



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB0357**

Introduced 1/21/2005, by Rep. Sidney H. Mathias

**SYNOPSIS AS INTRODUCED:**

35 ILCS 105/9	from Ch. 120, par. 439.9
35 ILCS 110/9	from Ch. 120, par. 439.39
35 ILCS 115/9	from Ch. 120, par. 439.109
35 ILCS 120/3	from Ch. 120, par. 442

Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailer's Occupation Tax Act. Provides that 0.4% of the net revenues realized for the preceding month from the State's portion of the general rate of tax imposed under the Acts shall be paid by the Department of Revenue into the Local Government Distributive Fund (reverting to the distribution in place prior to State fiscal year 2003). Effective July 1, 2005.

LRB094 03757 BDD 33766 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT in relation to taxes.

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

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

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

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

27 Where such tangible personal property is sold under a  
28 conditional sales contract, or under any other form of sale  
29 wherein the payment of the principal sum, or a part thereof, is  
30 extended beyond the close of the period for which the return is  
31 filed, the retailer, in collecting the tax (except as to motor  
32 vehicles, watercraft, aircraft, and trailers that are required

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

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

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

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

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

36 Beginning October 1, 1993, a taxpayer who has an average

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

25 Before August 1 of each year beginning in 1993, the  
26 Department shall notify all taxpayers required to make payments  
27 by electronic funds transfer. All taxpayers required to make  
28 payments by electronic funds transfer shall make those payments  
29 for a minimum of one year beginning on October 1.

30 Any taxpayer not required to make payments by electronic  
31 funds transfer may make payments by electronic funds transfer  
32 with the permission of the Department.

33 All taxpayers required to make payment by electronic funds  
34 transfer and any taxpayers authorized to voluntarily make  
35 payments by electronic funds transfer shall make those payments  
36 in the manner authorized by the Department.

1           The Department shall adopt such rules as are necessary to  
2 effectuate a program of electronic funds transfer and the  
3 requirements of this Section.

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

1 payment shall be in an amount equal to 22.5% of the taxpayer's  
2 actual liability for the month or 26.25% of the taxpayer's  
3 liability for the same calendar month of the preceding year. If  
4 the month during which such tax liability is incurred begins on  
5 or after January 1, 1988, and prior to January 1, 1989, or  
6 begins on or after January 1, 1996, each payment shall be in an  
7 amount equal to 22.5% of the taxpayer's actual liability for  
8 the month or 25% of the taxpayer's liability for the same  
9 calendar month of the preceding year. If the month during which  
10 such tax liability is incurred begins on or after January 1,  
11 1989, and prior to January 1, 1996, each payment shall be in an  
12 amount equal to 22.5% of the taxpayer's actual liability for  
13 the month or 25% of the taxpayer's liability for the same  
14 calendar month of the preceding year or 100% of the taxpayer's  
15 actual liability for the quarter monthly reporting period. The  
16 amount of such quarter monthly payments shall be credited  
17 against the final tax liability of the taxpayer's return for  
18 that month. Before October 1, 2000, once applicable, the  
19 requirement of the making of quarter monthly payments to the  
20 Department shall continue until such taxpayer's average  
21 monthly liability to the Department during the preceding 4  
22 complete calendar quarters (excluding the month of highest  
23 liability and the month of lowest liability) is less than  
24 \$9,000, or until such taxpayer's average monthly liability to  
25 the Department as computed for each calendar quarter of the 4  
26 preceding complete calendar quarter period is less than  
27 \$10,000. However, if a taxpayer can show the Department that a  
28 substantial change in the taxpayer's business has occurred  
29 which causes the taxpayer to anticipate that his average  
30 monthly tax liability for the reasonably foreseeable future  
31 will fall below the \$10,000 threshold stated above, then such  
32 taxpayer may petition the Department for change in such  
33 taxpayer's reporting status. On and after October 1, 2000, once  
34 applicable, the requirement of the making of quarter monthly  
35 payments to the Department shall continue until such taxpayer's  
36 average monthly liability to the Department during the

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

26 If any such payment provided for in this Section exceeds  
27 the taxpayer's liabilities under this Act, the Retailers'  
28 Occupation Tax Act, the Service Occupation Tax Act and the  
29 Service Use Tax Act, as shown by an original monthly return,  
30 the Department shall issue to the taxpayer a credit memorandum  
31 no later than 30 days after the date of payment, which  
32 memorandum may be submitted by the taxpayer to the Department  
33 in payment of tax liability subsequently to be remitted by the  
34 taxpayer to the Department or be assigned by the taxpayer to a  
35 similar taxpayer under this Act, the Retailers' Occupation Tax  
36 Act, the Service Occupation Tax Act or the Service Use Tax Act,

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

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

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

34 Such quarter annual and annual returns, as to form and  
35 substance, shall be subject to the same requirements as monthly  
36 returns.



