



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

### SB2516

Introduced 10/27/2011, by Sen. Kirk W. Dillard

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.724 rep.	
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
230 ILCS 10/5	from Ch. 120, par. 2405
230 ILCS 10/13	from Ch. 120, par. 2413
230 ILCS 10/17	from Ch. 120, par. 2417
230 ILCS 10/24 rep.	
230 ILCS 40/Act rep.	
720 ILCS 5/28-1	from Ch. 38, par. 28-1
720 ILCS 5/28-1.1	from Ch. 38, par. 28-1.1
720 ILCS 5/28-3	from Ch. 38, par. 28-3

Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act. Provides that the Department shall pay into the Capital Projects Fund 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of motor fuel and gasohol. Provides that, if in any month deposits into the Capital Projects Fund from the 6.25% general rate on the selling price of motor fuel and gasohol would cause the balance in the Capital Projects Fund to meet or exceed the amount necessary for payment of debt service on bonds issued for capital projects, then the amount of the deposit that exceeds the debt service obligations shall be deposited into the Road Fund. Repeals the Video Gaming Act and makes conforming changes. Contains an inseverability clause. Effective immediately.

LRB097 14311 AMC 59097 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

4 (30 ILCS 105/5.724 rep.)

5 Section 5. The State Finance Act is amended by repealing  
6 Section 5.724.

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

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

10 Sec. 9. Except as to motor vehicles, watercraft, aircraft,  
11 and trailers that are required to be registered with an agency  
12 of this State, each retailer required or authorized to collect  
13 the tax imposed by this Act shall pay to the Department the  
14 amount of such tax (except as otherwise provided) at the time  
15 when he is required to file his return for the period during  
16 which such tax was collected, less a discount of 2.1% prior to  
17 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5  
18 per calendar year, whichever is greater, which is allowed to  
19 reimburse the retailer for expenses incurred in collecting the  
20 tax, keeping records, preparing and filing returns, remitting  
21 the tax and supplying data to the Department on request. In the  
22 case of retailers who report and pay the tax on a transaction

1 by transaction basis, as provided in this Section, such  
2 discount shall be taken with each such tax remittance instead  
3 of when such retailer files his periodic return. A retailer  
4 need not remit that part of any tax collected by him to the  
5 extent that he is required to remit and does remit the tax  
6 imposed by the Retailers' Occupation Tax Act, with respect to  
7 the sale of the same property.

8 Where such tangible personal property is sold under a  
9 conditional sales contract, or under any other form of sale  
10 wherein the payment of the principal sum, or a part thereof, is  
11 extended beyond the close of the period for which the return is  
12 filed, the retailer, in collecting the tax (except as to motor  
13 vehicles, watercraft, aircraft, and trailers that are required  
14 to be registered with an agency of this State), may collect for  
15 each tax return period, only the tax applicable to that part of  
16 the selling price actually received during such tax return  
17 period.

18 Except as provided in this Section, on or before the  
19 twentieth day of each calendar month, such retailer shall file  
20 a return for the preceding calendar month. Such return shall be  
21 filed on forms prescribed by the Department and shall furnish  
22 such information as the Department may reasonably require.

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

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

4 1. The name of the seller;

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

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

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

15 5. The amount of tax due;

16 5-5. The signature of the taxpayer; and

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

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

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

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

22 Before August 1 of each year beginning in 1993, the  
23 Department shall notify all taxpayers required to make payments  
24 by electronic funds transfer. All taxpayers required to make  
25 payments by electronic funds transfer shall make those payments  
26 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 Before October 1, 2000, if the taxpayer's average monthly  
12 tax liability to the Department under this Act, the Retailers'  
13 Occupation Tax Act, the Service Occupation Tax Act, the Service  
14 Use Tax Act was \$10,000 or more during the preceding 4 complete  
15 calendar quarters, he shall file a return with the Department  
16 each month by the 20th day of the month next following the  
17 month during which such tax liability is incurred and shall  
18 make payments to the Department on or before the 7th, 15th,  
19 22nd and last day of the month during which such liability is  
20 incurred. On and after October 1, 2000, if the taxpayer's  
21 average monthly tax liability to the Department under this Act,  
22 the Retailers' Occupation Tax Act, the Service Occupation Tax  
23 Act, and the Service Use Tax Act was \$20,000 or more during the  
24 preceding 4 complete calendar quarters, he shall file a return  
25 with the Department each month by the 20th day of the month  
26 next following the month during which such tax liability is

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

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



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

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

1 liable for penalties and interest on such difference.

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

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

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

22 Notwithstanding any other provision in this Act concerning  
23 the time within which a retailer may file his return, in the  
24 case of any retailer who ceases to engage in a kind of business  
25 which makes him responsible for filing returns under this Act,  
26 such retailer shall file a final return under this Act with the

1 Department not more than one month after discontinuing such  
2 business.

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

26 The transaction reporting return in the case of motor

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

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

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

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

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

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

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

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

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

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

26 Any retailer filing a return under this Section shall also



1 include (for the purpose of paying tax thereon) the total tax  
2 covered by such return upon the selling price of tangible  
3 personal property purchased by him at retail from a retailer,  
4 but as to which the tax imposed by this Act was not collected  
5 from the retailer filing such return, and such retailer shall  
6 remit the amount of such tax to the Department when filing such  
7 return.

