

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

17	Fiscal Year	Total Deposit
18	1993	\$0
19	1994	53,000,000
20	1995	58,000,000
21	1996	61,000,000
22	1997	64,000,000
23	1998	68,000,000
24	1999	71,000,000
25	2000	75,000,000
26	2001	80,000,000
27	2002	93,000,000
28	2003	99,000,000
29	2004	103,000,000
30	2005	108,000,000
31	2006	113,000,000
32	2007	119,000,000
33	2008	126,000,000
34	2009	132,000,000

1	2010	139,000,000
2	2011	146,000,000
3	2012	153,000,000
4	2013	161,000,000
5	2014	170,000,000
6	2015	179,000,000
7	2016	189,000,000
8	2017	199,000,000
9	2018	210,000,000
10	2019	221,000,000
11	2020	233,000,000
12	2021	246,000,000
13	2022	260,000,000
14	2023 and	275,000,000

15 each fiscal year
 16 thereafter that bonds
 17 are outstanding under
 18 Section 13.2 of the
 19 Metropolitan Pier and
 20 Exposition Authority
 21 Act, but not after fiscal year 2042.

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

1 Subject to payment of amounts into the Build Illinois
2 Fund and the McCormick Place Expansion Project Fund under the
3 preceding paragraphs, each month the Department shall,
4 subject to appropriation, pay into the Local Government
5 Distributive Fund 0.4% of the net revenue realized for the
6 preceding month from the 5% general rate or 0.4% of 80% of
7 the net revenue realized for the preceding month from the
8 6.25% general rate, as the case may be, on the selling price
9 of tangible personal property. That amount shall, subject to
10 appropriation, be distributed as provided in Section 2 of the
11 State Revenue Sharing Act. No payments or distributions
12 under this paragraph shall be made if the tax imposed by this
13 Act on photoprocessing products is declared unconstitutional
14 or if the proceeds from that tax are unavailable for
15 distribution because of litigation.

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

25 Subject to payment of amounts into the Build Illinois
26 Fund, and the McCormick Place Expansion Project Fund, and the
27 Local Government Distributive Fund pursuant to the preceding
28 paragraphs or in any amendments thereto hereafter enacted,
29 beginning with the receipt of the first report of taxes paid
30 by an eligible business and continuing for a 25-year period,
31 the Department shall each month pay into the Energy
32 Infrastructure Fund 80% of the net revenue realized from the
33 6.25% general rate on the selling price of Illinois-mined
34 coal that was sold to an eligible business. For purposes of

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

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

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

34 If the annual information return required by this Section

1 is not filed when and as required, the taxpayer shall be
2 liable 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
5 from such taxpayer under this Act during the period to be
6 covered by the annual return for each month or fraction
7 of a month until such return is filed as required, the
8 penalty to be assessed and collected in the same manner
9 as any other penalty provided for in this Act.

10 (ii) On and after January 1, 1994, the taxpayer
11 shall be liable for a penalty as described in Section 3-4
12 of the 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
16 who willfully signs the annual return containing false or
17 inaccurate information shall be guilty of perjury and
18 punished accordingly. The annual return form prescribed by
19 the Department shall include a warning that the person
20 signing the return may be liable for perjury.

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

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

33 Net revenue realized for a month shall be the revenue
34 collected by the State pursuant to this Act, less the amount

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

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

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

27 Any person engaged in the business of selling tangible
28 personal property at retail as a concessionaire or other type
29 of seller at the Illinois State Fair, county fairs, art
30 shows, flea markets and similar exhibitions or events, or any
31 transient merchants, as defined by Section 2 of the Transient
32 Merchant Act of 1987, may be required to make a daily report
33 of the amount of such sales to the Department and to make a
34 daily payment of the full amount of tax due. The Department

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

14 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;
15 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.
16 7-1-00; 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff.
17 6-28-01; 92-208, eff. 8-2-01; 92-484, eff. 8-23-01; 92-492,
18 eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02.)

19 Section 99. Effective date. This Act takes effect on
20 July 1, 2003.