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

8           In addition, with respect to motor vehicles, watercraft,  
9 aircraft, and trailers that are required to be registered with  
10 an agency of this State, every retailer selling this kind of  
11 tangible personal property shall file, with the Department,  
12 upon a form to be prescribed and supplied by the Department, a  
13 separate return for each such item of tangible personal  
14 property which the retailer sells, except that if, in the same  
15 transaction, (i) a retailer of aircraft, watercraft, motor  
16 vehicles or trailers transfers more than one aircraft,  
17 watercraft, motor vehicle or trailer to another aircraft,  
18 watercraft, motor vehicle or trailer retailer for the purpose  
19 of resale or (ii) a retailer of aircraft, watercraft, motor  
20 vehicles, or trailers transfers more than one aircraft,  
21 watercraft, motor vehicle, or trailer to a purchaser for use as  
22 a qualifying rolling stock as provided in Section 3-55 of this  
23 Act, then that seller may report the transfer of all the  
24 aircraft, watercraft, motor vehicles or trailers involved in  
25 that transaction to the Department on the same uniform  
26 invoice-transaction reporting return form. For purposes of  
27 this Section, "watercraft" means a Class 2, Class 3, or Class 4  
28 watercraft as defined in Section 3-2 of the Boat Registration  
29 and Safety Act, a personal watercraft, or any boat equipped  
30 with an inboard motor.

31           The transaction reporting return in the case of motor  
32 vehicles or trailers that are required to be registered with an  
33 agency of this State, shall be the same document as the Uniform  
34 Invoice referred to in Section 5-402 of the Illinois Vehicle  
35 Code and must show the name and address of the seller; the name  
36 and address of the purchaser; the amount of the selling price

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

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

32 Such transaction reporting return shall be filed not later  
33 than 20 days after the date of delivery of the item that is  
34 being sold, but may be filed by the retailer at any time sooner  
35 than that if he chooses to do so. The transaction reporting  
36 return and tax remittance or proof of exemption from the tax

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

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

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

29 If the user who would otherwise pay tax to the retailer  
30 wants the transaction reporting return filed and the payment of  
31 tax or proof of exemption made to the Department before the  
32 retailer is willing to take these actions and such user has not  
33 paid the tax to the retailer, such user may certify to the fact  
34 of such delay by the retailer, and may (upon the Department  
35 being satisfied of the truth of such certification) transmit  
36 the information required by the transaction reporting return

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

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

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

35 If experience indicates such action to be practicable, the  
36 Department may prescribe and furnish a combination or joint

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

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

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

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

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

35 Beginning August 1, 2000, each month the Department shall  
36 pay into the State and Local Sales Tax Reform Fund 100% of the

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

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

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

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

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

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

	Fiscal Year	Total Deposit
15		
16	1993	\$0
17	1994	53,000,000
18	1995	58,000,000
19	1996	61,000,000
20	1997	64,000,000
21	1998	68,000,000
22	1999	71,000,000
23	2000	75,000,000
24	2001	80,000,000
25	2002	93,000,000
26	2003	99,000,000
27	2004	103,000,000
28	2005	108,000,000
29	2006	113,000,000
30	2007	119,000,000
31	2008	126,000,000
32	2009	132,000,000
33	2010	139,000,000
34	2011	146,000,000
35	2012	153,000,000



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

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

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

32           Subject to payment of amounts into the Build Illinois Fund  
 33           and the McCormick Place Expansion Project Fund under the  
 34           preceding paragraphs, each month the Department shall, subject  
 35           to appropriation, pay into the Local Government Distributive  
 36           Fund 0.4% of the net revenue realized for the preceding month

1 from the 5% general rate, or 0.4% of 80% of the net revenue  
2 realized for the preceding month from the 6.25% general rate,  
3 as the case may be, on the selling price of tangible personal  
4 property. That amount shall, subject to appropriation, be  
5 distributed as provided in Section 2 of the State Revenue  
6 Sharing Act. No payments or distributions under this paragraph  
7 shall be made if the tax imposed by this Act on photoprocessing  
8 products is declared unconstitutional or if the proceeds from  
9 that tax are unavailable for distribution because of  
10 litigation.

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

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

33 Of the remainder of the moneys received by the Department  
34 pursuant to this Act, 75% thereof shall be paid into the State  
35 Treasury and 25% shall be reserved in a special account and  
36 used only for the transfer to the Common School Fund as part of

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

3 As soon as possible after the first day of each month, upon  
4 certification of the Department of Revenue, the Comptroller  
5 shall order transferred and the Treasurer shall transfer from  
6 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
7 equal to 1.7% of 80% of the net revenue realized under this Act  
8 for the second preceding month. Beginning April 1, 2000, this  
9 transfer is no longer required 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, manufacturers,  
15 importers and wholesalers whose products are sold at retail in  
16 Illinois by numerous retailers, and who wish to do so, may  
17 assume the responsibility for accounting and paying to the  
18 Department all tax accruing under this Act with respect to such  
19 sales, if the retailers who are affected do not make written  
20 objection to the Department to this arrangement.