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

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

19 Beginning January 1, 1990, each month the Department shall  
20 pay into the State and Local Sales Tax Reform Fund, a special  
21 fund in the State Treasury which is hereby created, the net  
22 revenue realized for the preceding month from the 1% tax on  
23 sales of food for human consumption which is to be consumed off  
24 the premises where it is sold (other than alcoholic beverages,  
25 soft drinks and food which has been prepared for immediate  
26 consumption) and prescription and nonprescription medicines,

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

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

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, 20% of the net revenue realized for  
13 the preceding month from the 6.25% general rate on the selling  
14 price of tangible personal property, other than tangible  
15 personal property which is purchased outside Illinois at retail  
16 from a retailer and which is titled or registered by an agency  
17 of this State's government.

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

22 Beginning on the first day of the first month to occur not  
23 less than 30 days after the effective date of this amendatory  
24 Act of the 97th General Assembly, each month the Department  
25 shall pay into the Capital Projects Fund 80% of the net revenue  
26 realized for the preceding month from the 6.25% general rate on

1 the selling price of motor fuel and gasohol. However, if in any  
2 month, deposits into the Capital Projects Fund from the 6.25%  
3 general rate on the selling price of motor fuel and gasohol  
4 would cause the balance in the Capital Projects Fund to meet or  
5 exceed the amount necessary for payment of debt service on  
6 bonds issued for capital projects, then the amount of the  
7 deposit that exceeds the debt service obligations shall be  
8 deposited into the Road Fund.

9       Beginning September 1, 2010, each month the Department  
10 shall pay into the State and Local Sales Tax Reform Fund 100%  
11 of the net revenue realized for the preceding month from the  
12 1.25% rate on the selling price of sales tax holiday items.

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

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

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

10  
11           Of the remainder of the moneys received by the Department  
12 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
13 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
14 and after July 1, 1989, 3.8% thereof shall be paid into the  
15 Build Illinois Fund; provided, however, that if in any fiscal  
16 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
17 may be, of the moneys received by the Department and required  
18 to be paid into the Build Illinois Fund pursuant to Section 3  
19 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
20 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
21 Service Occupation Tax Act, such Acts being hereinafter called  
22 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
23 may be, of moneys being hereinafter called the "Tax Act  
24 Amount", and (2) the amount transferred to the Build Illinois  
25 Fund from the State and Local Sales Tax Reform Fund shall be  
26 less than the Annual Specified Amount (as defined in Section 3

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

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

24 Subject to payment of amounts into the Build Illinois Fund  
25 as provided in the preceding paragraph or in any amendment  
26 thereto hereafter enacted, the following specified monthly

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

10	Fiscal Year	Total Deposit
11	1993	\$0
12	1994	53,000,000
13	1995	58,000,000
14	1996	61,000,000
15	1997	64,000,000
16	1998	68,000,000
17	1999	71,000,000
18	2000	75,000,000
19	2001	80,000,000
20	2002	93,000,000
21	2003	99,000,000
22	2004	103,000,000
23	2005	108,000,000
24	2006	113,000,000
25	2007	119,000,000
26	2008	126,000,000

1	2009	132,000,000
2	2010	139,000,000
3	2011	146,000,000
4	2012	153,000,000
5	2013	161,000,000
6	2014	170,000,000
7	2015	179,000,000
8	2016	189,000,000
9	2017	199,000,000
10	2018	210,000,000
11	2019	221,000,000
12	2020	233,000,000
13	2021	246,000,000
14	2022	260,000,000
15	2023	275,000,000
16	2024	275,000,000
17	2025	275,000,000
18	2026	279,000,000
19	2027	292,000,000
20	2028	307,000,000
21	2029	322,000,000
22	2030	338,000,000
23	2031	350,000,000
24	2032	350,000,000
25	and	
26	each fiscal year	



1           thereafter that bonds  
2           are outstanding under  
3           Section 13.2 of the  
4           Metropolitan Pier and  
5           Exposition Authority Act,  
6       but not after fiscal year 2060.

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

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

1 property.

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

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

21 As soon as possible after the first day of each month, upon  
22 certification of the Department of Revenue, the Comptroller  
23 shall order transferred and the Treasurer shall transfer from  
24 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
25 equal to 1.7% of 80% of the net revenue realized under this Act  
26 for the second preceding month. Beginning April 1, 2000, this

1 transfer is no longer required and shall not be made.

2 Net revenue realized for a month shall be the revenue  
3 collected by the State pursuant to this Act, less the amount  
4 paid out during that month as refunds to taxpayers for  
5 overpayment of liability.

