



Rep. Karen May

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1 AMENDMENT TO HOUSE BILL 1355

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1355 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Revenue Law of the Civil  
5 Administrative Code of Illinois is amended by adding Section  
6 2505-755 as follows:

7 (20 ILCS 2505/2505-755 new)

8 Sec. 2505-755. Deposit of State funds. Notwithstanding any  
9 other provision of law, the proceeds from any tax imposed by  
10 the State and collected and administered by the Department  
11 shall be deposited into the appropriate fund in the State  
12 treasury within 3 business days after the proceeds are received  
13 by the Department.

14 Section 10. The Illinois Income Tax Act is amended by  
15 changing Sections 704 and 803 as follows:

1 (35 ILCS 5/704) (from Ch. 120, par. 7-704)

2 Sec. 704. Employer's Return and Payment of Tax Withheld.

3 (a) In general, every employer who deducts and withholds or  
4 is required to deduct and withhold tax under this Act prior to  
5 January 1, 2008, shall make such payments and returns as  
6 provided in this Section.

7 (b) Quarter Monthly Payments: Returns. Every employer who  
8 deducts and withholds or is required to deduct and withhold tax  
9 under this Act shall, on or before the third banking day  
10 following the close of a quarter monthly period, pay to the  
11 Department or to a depository designated by the Department,  
12 pursuant to regulations prescribed by the Department, the taxes  
13 so required to be deducted and withheld, whenever the aggregate  
14 amount withheld by such employer (together with amounts  
15 previously withheld and not paid to the Department) exceeds  
16 \$1,000. For purposes of this Section, Saturdays, Sundays, legal  
17 holidays and local bank holidays are not banking days. A  
18 quarter monthly period, for purposes of this subsection, ends  
19 on the 7th, 15th, 22nd and last day of each calendar month.  
20 Every such employer shall for each calendar quarter, on or  
21 before the last day of the first month following the close of  
22 such quarter, and for the calendar year, on or before January  
23 31 of the succeeding calendar year, make a return with respect  
24 to such taxes in such form and manner as the Department may by  
25 regulations prescribe, and pay to the Department or to a

1       depository designated by the Department all withheld taxes not  
2       previously paid to the Department.

3           (c) Monthly Payments: Returns. Every employer required to  
4       deduct and withhold tax under this Act shall, on or before the  
5       15th day of the second and third months of each calendar  
6       quarter, and on or before the last day of the month following  
7       the last month of each such quarter, pay to the Department or  
8       to a depository designated by the Department, pursuant to  
9       regulations prescribed by the Department, the taxes so required  
10      to be deducted and withheld, whenever the aggregate amount  
11      withheld by such employer (together with amounts previously  
12      withheld and not paid to the Department) exceeds \$500 but does  
13      not exceed \$1,000. Every such employer shall for each calendar  
14      quarter, on or before the last day of the first month following  
15      the close of such quarter, and for the calendar year, on or  
16      before January 31 of the succeeding calendar year, make a  
17      return with respect to such taxes in such form and manner as  
18      the Department may by regulations prescribe, and pay to the  
19      Department or to a depository designated by the Department all  
20      withheld taxes not previously paid to the Department.

21           (d) Annual Payments: Returns. Where the amount of  
22      compensation paid by an employer is not sufficient to require  
23      the withholding of tax from the compensation of any of its  
24      employees (or where the aggregate amount withheld is less than  
25      \$500), the Department may by regulation permit such employer to  
26      file only an annual return and to pay the taxes required to be

1 deducted and withheld at the time of filing such annual return.

2 (e) Annual Return. The Department may, as it deems  
3 appropriate, prescribe by regulation for the filing of annual  
4 returns in lieu of quarterly returns described in subsections  
5 (b) and (c).

6 (e-5) Annual Return and Payment. On and after January 1,  
7 1998, notwithstanding subsections (b) through (d) of this  
8 Section, every employer who deducts and withholds or is  
9 required to deduct and withhold tax from a person engaged in  
10 domestic service employment, as that term is defined in Section  
11 3510 of the Internal Revenue Code, may comply with the  
12 requirements of this Section by filing an annual return and  
13 paying the taxes required to be deducted and withheld on or  
14 before the 15th day of the fourth month following the close of  
15 the employer's taxable year. The annual return may be submitted  
16 with the employer's individual income tax return.

17 (e-10) Annual Return and Payment. On and after the  
18 effective date of this amendatory Act of the 97th General  
19 Assembly, every employer who deducts and withholds or is  
20 required to deduct and withhold tax from fewer than 5 employees  
21 during the taxable year may comply with the requirements of  
22 this Section by filing an annual return and paying the taxes  
23 required to be deducted and withheld on or before the 15th day  
24 of the fourth month following the close of the employer's  
25 taxable year. The annual return may be submitted with the  
26 employer's income tax return.