21 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101,  
22 eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00;  
23 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff. 6-28-01;  
24 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; 92-600, eff. 6-28-02;  
25 92-651, eff. 7-11-02; revised 10-15-03.)

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

28 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

29 Sec. 9. Each serviceman required or authorized to collect  
30 the tax herein imposed shall pay to the Department the amount  
31 of such tax (except as otherwise provided) at the time when he  
32 is required to file his return for the period during which such  
33 tax was collected, less a discount of 2.1% prior to January 1,  
34 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar

1 year, whichever is greater, which is allowed to reimburse the  
2 serviceman for expenses incurred in collecting the tax, keeping  
3 records, preparing and filing returns, remitting the tax and  
4 supplying data to the Department on request. A serviceman need  
5 not remit that part of any tax collected by him to the extent  
6 that he is required to pay and does pay the tax imposed by the  
7 Service Occupation Tax Act with respect to his sale of service  
8 involving the incidental transfer by him of the same property.

9 Except as provided hereinafter in this Section, on or  
10 before the twentieth day of each calendar month, such  
11 serviceman shall file a return for the preceding calendar month  
12 in accordance with reasonable Rules and Regulations to be  
13 promulgated by the Department. Such return shall be filed on a  
14 form prescribed by the Department and shall contain such  
15 information as the Department may reasonably require.

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

- 23 1. The name of the seller;
- 24 2. The address of the principal place of business from  
25 which he engages in business as a serviceman in this State;
- 26 3. The total amount of taxable receipts received by him  
27 during the preceding calendar month, including receipts  
28 from charge and time sales, but less all deductions allowed  
29 by law;
- 30 4. The amount of credit provided in Section 2d of this  
31 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 Department  
35 may require.

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

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

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

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

34 Any taxpayer not required to make payments by electronic  
35 funds transfer may make payments by electronic funds transfer  
36 with the permission of the Department.

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

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

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

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

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

28 Notwithstanding any other provision in this Act concerning  
29 the time within which a serviceman may file his return, in the  
30 case of any serviceman who ceases to engage in a kind of  
31 business which makes him responsible for filing returns under  
32 this Act, such serviceman shall file a final return under this  
33 Act with the Department not more than 1 month after  
34 discontinuing such business.

35 Where a serviceman collects the tax with respect to the  
36 selling price of property which he sells and the purchaser

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

16 Any serviceman filing a return hereunder shall also include  
17 the total tax upon the selling price of tangible personal  
18 property purchased for use by him as an incident to a sale of  
19 service, and such serviceman shall remit the amount of such tax  
20 to the Department when filing such return.

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

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

32 Beginning January 1, 1990, each month the Department shall  
33 pay into the State and Local Tax Reform Fund, a special fund in  
34 the State Treasury, the net revenue realized for the preceding  
35 month from the 1% tax on sales of food for human consumption  
36 which is to be consumed off the premises where it is sold

1 (other than alcoholic beverages, soft drinks and food which has  
2 been prepared for immediate consumption) and prescription and  
3 nonprescription medicines, drugs, medical appliances and  
4 insulin, urine testing materials, syringes and needles used by  
5 diabetics.

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

13 Beginning August 1, 2000, each month the Department shall  
14 pay into the State and Local Sales Tax Reform Fund 100% 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 Of the remainder of the moneys received by the Department  
18 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
19 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
20 and after July 1, 1989, 3.8% thereof shall be paid into the  
21 Build Illinois Fund; provided, however, that if in any fiscal  
22 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
23 may be, of the moneys received by the Department and required  
24 to be paid into the Build Illinois Fund pursuant to Section 3  
25 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
26 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
27 Service Occupation Tax Act, such Acts being hereinafter called  
28 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
29 may be, of moneys being hereinafter called the "Tax Act  
30 Amount", and (2) the amount transferred to the Build Illinois  
31 Fund from the State and Local Sales Tax Reform Fund shall be  
32 less than the Annual Specified Amount (as defined in Section 3  
33 of the Retailers' Occupation Tax Act), an amount equal to the  
34 difference shall be immediately paid into the Build Illinois  
35 Fund from other moneys received by the Department pursuant to  
36 the Tax Acts; and further provided, that if on the last



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

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

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

	Fiscal Year	Total Deposit
23	1993	\$0
24	1994	53,000,000
25	1995	58,000,000
26	1996	61,000,000
27	1997	64,000,000
28	1998	68,000,000
29	1999	71,000,000
30	2000	75,000,000
31	2001	80,000,000
32	2002	93,000,000
33	2003	99,000,000
34	2004	103,000,000
35	2005	108,000,000

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

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

26           Beginning July 20, 1993 and in each month of each fiscal  
 27           year thereafter, one-eighth of the amount requested in the  
 28           certificate of the Chairman of the Metropolitan Pier and  
 29           Exposition Authority for that fiscal year, less the amount  
 30           deposited into the McCormick Place Expansion Project Fund by  
 31           the State Treasurer in the respective month under subsection  
 32           (g) of Section 13 of the Metropolitan Pier and Exposition  
 33           Authority Act, plus cumulative deficiencies in the deposits  
 34           required under this Section for previous months and years,  
 35           shall be deposited into the McCormick Place Expansion Project  
 36           Fund, until the full amount requested for the fiscal year, but

1 not in excess of the amount specified above as "Total Deposit",  
2 has been deposited.