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

13 (Source: P.A. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09; 96-898,  
14 eff. 5-27-10; 96-1012, eff. 7-7-10; 97-95, eff. 7-12-11;  
15 97-333, eff. 8-12-11.)

16 Section 15. The Service Use Tax Act is amended by changing  
17 Section 9 as follows:

18 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

19 Sec. 9. Each serviceman required or authorized to collect  
20 the tax herein imposed shall pay to the Department the amount  
21 of such tax (except as otherwise provided) at the time when he  
22 is required to file his return for the period during which such  
23 tax was collected, less a discount of 2.1% prior to January 1,  
24 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

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

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

6 5. The amount of tax due;

7 5-5. The signature of the taxpayer; and

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

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

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

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

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

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

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

25 The Department shall adopt such rules as are necessary to  
26 effectuate a program of electronic funds transfer and the

1 requirements of this Section.

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

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

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

22 Notwithstanding any other provision in this Act concerning  
23 the time within which a serviceman may file his return, in the  
24 case of any serviceman who ceases to engage in a kind of  
25 business which makes him responsible for filing returns under  
26 this Act, such serviceman shall file a final return under this

1 Act with the Department not more than 1 month after  
2 discontinuing such business.

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

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

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



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

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

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

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

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

5           Beginning on the first day of the first month to occur not  
6 less than 30 days after the effective date of this amendatory  
7 Act of the 97th General Assembly, each month the Department  
8 shall pay into the Capital Projects Fund 80% of the net revenue  
9 realized for the preceding month from the 6.25% general rate on  
10 the selling price of motor fuel and gasohol. However, if in any  
11 month, deposits into the Capital Projects Fund from the 6.25%  
12 general rate on the selling price of motor fuel and gasohol  
13 would cause the balance in the Capital Projects Fund to meet or  
14 exceed the amount necessary for payment of debt service on  
15 bonds issued for capital projects, then the amount of the  
16 deposit that exceeds the debt service obligations shall be  
17 deposited into the Road Fund.

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

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

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

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

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

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

24	Fiscal Year	Total
		Deposit
25	1993	\$0

1	1994	53,000,000
2	1995	58,000,000
3	1996	61,000,000
4	1997	64,000,000
5	1998	68,000,000
6	1999	71,000,000
7	2000	75,000,000
8	2001	80,000,000
9	2002	93,000,000
10	2003	99,000,000
11	2004	103,000,000
12	2005	108,000,000
13	2006	113,000,000
14	2007	119,000,000
15	2008	126,000,000
16	2009	132,000,000
17	2010	139,000,000
18	2011	146,000,000
19	2012	153,000,000
20	2013	161,000,000
21	2014	170,000,000
22	2015	179,000,000
23	2016	189,000,000
24	2017	199,000,000
25	2018	210,000,000
26	2019	221,000,000

1	2020	233,000,000
2	2021	246,000,000
3	2022	260,000,000
4	2023	275,000,000
5	2024	275,000,000
6	2025	275,000,000
7	2026	279,000,000
8	2027	292,000,000
9	2028	307,000,000
10	2029	322,000,000
11	2030	338,000,000
12	2031	350,000,000
13	2032	350,000,000

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

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

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

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

17 Subject to payment of amounts into the Build Illinois Fund  
18 and the McCormick Place Expansion Project Fund pursuant to the  
19 preceding paragraphs or in any amendments thereto hereafter  
20 enacted, beginning with the receipt of the first report of  
21 taxes paid by an eligible business and continuing for a 25-year  
22 period, the Department shall each month pay into the Energy  
23 Infrastructure Fund 80% of the net revenue realized from the  
24 6.25% general rate on the selling price of Illinois-mined coal  
25 that was sold to an eligible business. For purposes of this  
26 paragraph, the term "eligible business" means a new electric



1 generating facility certified pursuant to Section 605-332 of  
2 the Department of Commerce and Economic Opportunity Law of the  
3 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. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09; 96-898,  
19 eff. 5-27-10.)

20 Section 20. The Service Occupation Tax Act is amended by  
21 changing Section 9 as follows:

22 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

23 Sec. 9. Each serviceman required or authorized to collect  
24 the tax herein imposed shall pay to the Department the amount

1 of such tax at the time when he is required to file his return  
2 for the period during which such tax was collectible, less a  
3 discount of 2.1% prior to January 1, 1990, and 1.75% on and  
4 after January 1, 1990, or \$5 per calendar year, whichever is  
5 greater, which is allowed to reimburse the serviceman for  
6 expenses incurred in collecting the tax, keeping records,  
7 preparing and filing returns, remitting the tax and supplying  
8 data to the Department on request.

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

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

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

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

5 1. The name of the seller;

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

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

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

14 5. The amount of tax due;

15 5-5. The signature of the taxpayer; and

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

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

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

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

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

1           If the serviceman's average monthly tax liability to the  
2 Department does not exceed \$50, the Department may authorize  
3 his returns to be filed on an annual basis, with the return for  
4 a given year being due by January 20 of the following year.