1           (f) Magnetic Media Filing. Forms W-2 that, pursuant to the  
2 Internal Revenue Code and regulations promulgated thereunder,  
3 are required to be submitted to the Internal Revenue Service on  
4 magnetic media, must also be submitted to the Department on  
5 magnetic media for Illinois purposes, if required by the  
6 Department.

7           (Source: P.A. 95-8, eff. 6-29-07.)

8           (35 ILCS 5/803) (from Ch. 120, par. 8-803)

9           Sec. 803. Payment of Estimated Tax.

10          (a) Every taxpayer other than an estate, trust,  
11 partnership, Subchapter S corporation, business employing  
12 fewer than 5 employees, or farmer is required to pay estimated  
13 tax for the taxable year, in such amount and with such forms as  
14 the Department shall prescribe, if the amount payable as  
15 estimated tax can reasonably be expected to be more than (i)  
16 \$250 for taxable years ending before December 31, 2001 and \$500  
17 for taxable years ending on or after December 31, 2001 or (ii)  
18 \$400 for corporations.

19          (b) Estimated tax defined. The term "estimated tax" means  
20 the excess of:

21           (1) The amount which the taxpayer estimates to be his  
22 tax under this Act for the taxable year, over

23           (2) The amount which he estimates to be the sum of any  
24 amounts to be withheld on account of or credited against  
25 such tax.

1           (c) Joint payment. If they are eligible to do so for  
2 federal tax purposes, a husband and wife may pay estimated tax  
3 as if they were one taxpayer, in which case the liability with  
4 respect to the estimated tax shall be joint and several. If a  
5 joint payment is made but the husband and wife elect to  
6 determine their taxes under this Act separately, the estimated  
7 tax for such year may be treated as the estimated tax of either  
8 husband or wife, or may be divided between them, as they may  
9 elect.

10           (d) There shall be paid 4 equal installments of estimated  
11 tax for each taxable year, payable as follows:

Required Installment:	Due Date:
13                   1st	April 15
14                   2nd	June 15
15                   3rd	September 15
16                   4th	Individuals: January 15 of the 17 following taxable year 18 Corporations: December 15

19           (e) Farmers. An individual, having gross income from  
20 farming for the taxable year which is at least 2/3 of his total  
21 estimated gross income for such year.

22           (f) Application to short taxable years. The application of  
23 this section to taxable years of less than 12 months shall be  
24 in accordance with regulations prescribed by the Department.

25           (g) Fiscal years. In the application of this section to the  
26 case of a taxable year beginning on any date other than January

1 1, there shall be substituted, for the months specified in  
2 subsections (d) and (e), the months which correspond thereto.

3 (h) Installments paid in advance. Any installment of  
4 estimated tax may be paid before the date prescribed for its  
5 payment.

6 The changes in this Section made by this amendatory Act of  
7 1985 shall apply to taxable years ending on or after January 1,  
8 1986.

9 (Source: P.A. 91-913, eff. 1-1-01.)

10 Section 15. The Unemployment Insurance Act is amended by  
11 changing Section 1400.2 as follows:

12 (820 ILCS 405/1400.2)

13 Sec. 1400.2. Annual reporting and paying; household  
14 workers. This Section applies to an employer who ~~solely~~ employs  
15 fewer than 5 workers, or any number of one or more household  
16 workers, with respect to whom the employer files federal  
17 unemployment taxes as part of his or her federal income tax  
18 return, or could file federal unemployment taxes as part of his  
19 or her federal income tax return if the worker or workers were  
20 providing services in employment for purposes of the federal  
21 unemployment tax. For purposes of this Section, "household  
22 worker" means a person who provides domestic service in a  
23 private home of the employer, as defined in ~~has the meaning~~  
24 ~~ascribed to it for purposes of~~ Section 3510 of the federal

1 Internal Revenue Code. If an employer to whom this Section  
2 applies notifies the Director, in writing, that he or she  
3 wishes to pay his or her contributions for each quarter and  
4 submit his or her wage and contribution reports for each  
5 quarter on an annual basis, then the due date for filing the  
6 reports and paying the contributions shall be April 15 of the  
7 calendar year immediately following the close of the quarters  
8 to which the reports and contributions apply, except that the  
9 Director may, by rule, establish a different due date for good  
10 cause.

11 (Source: P.A. 94-723, eff. 1-19-06.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law."