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

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

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

1 facility certified pursuant to Section 605-332 of the  
2 Department of Commerce and Economic Opportunity Community  
3 ~~Affairs~~ Law of the Civil Administrative Code of Illinois.

4 All remaining moneys received by the Department pursuant to  
5 this Act shall be paid into the General Revenue Fund of the  
6 State Treasury.

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

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

18 (Source: P.A. 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492,  
19 eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02;  
20 revised 10-15-03.)

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

23 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

24 Sec. 9. Each serviceman required or authorized to collect  
25 the tax herein imposed shall pay to the Department the amount  
26 of such tax at the time when he is required to file his return  
27 for the period during which such tax was collectible, less a  
28 discount of 2.1% prior to January 1, 1990, and 1.75% on and  
29 after January 1, 1990, or \$5 per calendar year, whichever is  
30 greater, which is allowed to reimburse the serviceman for  
31 expenses incurred in collecting the tax, keeping records,  
32 preparing and filing returns, remitting the tax and supplying  
33 data to the Department on request.

34 Where such tangible personal property is sold under a

1 conditional sales contract, or under any other form of sale  
2 wherein the payment of the principal sum, or a part thereof, is  
3 extended beyond the close of the period for which the return is  
4 filed, the serviceman, in collecting the tax may collect, for  
5 each tax return period, only the tax applicable to the part of  
6 the selling price actually received during such tax return  
7 period.

8 Except as provided hereinafter in this Section, on or  
9 before the twentieth day of each calendar month, such  
10 serviceman shall file a return for the preceding calendar month  
11 in accordance with reasonable rules and regulations to be  
12 promulgated by the Department of Revenue. Such return shall be  
13 filed on a form prescribed by the Department and shall contain  
14 such information as the Department may reasonably require.

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

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

35 If a taxpayer fails to sign a return within 30 days after  
36 the proper notice and demand for signature by the Department,

1 the return shall be considered valid and any amount shown to be  
2 due on the return shall be deemed assessed.

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

24 If the serviceman's average monthly tax liability to the  
25 Department does not exceed \$200, the Department may authorize  
26 his returns to be filed on a quarter annual basis, with the  
27 return for January, February and March of a given year being  
28 due by April 20 of such year; with the return for April, May  
29 and June of a given year being due by July 20 of such year; with  
30 the return for July, August and September of a given year being  
31 due by October 20 of such year, and with the return for  
32 October, November and December of a given year being due by  
33 January 20 of the following year.

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

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

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

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

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



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

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

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

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

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

33 If experience indicates such action to be practicable, the  
34 Department may prescribe and furnish a combination or joint  
35 return which will enable servicemen, who are required to file  
36 returns hereunder and also under the Retailers' Occupation Tax

1 Act, the Use Tax Act or the Service Use Tax Act, to furnish all  
2 the return information required by all said Acts on the one  
3 form.

4 Where the serviceman has more than one business registered  
5 with the Department under separate registrations hereunder,  
6 such serviceman shall file separate returns for each registered  
7 business.

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

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

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

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

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

33 Of the remainder of the moneys received by the Department  
34 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
35 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
36 and after July 1, 1989, 3.8% thereof shall be paid into the