5           Such quarter annual and annual returns, as to form and  
6 substance, shall be subject to the same requirements as monthly  
7 returns.

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

15           Beginning October 1, 1993, a taxpayer who has an average  
16 monthly tax liability of \$150,000 or more shall make all  
17 payments required by rules of the Department by electronic  
18 funds transfer. Beginning October 1, 1994, a taxpayer who has  
19 an average monthly tax liability of \$100,000 or more shall make  
20 all payments required by rules of the Department by electronic  
21 funds transfer. Beginning October 1, 1995, a taxpayer who has  
22 an average monthly tax liability of \$50,000 or more shall make  
23 all payments required by rules of the Department by electronic  
24 funds transfer. Beginning October 1, 2000, a taxpayer who has  
25 an annual tax liability of \$200,000 or more shall make all  
26 payments required by rules of the Department by electronic

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

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

19 Any taxpayer not required to make payments by electronic  
20 funds transfer may make payments by electronic funds transfer  
21 with the permission of the Department.

22 All taxpayers required to make payment by electronic funds  
23 transfer and any taxpayers authorized to voluntarily make  
24 payments by electronic funds transfer shall make those payments  
25 in the manner authorized by the Department.

26 The Department shall adopt such rules as are necessary to

1 effectuate a program of electronic funds transfer and the  
2 requirements of this Section.

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

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

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

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

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

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

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

26           Beginning August 1, 2000, each month the Department shall



1 pay into the Local Government Tax Fund 80% of the net revenue  
2 realized for the preceding month from the 1.25% rate on the  
3 selling price of motor fuel and gasohol.

4 Beginning on the first day of the first month to occur not  
5 less than 30 days after the effective date of this amendatory  
6 Act of the 97th General Assembly, each month the Department  
7 shall pay into the Capital Projects Fund 80% of the net revenue  
8 realized for the preceding month from the 6.25% general rate on  
9 the selling price of motor fuel and gasohol. However, if in any  
10 month, deposits into the Capital Projects Fund from the 6.25%  
11 general rate on the selling price of motor fuel and gasohol  
12 would cause the balance in the Capital Projects Fund to meet or  
13 exceed the amount necessary for payment of debt service on  
14 bonds issued for capital projects, then the amount of the  
15 deposit that exceeds the debt service obligations shall be  
16 deposited into the Road Fund.

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

24 Of the remainder of the moneys received by the Department  
25 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
26 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on

1 and after July 1, 1989, 3.8% thereof shall be paid into the  
2 Build Illinois Fund; provided, however, that if in any fiscal  
3 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
4 may be, of the moneys received by the Department and required  
5 to be paid into the Build Illinois Fund pursuant to Section 3  
6 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
7 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
8 Service Occupation Tax Act, such Acts being hereinafter called  
9 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
10 may be, of moneys being hereinafter called the "Tax Act  
11 Amount", and (2) the amount transferred to the Build Illinois  
12 Fund from the State and Local Sales Tax Reform Fund shall be  
13 less than the Annual Specified Amount (as defined in Section 3  
14 of the Retailers' Occupation Tax Act), an amount equal to the  
15 difference shall be immediately paid into the Build Illinois  
16 Fund from other moneys received by the Department pursuant to  
17 the Tax Acts; and further provided, that if on the last  
18 business day of any month the sum of (1) the Tax Act Amount  
19 required to be deposited into the Build Illinois Account in the  
20 Build Illinois Fund during such month and (2) the amount  
21 transferred during such month to the Build Illinois Fund from  
22 the State and Local Sales Tax Reform Fund shall have been less  
23 than 1/12 of the Annual Specified Amount, an amount equal to  
24 the difference shall be immediately paid into the Build  
25 Illinois Fund from other moneys received by the Department  
26 pursuant to the Tax Acts; and, further provided, that in no

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

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

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

23	Fiscal Year	Total
		Deposit
24	1993	\$0
25	1994	53,000,000

1	1995	58,000,000
2	1996	61,000,000
3	1997	64,000,000
4	1998	68,000,000
5	1999	71,000,000
6	2000	75,000,000
7	2001	80,000,000
8	2002	93,000,000
9	2003	99,000,000
10	2004	103,000,000
11	2005	108,000,000
12	2006	113,000,000
13	2007	119,000,000
14	2008	126,000,000
15	2009	132,000,000
16	2010	139,000,000
17	2011	146,000,000
18	2012	153,000,000
19	2013	161,000,000
20	2014	170,000,000
21	2015	179,000,000
22	2016	189,000,000
23	2017	199,000,000
24	2018	210,000,000
25	2019	221,000,000
26	2020	233,000,000

1	2021	246,000,000
2	2022	260,000,000
3	2023	275,000,000
4	2024	275,000,000
5	2025	275,000,000
6	2026	279,000,000
7	2027	292,000,000
8	2028	307,000,000
9	2029	322,000,000
10	2030	338,000,000
11	2031	350,000,000
12	2032	350,000,000

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

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

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

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

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

1 the Department of Commerce and Economic Opportunity Law of the  
2 Civil Administrative Code of Illinois.