1 Build Illinois Fund; provided, however, that if in any fiscal  
2 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
3 may be, of the moneys received by the Department and required  
4 to be paid into the Build Illinois Fund pursuant to Section 3  
5 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
6 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
7 Service Occupation Tax Act, such Acts being hereinafter called  
8 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
9 may be, of moneys being hereinafter called the "Tax Act  
10 Amount", and (2) the amount transferred to the Build Illinois  
11 Fund from the State and Local Sales Tax Reform Fund shall be  
12 less than the Annual Specified Amount (as defined in Section 3  
13 of the Retailers' Occupation Tax Act), an amount equal to the  
14 difference shall be immediately paid into the Build Illinois  
15 Fund from other moneys received by the Department pursuant to  
16 the Tax Acts; and further provided, that if on the last  
17 business day of any month the sum of (1) the Tax Act Amount  
18 required to be deposited into the Build Illinois Account in the  
19 Build Illinois Fund during such month and (2) the amount  
20 transferred during such month to the Build Illinois Fund from  
21 the State and Local Sales Tax Reform Fund shall have been less  
22 than 1/12 of the Annual Specified Amount, an amount equal to  
23 the difference shall be immediately paid into the Build  
24 Illinois Fund from other moneys received by the Department  
25 pursuant to the Tax Acts; and, further provided, that in no  
26 event shall the payments required under the preceding proviso  
27 result in aggregate payments into the Build Illinois Fund  
28 pursuant to this clause (b) for any fiscal year in excess of  
29 the greater of (i) the Tax Act Amount or (ii) the Annual  
30 Specified Amount for such fiscal year; and, further provided,  
31 that the amounts payable into the Build Illinois Fund under  
32 this clause (b) shall be payable only until such time as the  
33 aggregate amount on deposit under each trust indenture securing  
34 Bonds issued and outstanding pursuant to the Build Illinois  
35 Bond Act is sufficient, taking into account any future  
36 investment income, to fully provide, in accordance with such

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

26 Subject to payment of amounts into the Build Illinois Fund  
27 as provided in the preceding paragraph or in any amendment  
28 thereto hereafter enacted, the following specified monthly  
29 installment of the amount requested in the certificate of the  
30 Chairman of the Metropolitan Pier and Exposition Authority  
31 provided under Section 8.25f of the State Finance Act, but not  
32 in excess of the sums designated as "Total Deposit", shall be  
33 deposited in the aggregate from collections under Section 9 of  
34 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
35 9 of the Service Occupation Tax Act, and Section 3 of the  
36 Retailers' Occupation Tax Act into the McCormick Place

1 Expansion Project Fund in the specified fiscal years.

2 Total

Fiscal Year Deposit

3 1993 \$0

4 1994 53,000,000

5 1995 58,000,000

6 1996 61,000,000

7 1997 64,000,000

8 1998 68,000,000

9 1999 71,000,000

10 2000 75,000,000

11 2001 80,000,000

12 2002 93,000,000

13 2003 99,000,000

14 2004 103,000,000

15 2005 108,000,000

16 2006 113,000,000

17 2007 119,000,000

18 2008 126,000,000

19 2009 132,000,000

20 2010 139,000,000

21 2011 146,000,000

22 2012 153,000,000

23 2013 161,000,000

24 2014 170,000,000

25 2015 179,000,000

26 2016 189,000,000

27 2017 199,000,000

28 2018 210,000,000

29 2019 221,000,000

30 2020 233,000,000

31 2021 246,000,000

32 2022 260,000,000

33 2023 and 275,000,000

34 each fiscal year

35 thereafter that bonds

1           are outstanding under  
2           Section 13.2 of the  
3           Metropolitan Pier and  
4           Exposition Authority Act,  
5       but not after fiscal year 2042.

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

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

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

1 paragraphs or in any amendments thereto hereafter enacted,  
2 beginning July 1, 1993, the Department shall each month pay  
3 into the Illinois Tax Increment Fund 0.27% of 80% of the net  
4 revenue realized for the preceding month from the 6.25% general  
5 rate on the selling price of tangible personal property.

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

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

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

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

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

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

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

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

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

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



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

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

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

18 (Source: P.A. 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492,  
19 eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02; 93-24,  
20 eff. 6-20-03; 93-840, eff. 7-30-04.)

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

23 (35 ILCS 120/3) (from Ch. 120, par. 442)

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

29 1. The name of the seller;

30 2. His residence address and the address of his  
31 principal place of business and the address of the  
32 principal place of business (if that is a different  
33 address) from which he engages in the business of selling  
34 tangible personal property at retail in this State;

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

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

11           5. Deductions allowed by law;

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

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

17           8. The amount of tax due;

18           9. The signature of the taxpayer; and

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

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

25           Each return shall be accompanied by the statement of  
26 prepaid tax issued pursuant to Section 2e for which credit is  
27 claimed.

28           Prior to October 1, 2003, and on and after September 1,  
29 2004 a retailer may accept a Manufacturer's Purchase Credit  
30 certification from a purchaser in satisfaction of Use Tax as  
31 provided in Section 3-85 of the Use Tax Act if the purchaser  
32 provides the appropriate documentation as required by Section  
33 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit  
34 certification, accepted by a retailer prior to October 1, 2003  
35 and on and after September 1, 2004 as provided in Section 3-85  
36 of the Use Tax Act, may be used by that retailer to satisfy

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

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

20 1. The name of the seller;

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

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

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

31 5. The amount of tax due; and

32 6. Such other reasonable information as the Department  
33 may require.

34 Beginning on October 1, 2003, any person who is not a  
35 licensed distributor, importing distributor, or manufacturer,  
36 as defined in the Liquor Control Act of 1934, but is engaged in

1 the business of selling, at retail, alcoholic liquor shall file  
2 a statement with the Department of Revenue, in a format and at  
3 a time prescribed by the Department, showing the total amount  
4 paid for alcoholic liquor purchased during the preceding month  
5 and such other information as is reasonably required by the  
6 Department. The Department may adopt rules to require that this  
7 statement be filed in an electronic or telephonic format. Such  
8 rules may provide for exceptions from the filing requirements  
9 of this paragraph. For the purposes of this paragraph, the term  
10 "alcoholic liquor" shall have the meaning prescribed in the  
11 Liquor Control Act of 1934.

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

1 this paragraph, the term "electronic means" includes, but is  
2 not limited to, the use of a secure Internet website, e-mail,  
3 or facsimile.

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

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

32 Before August 1 of each year beginning in 1993, the  
33 Department shall notify all taxpayers required to make payments  
34 by electronic funds transfer. All taxpayers required to make  
35 payments by electronic funds transfer shall make those payments  
36 for a minimum of one year beginning on 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 funds  
5 transfer and any taxpayers authorized to voluntarily make  
6 payments by electronic funds transfer shall make those payments  
7 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 any  
12 return or other document under this Act shall, if such amount  
13 is not a whole-dollar amount, be increased to the nearest  
14 whole-dollar amount in any case where the fractional part of a  
15 dollar is 50 cents or more, and decreased to the nearest  
16 whole-dollar amount where the fractional part of a dollar is  
17 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 year  
23 being due by April 20 of such year; with the return for April,  
24 May and June of a given year being due by July 20 of such year;  
25 with the return for July, August and September of a given year  
26 being due by October 20 of such year, and with the return for  
27 October, November and December of a given year being due by  
28 January 20 of the following year.

29 If the retailer is otherwise required to file a monthly or  
30 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 20  
34 of the following year.

35 Such quarter annual and annual returns, as to form and  
36 substance, shall be subject to the same requirements as monthly

1 returns.

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

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

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

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

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

30 The transaction reporting return in the case of watercraft  
31 or aircraft must show the name and address of the seller; the  
32 name and address of the purchaser; the amount of the selling  
33 price including the amount allowed by the retailer for  
34 traded-in property, if any; the amount allowed by the retailer  
35 for the traded-in tangible personal property, if any, to the  
36 extent to which Section 1 of this Act allows an exemption for



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

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

22 With each such transaction reporting return, the retailer  
23 shall remit the proper amount of tax due (or shall submit  
24 satisfactory evidence that the sale is not taxable if that is  
25 the case), to the Department or its agents, whereupon the  
26 Department shall issue, in the purchaser's name, a use tax  
27 receipt (or a certificate of exemption if the Department is  
28 satisfied that the particular sale is tax exempt) which such  
29 purchaser may submit to the agency with which, or State officer  
30 with whom, he must title or register the tangible personal  
31 property that is involved (if titling or registration is  
32 required) in support of such purchaser's application for an  
33 Illinois certificate or other evidence of title or registration  
34 to such tangible personal property.

35 No retailer's failure or refusal to remit tax under this  
36 Act precludes a user, who has paid the proper tax to the

1 retailer, from obtaining his certificate of title or other  
2 evidence of title or registration (if titling or registration  
3 is required) upon satisfying the Department that such user has  
4 paid the proper tax (if tax is due) to the retailer. The  
5 Department shall adopt appropriate rules to carry out the  
6 mandate of this paragraph.

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

25 Refunds made by the seller during the preceding return  
26 period to purchasers, on account of tangible personal property  
27 returned to the seller, shall be allowed as a deduction under  
28 subdivision 5 of his monthly or quarterly return, as the case  
29 may be, in case the seller had theretofore included the  
30 receipts from the sale of such tangible personal property in a  
31 return filed by him and had paid the tax imposed by this Act  
32 with respect to such receipts.

33 Where the seller is a corporation, the return filed on  
34 behalf of such corporation shall be signed by the president,  
35 vice-president, secretary or treasurer or by the properly  
36 accredited agent of such corporation.

1           Where the seller is a limited liability company, the return  
2 filed on behalf of the limited liability company shall be  
3 signed by a manager, member, or properly accredited agent of  
4 the limited liability company.

5           Except as provided in this Section, the retailer filing the  
6 return under this Section shall, at the time of filing such  
7 return, pay to the Department the amount of tax imposed by this  
8 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%  
9 on and after January 1, 1990, or \$5 per calendar year,  
10 whichever is greater, which is allowed to reimburse the  
11 retailer for the expenses incurred in keeping records,  
12 preparing and filing returns, remitting the tax and supplying  
13 data to the Department on request. Any prepayment made pursuant  
14 to Section 2d of this Act shall be included in the amount on  
15 which such 2.1% or 1.75% discount is computed. In the case of  
16 retailers who report and pay the tax on a transaction by  
17 transaction basis, as provided in this Section, such discount  
18 shall be taken with each such tax remittance instead of when  
19 such retailer files his periodic return.