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

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



1 or annual returns filed by such taxpayer as hereinbefore  
2 provided for in this Section.

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

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

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

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

24 The foregoing portion of this Section concerning the filing  
25 of an annual information return shall not apply to a serviceman  
26 who is not required to file an income tax return with the

1 United States Government.

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

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

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

21 (Source: P.A. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09; 96-898,  
22 eff. 5-27-10.)

23 Section 25. The Retailers' Occupation Tax Act is amended by  
24 changing Section 3 as follows:

1 (35 ILCS 120/3) (from Ch. 120, par. 442)

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

7 1. The name of the seller;

8 2. His residence address and the address of his  
9 principal place of business and the address of the  
10 principal place of business (if that is a different  
11 address) from which he engages in the business of selling  
12 tangible personal property at retail in this State;

13 3. Total amount of receipts received by him during the  
14 preceding calendar month or quarter, as the case may be,  
15 from sales of tangible personal property, and from services  
16 furnished, by him during such preceding calendar month or  
17 quarter;

18 4. Total amount received by him during the preceding  
19 calendar month or quarter on charge and time sales of  
20 tangible personal property, and from services furnished,  
21 by him prior to the month or quarter for which the return  
22 is filed;

23 5. Deductions allowed by law;

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

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

3           8. The amount of tax due;

4           9. The signature of the taxpayer; and

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

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

11          Each return shall be accompanied by the statement of  
12          prepaid tax issued pursuant to Section 2e for which credit is  
13          claimed.

14          Prior to October 1, 2003, and on and after September 1,  
15          2004 a retailer may accept a Manufacturer's Purchase Credit  
16          certification from a purchaser in satisfaction of Use Tax as  
17          provided in Section 3-85 of the Use Tax Act if the purchaser  
18          provides the appropriate documentation as required by Section  
19          3-85 of the Use Tax Act. A Manufacturer's Purchase Credit  
20          certification, accepted by a retailer prior to October 1, 2003  
21          and on and after September 1, 2004 as provided in Section 3-85  
22          of the Use Tax Act, may be used by that retailer to satisfy  
23          Retailers' Occupation Tax liability in the amount claimed in  
24          the certification, not to exceed 6.25% of the receipts subject  
25          to tax from a qualifying purchase. A Manufacturer's Purchase  
26          Credit reported on any original or amended return filed under

1 this Act after October 20, 2003 for reporting periods prior to  
2 September 1, 2004 shall be disallowed. Manufacturer's  
3 Purchaser Credit reported on annual returns due on or after  
4 January 1, 2005 will be disallowed for periods prior to  
5 September 1, 2004. No Manufacturer's Purchase Credit may be  
6 used after September 30, 2003 through August 31, 2004 to  
7 satisfy any tax liability imposed under this Act, including any  
8 audit liability.

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

16 1. The name of the seller;

17 2. The address of the principal place of business from  
18 which he engages in the business of selling tangible  
19 personal property at retail in this State;

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

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

1           5. The amount of tax due; and

2           6. Such other reasonable information as the Department  
3           may require.

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

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

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

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

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

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

22 Before August 1 of each year beginning in 1993, the  
23 Department shall notify all taxpayers required to make payments  
24 by electronic funds transfer. All taxpayers required to make  
25 payments by electronic funds transfer shall make those payments  
26 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

1 October, November and December of a given year being due by  
2 January 20 of the following year.

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

9 Such quarter annual and annual returns, as to form and  
10 substance, shall be subject to the same requirements as monthly  
11 returns.

12 Notwithstanding any other provision in this Act concerning  
13 the time within which a retailer may file his return, in the  
14 case of any retailer who ceases to engage in a kind of business  
15 which makes him responsible for filing returns under this Act,  
16 such retailer shall file a final return under this Act with the  
17 Department not more than one month after discontinuing such  
18 business.

19 Where the same person has more than one business registered  
20 with the Department under separate registrations under this  
21 Act, such person may not file each return that is due as a  
22 single return covering all such registered businesses, but  
23 shall file separate returns for each such registered business.

24 In addition, with respect to motor vehicles, watercraft,  
25 aircraft, and trailers that are required to be registered with  
26 an agency of this State, every retailer selling this kind of

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

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

1 quarterly returns. However, those retailers shall be required  
2 to file returns on an annual basis.

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

24 The transaction reporting return in the case of watercraft  
25 or aircraft must show the name and address of the seller; the  
26 name and address of the purchaser; the amount of the selling

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

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

26 With each such transaction reporting return, the retailer

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

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

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

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

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

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

25 Where the seller is a limited liability company, the return  
26 filed on behalf of the limited liability company shall be

1 signed by a manager, member, or properly accredited agent of  
2 the limited liability company.