20           Before October 1, 2000, if the taxpayer's average monthly  
21 tax liability to the Department under this Act, the Use Tax  
22 Act, the Service Occupation Tax Act, and the Service Use Tax  
23 Act, excluding any liability for prepaid sales tax to be  
24 remitted in accordance with Section 2d of this Act, was \$10,000  
25 or more during the preceding 4 complete calendar quarters, he  
26 shall file a return with the Department each month by the 20th  
27 day of the month next following the month during which such tax  
28 liability is incurred and shall make payments to the Department  
29 on or before the 7th, 15th, 22nd and last day of the month  
30 during which such liability is incurred. On and after October  
31 1, 2000, if the taxpayer's average monthly tax liability to the  
32 Department under this Act, the Use Tax Act, the Service  
33 Occupation Tax Act, and the Service Use Tax Act, excluding any  
34 liability for prepaid sales tax to be remitted in accordance  
35 with Section 2d of this Act, was \$20,000 or more during the  
36 preceding 4 complete calendar quarters, he shall file a return

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

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

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

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

1 against the final tax liability of the taxpayer's return for  
2 that month filed under this Section or Section 2f, as the case  
3 may be. Once applicable, the requirement of the making of  
4 quarter monthly payments to the Department pursuant to this  
5 paragraph shall continue until such taxpayer's average monthly  
6 prepaid tax collections during the preceding 2 complete  
7 calendar quarters is \$25,000 or less. If any such quarter  
8 monthly payment is not paid at the time or in the amount  
9 required, the taxpayer shall be liable for penalties and  
10 interest on such difference, except insofar as the taxpayer has  
11 previously made payments for that month in excess of the  
12 minimum payments previously due.

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

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

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

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

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



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

8 Beginning January 1, 1990, each month the Department shall  
9 pay into the County and Mass Transit District Fund, a special  
10 fund in the State treasury which is hereby created, 4% of the  
11 net revenue realized for the preceding month from the 6.25%  
12 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 shall  
18 pay into the Local Government Tax Fund 16% of the net revenue  
19 realized for the preceding month from the 6.25% general rate on  
20 the selling price of tangible personal property.

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

25 Of the remainder of the moneys received by the Department  
26 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
27 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
28 and after July 1, 1989, 3.8% thereof shall be paid into the  
29 Build Illinois Fund; provided, however, that if in any fiscal  
30 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
31 may be, of the moneys received by the Department and required  
32 to be paid into the Build Illinois Fund pursuant to this Act,  
33 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax  
34 Act, and Section 9 of the Service Occupation Tax Act, such Acts  
35 being hereinafter called the "Tax Acts" and such aggregate of  
36 2.2% or 3.8%, as the case may be, of moneys being hereinafter

1 called the "Tax Act Amount", and (2) the amount transferred to  
 2 the Build Illinois Fund from the State and Local Sales Tax  
 3 Reform Fund shall be less than the Annual Specified Amount (as  
 4 hereinafter defined), an amount equal to the difference shall  
 5 be immediately paid into the Build Illinois Fund from other  
 6 moneys received by the Department pursuant to the Tax Acts; the  
 7 "Annual Specified Amount" means the amounts specified below for  
 8 fiscal years 1986 through 1993:

9	Fiscal Year	Annual Specified Amount
10	1986	\$54,800,000
11	1987	\$76,650,000
12	1988	\$80,480,000
13	1989	\$88,510,000
14	1990	\$115,330,000
15	1991	\$145,470,000
16	1992	\$182,730,000
17	1993	\$206,520,000;

18 and means the Certified Annual Debt Service Requirement (as  
 19 defined in Section 13 of the Build Illinois Bond Act) or the  
 20 Tax Act Amount, whichever is greater, for fiscal year 1994 and  
 21 each fiscal year thereafter; and further provided, that if on  
 22 the last business day of any month the sum of (1) the Tax Act  
 23 Amount required to be deposited into the Build Illinois Bond  
 24 Account in the Build Illinois Fund during such month and (2)  
 25 the amount transferred to the Build Illinois Fund from the  
 26 State and Local Sales Tax Reform Fund shall have been less than  
 27 1/12 of the Annual Specified Amount, an amount equal to the  
 28 difference shall be immediately paid into the Build Illinois  
 29 Fund from other moneys received by the Department pursuant to  
 30 the Tax Acts; and, further provided, that in no event shall the  
 31 payments required under the preceding proviso result in  
 32 aggregate payments into the Build Illinois Fund pursuant to  
 33 this clause (b) for any fiscal year in excess of the greater of  
 34 (i) the Tax Act Amount or (ii) the Annual Specified Amount for  
 35 such fiscal year. The amounts payable into the Build Illinois  
 36 Fund under clause (b) of the first sentence in this paragraph

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

31 Subject to payment of amounts into the Build Illinois Fund  
32 as provided in the preceding paragraph or in any amendment  
33 thereto hereafter enacted, the following specified monthly  
34 installment of the amount requested in the certificate of the  
35 Chairman of the Metropolitan Pier and Exposition Authority  
36 provided under Section 8.25f of the State Finance Act, but not

1 in excess of sums designated as "Total Deposit", shall be  
 2 deposited in the aggregate from collections under Section 9 of  
 3 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
 4 9 of the Service Occupation Tax Act, and Section 3 of the  
 5 Retailers' Occupation Tax Act into the McCormick Place  
 6 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
7		
8	1993	\$0
9	1994	53,000,000
10	1995	58,000,000
11	1996	61,000,000
12	1997	64,000,000
13	1998	68,000,000
14	1999	71,000,000
15	2000	75,000,000
16	2001	80,000,000
17	2002	93,000,000
18	2003	99,000,000
19	2004	103,000,000
20	2005	108,000,000
21	2006	113,000,000
22	2007	119,000,000
23	2008	126,000,000
24	2009	132,000,000
25	2010	139,000,000
26	2011	146,000,000
27	2012	153,000,000
28	2013	161,000,000
29	2014	170,000,000
30	2015	179,000,000
31	2016	189,000,000
32	2017	199,000,000
33	2018	210,000,000
34	2019	221,000,000
35	2020	233,000,000

1	2021	246,000,000
2	2022	260,000,000
3	2023 and	275,000,000

4           each fiscal year  
 5           thereafter that bonds  
 6           are outstanding under  
 7           Section 13.2 of the  
 8           Metropolitan Pier and  
 9           Exposition Authority Act,  
 10          but not after fiscal year 2042.

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

24          Subject to payment of amounts into the Build Illinois Fund  
 25          and the McCormick Place Expansion Project Fund under the  
 26          preceding paragraphs, each month the Department shall, subject  
 27          to appropriation, pay into the Local Government Distributive  
 28          Fund 0.4% of the net revenue realized for the preceding month  
 29          from the 5% general rate, or 0.4% of 80% of the net revenue  
 30          realized for the preceding month from the 6.25% general rate,  
 31          as the case may be, on the selling price of tangible personal  
 32          property. That amount shall, subject to appropriation, be  
 33          distributed as provided in Section 2 of the State Revenue  
 34          Sharing Act. No payments or distributions under this paragraph  
 35          shall be made if the tax imposed by this Act on photoprocessing  
 36          products is declared unconstitutional or if the proceeds from

1 that tax are unavailable for distribution because of  
2 litigation.

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

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

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

31 The Department may, upon separate written notice to a  
32 taxpayer, require the taxpayer to prepare and file with the  
33 Department on a form prescribed by the Department within not  
34 less than 60 days after receipt of the notice an annual  
35 information return for the tax year specified in the notice.  
36 Such annual return to the Department shall include a statement

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

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

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

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

31 The chief executive officer, proprietor, owner or highest  
32 ranking manager shall sign the annual return to certify the  
33 accuracy of the information contained therein. Any person who  
34 willfully signs the annual return containing false or  
35 inaccurate information shall be guilty of perjury and punished  
36 accordingly. The annual return form prescribed by the

1 Department shall include a warning that the person signing the  
2 return may be liable for perjury.

3 The provisions of this Section concerning the filing of an  
4 annual information return do not apply to a retailer who is not  
5 required to file an income tax return with the United States  
6 Government.

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

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

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

25 Any person who promotes, organizes, provides retail  
26 selling space for concessionaires or other types of sellers at  
27 the Illinois State Fair, DuQuoin State Fair, county fairs,  
28 local fairs, art shows, flea markets and similar exhibitions or  
29 events, including any transient merchant as defined by Section  
30 2 of the Transient Merchant Act of 1987, is required to file a  
31 report with the Department providing the name of the merchant's  
32 business, the name of the person or persons engaged in  
33 merchant's business, the permanent address and Illinois  
34 Retailers Occupation Tax Registration Number of the merchant,  
35 the dates and location of the event and other reasonable  
36 information that the Department may require. The report must be



1 filed not later than the 20th day of the month next following  
2 the month during which the event with retail sales was held.  
3 Any person who fails to file a report required by this Section  
4 commits a business offense and is subject to a fine not to  
5 exceed \$250.

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

26 (Source: P.A. 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-208,  
27 eff. 8-2-01; 92-484, eff. 8-23-01; 92-492, eff. 1-1-02; 92-600,  
28 eff. 6-28-02; 92-651, eff. 7-11-02; 93-22, eff. 6-20-03; 93-24,  
29 eff. 6-20-03; 93-840, eff. 7-30-04; 93-926, eff. 8-12-04;  
30 93-1057, eff. 12-2-04; revised 12-6-04.)

31 Section 99. Effective date. This Act takes effect July 1,  
32 2005.