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

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



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

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

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

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

15 The provisions of this paragraph apply before October 1,  
16 2001. Without regard to whether a taxpayer is required to make  
17 quarter monthly payments as specified above, any taxpayer who  
18 is required by Section 2d of this Act to collect and remit  
19 prepaid taxes and has collected prepaid taxes which average in  
20 excess of \$25,000 per month during the preceding 2 complete  
21 calendar quarters, shall file a return with the Department as  
22 required by Section 2f and shall make payments to the  
23 Department on or before the 7th, 15th, 22nd and last day of the  
24 month during which such liability is incurred. If the month  
25 during which such tax liability is incurred began prior to the  
26 effective date of this amendatory Act of 1985, each payment

1 shall be in an amount not less than 22.5% of the taxpayer's  
2 actual liability under Section 2d. If the month during which  
3 such tax liability is incurred begins on or after January 1,  
4 1986, each payment shall be in an amount equal to 22.5% of the  
5 taxpayer's actual liability for the month or 27.5% of the  
6 taxpayer's liability for the same calendar month of the  
7 preceding calendar year. If the month during which such tax  
8 liability is incurred begins on or after January 1, 1987, each  
9 payment shall be in an amount equal to 22.5% of the taxpayer's  
10 actual liability for the month or 26.25% of the taxpayer's  
11 liability for the same calendar month of the preceding year.  
12 The amount of such quarter monthly payments shall be credited  
13 against the final tax liability of the taxpayer's return for  
14 that month filed under this Section or Section 2f, as the case  
15 may be. Once applicable, the requirement of the making of  
16 quarter monthly payments to the Department pursuant to this  
17 paragraph shall continue until such taxpayer's average monthly  
18 prepaid tax collections during the preceding 2 complete  
19 calendar quarters is \$25,000 or less. If any such quarter  
20 monthly payment is not paid at the time or in the amount  
21 required, the taxpayer shall be liable for penalties and  
22 interest on such difference, except insofar as the taxpayer has  
23 previously made payments for that month in excess of the  
24 minimum payments previously due.

25 The provisions of this paragraph apply on and after October  
26 1, 2001. Without regard to whether a taxpayer is required to

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

1 payments for that month in excess of the minimum payments  
2 previously due.

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

25 If a retailer of motor fuel is entitled to a credit under  
26 Section 2d of this Act which exceeds the taxpayer's liability

1 to the Department under this Act for the month which the  
2 taxpayer is filing a return, the Department shall issue the  
3 taxpayer a credit memorandum for the excess.

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

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

19 Beginning August 1, 2000, each month the Department shall  
20 pay into the County and Mass Transit District Fund 20% of the  
21 net revenue realized for the preceding month from the 1.25%  
22 rate on the selling price of motor fuel and gasohol. Beginning  
23 September 1, 2010, each month the Department shall pay into the  
24 County and Mass Transit District Fund 20% of the net revenue  
25 realized for the preceding month from the 1.25% rate on the  
26 selling price of sales tax holiday items.



1           Beginning January 1, 1990, each month the Department shall  
2 pay into the Local Government Tax Fund 16% of the net revenue  
3 realized for the preceding month from the 6.25% general rate on  
4 the selling price of tangible personal property.

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

9           Beginning on the first day of the first month to occur not  
10 less than 30 days after the effective date of this amendatory  
11 Act of the 97th General Assembly, each month the Department  
12 shall pay into the Capital Projects Fund 80% of the net revenue  
13 realized for the preceding month from the 6.25% general rate on  
14 the selling price of motor fuel and gasohol. However, if in any  
15 month, deposits into the Capital Projects Fund from the 6.25%  
16 general rate on the selling price of motor fuel and gasohol  
17 would cause the balance in the Capital Projects Fund to meet or  
18 exceed the amount necessary for payment of debt service on  
19 bonds issued for capital projects, then the amount of the  
20 deposit that exceeds the debt service obligations shall be  
21 deposited into the Road Fund.

22           Beginning September 1, 2010, each month the Department  
23 shall pay into the Local Government Tax Fund 80% of the net  
24 revenue realized for the preceding month from the 1.25% rate on  
25 the selling price of sales tax holiday items.

26           Beginning October 1, 2009, each month the Department shall

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

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

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

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

10	Fiscal Year	Annual Specified Amount
11	1986	\$54,800,000
12	1987	\$76,650,000
13	1988	\$80,480,000
14	1989	\$88,510,000
15	1990	\$115,330,000
16	1991	\$145,470,000
17	1992	\$182,730,000
18	1993	\$206,520,000;

19 and means the Certified Annual Debt Service Requirement (as  
20 defined in Section 13 of the Build Illinois Bond Act) or the  
21 Tax Act Amount, whichever is greater, for fiscal year 1994 and  
22 each fiscal year thereafter; and further provided, that if on  
23 the last business day of any month the sum of (1) the Tax Act  
24 Amount required to be deposited into the Build Illinois Bond  
25 Account in the Build Illinois Fund during such month and (2)  
26 the amount transferred to the Build Illinois Fund from the

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

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

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

1	2016	189,000,000
2	2017	199,000,000
3	2018	210,000,000
4	2019	221,000,000
5	2020	233,000,000
6	2021	246,000,000
7	2022	260,000,000
8	2023	275,000,000
9	2024	275,000,000
10	2025	275,000,000
11	2026	279,000,000
12	2027	292,000,000
13	2028	307,000,000
14	2029	322,000,000
15	2030	338,000,000
16	2031	350,000,000
17	2032	350,000,000

18                   and

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 2060.

26                   Beginning July 20, 1993 and in each month of each fiscal

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

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

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



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

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

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

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

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

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

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

24 The chief executive officer, proprietor, owner or highest  
25 ranking manager shall sign the annual return to certify the  
26 accuracy of the information contained therein. Any person who

1 willfully signs the annual return containing false or  
2 inaccurate information shall be guilty of perjury and punished  
3 accordingly. The annual return form prescribed by the  
4 Department shall include a warning that the person signing the  
5 return may be liable for perjury.

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

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

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

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

1 objection to the Department to this arrangement.

2 Any person who promotes, organizes, provides retail  
3 selling space for concessionaires or other types of sellers at  
4 the Illinois State Fair, DuQuoin State Fair, county fairs,  
5 local fairs, art shows, flea markets and similar exhibitions or  
6 events, including any transient merchant as defined by Section  
7 2 of the Transient Merchant Act of 1987, is required to file a  
8 report with the Department providing the name of the merchant's  
9 business, the name of the person or persons engaged in  
10 merchant's business, the permanent address and Illinois  
11 Retailers Occupation Tax Registration Number of the merchant,  
12 the dates and location of the event and other reasonable  
13 information that the Department may require. The report must be  
14 filed not later than the 20th day of the month next following  
15 the month during which the event with retail sales was held.  
16 Any person who fails to file a report required by this Section  
17 commits a business offense and is subject to a fine not to  
18 exceed \$250.

19 Any person engaged in the business of selling tangible  
20 personal property at retail as a concessionaire or other type  
21 of seller at the Illinois State Fair, county fairs, art shows,  
22 flea markets and similar exhibitions or events, or any  
23 transient merchants, as defined by Section 2 of the Transient  
24 Merchant Act of 1987, may be required to make a daily report of  
25 the amount of such sales to the Department and to make a daily  
26 payment of the full amount of tax due. The Department shall

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

13 (Source: P.A. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09; 96-898,  
14 eff. 5-27-10; 96-1012, eff. 7-7-10; 97-95, eff. 7-12-11;  
15 97-333, eff. 8-12-11.)

16 Section 30. The Riverboat Gambling Act is amended by  
17 changing Sections 5, 13, and 17 as follows:

18 (230 ILCS 10/5) (from Ch. 120, par. 2405)

19 Sec. 5. Gaming Board.

20 (a) (1) There is hereby established the Illinois Gaming  
21 Board, which shall have the powers and duties specified in this  
22 Act, and all other powers necessary and proper to fully and  
23 effectively execute this Act for the purpose of administering,  
24 regulating, and enforcing the system of riverboat gambling

1 established by this Act. Its jurisdiction shall extend under  
2 this Act to every person, association, corporation,  
3 partnership and trust involved in riverboat gambling  
4 operations in the State of Illinois.

5 (2) The Board shall consist of 5 members to be appointed by  
6 the Governor with the advice and consent of the Senate, one of  
7 whom shall be designated by the Governor to be chairman. Each  
8 member shall have a reasonable knowledge of the practice,  
9 procedure and principles of gambling operations. Each member  
10 shall either be a resident of Illinois or shall certify that he  
11 will become a resident of Illinois before taking office. At  
12 least one member shall be experienced in law enforcement and  
13 criminal investigation, at least one member shall be a  
14 certified public accountant experienced in accounting and  
15 auditing, and at least one member shall be a lawyer licensed to  
16 practice law in Illinois.

17 (3) The terms of office of the Board members shall be 3  
18 years, except that the terms of office of the initial Board  
19 members appointed pursuant to this Act will commence from the  
20 effective date of this Act and run as follows: one for a term  
21 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2 for  
22 a term ending July 1, 1993. Upon the expiration of the  
23 foregoing terms, the successors of such members shall serve a  
24 term for 3 years and until their successors are appointed and  
25 qualified for like terms. Vacancies in the Board shall be  
26 filled for the unexpired term in like manner as original

1 appointments. Each member of the Board shall be eligible for  
2 reappointment at the discretion of the Governor with the advice  
3 and consent of the Senate.

4 (4) Each member of the Board shall receive \$300 for each  
5 day the Board meets and for each day the member conducts any  
6 hearing pursuant to this Act. Each member of the Board shall  
7 also be reimbursed for all actual and necessary expenses and  
8 disbursements incurred in the execution of official duties.

9 (5) No person shall be appointed a member of the Board or  
10 continue to be a member of the Board who is, or whose spouse,  
11 child or parent is, a member of the board of directors of, or a  
12 person financially interested in, any gambling operation  
13 subject to the jurisdiction of this Board, or any race track,  
14 race meeting, racing association or the operations thereof  
15 subject to the jurisdiction of the Illinois Racing Board. No  
16 Board member shall hold any other public office. No person  
17 shall be a member of the Board who is not of good moral  
18 character or who has been convicted of, or is under indictment  
19 for, a felony under the laws of Illinois or any other state, or  
20 the United States.

21 (5.5) No member of the Board shall engage in any political  
22 activity. For the purposes of this Section, "political" means  
23 any activity in support of or in connection with any campaign  
24 for federal, State, or local elective office or any political  
25 organization, but does not include activities (i) relating to  
26 the support or opposition of any executive, legislative, or

1 administrative action (as those terms are defined in Section 2  
2 of the Lobbyist Registration Act), (ii) relating to collective  
3 bargaining, or (iii) that are otherwise in furtherance of the  
4 person's official State duties or governmental and public  
5 service functions.

6 (6) Any member of the Board may be removed by the Governor  
7 for neglect of duty, misfeasance, malfeasance, or nonfeasance  
8 in office or for engaging in any political activity.

9 (7) Before entering upon the discharge of the duties of his  
10 office, each member of the Board shall take an oath that he  
11 will faithfully execute the duties of his office according to  
12 the laws of the State and the rules and regulations adopted  
13 therewith and shall give bond to the State of Illinois,  
14 approved by the Governor, in the sum of \$25,000. Every such  
15 bond, when duly executed and approved, shall be recorded in the  
16 office of the Secretary of State. Whenever the Governor  
17 determines that the bond of any member of the Board has become  
18 or is likely to become invalid or insufficient, he shall  
19 require such member forthwith to renew his bond, which is to be  
20 approved by the Governor. Any member of the Board who fails to  
21 take oath and give bond within 30 days from the date of his  
22 appointment, or who fails to renew his bond within 30 days  
23 after it is demanded by the Governor, shall be guilty of  
24 neglect of duty and may be removed by the Governor. The cost of  
25 any bond given by any member of the Board under this Section  
26 shall be taken to be a part of the necessary expenses of the



1 Board.

2 (8) The Board shall employ such personnel as may be  
3 necessary to carry out its functions and shall determine the  
4 salaries of all personnel, except those personnel whose  
5 salaries are determined under the terms of a collective  
6 bargaining agreement. No person shall be employed to serve the  
7 Board who is, or whose spouse, parent or child is, an official  
8 of, or has a financial interest in or financial relation with,  
9 any operator engaged in gambling operations within this State  
10 or any organization engaged in conducting horse racing within  
11 this State. Any employee violating these prohibitions shall be  
12 subject to termination of employment.

13 (9) An Administrator shall perform any and all duties that  
14 the Board shall assign him. The salary of the Administrator  
15 shall be determined by the Board and, in addition, he shall be  
16 reimbursed for all actual and necessary expenses incurred by  
17 him in discharge of his official duties. The Administrator  
18 shall keep records of all proceedings of the Board and shall  
19 preserve all records, books, documents and other papers  
20 belonging to the Board or entrusted to its care. The  
21 Administrator shall devote his full time to the duties of the  
22 office and shall not hold any other office or employment.

23 (b) The Board shall have general responsibility for the  
24 implementation of this Act. Its duties include, without  
25 limitation, the following:

26 (1) To decide promptly and in reasonable order all

1 license applications. Any party aggrieved by an action of  
2 the Board denying, suspending, revoking, restricting or  
3 refusing to renew a license may request a hearing before  
4 the Board. A request for a hearing must be made to the  
5 Board in writing within 5 days after service of notice of  
6 the action of the Board. Notice of the action of the Board  
7 shall be served either by personal delivery or by certified  
8 mail, postage prepaid, to the aggrieved party. Notice  
9 served by certified mail shall be deemed complete on the  
10 business day following the date of such mailing. The Board  
11 shall conduct all requested hearings promptly and in  
12 reasonable order;

13 (2) To conduct all hearings pertaining to civil  
14 violations of this Act or rules and regulations promulgated  
15 hereunder;

16 (3) To promulgate such rules and regulations as in its  
17 judgment may be necessary to protect or enhance the  
18 credibility and integrity of gambling operations  
19 authorized by this Act and the regulatory process  
20 hereunder;

21 (4) To provide for the establishment and collection of  
22 all license and registration fees and taxes imposed by this  
23 Act and the rules and regulations issued pursuant hereto.  
24 All such fees and taxes shall be deposited into the State  
25 Gaming Fund;

26 (5) To provide for the levy and collection of penalties

1 and fines for the violation of provisions of this Act and  
2 the rules and regulations promulgated hereunder. All such  
3 fines and penalties shall be deposited into the Education  
4 Assistance Fund, created by Public Act 86-0018, of the  
5 State of Illinois;

6 (6) To be present through its inspectors and agents any  
7 time gambling operations are conducted on any riverboat for  
8 the purpose of certifying the revenue thereof, receiving  
9 complaints from the public, and conducting such other  
10 investigations into the conduct of the gambling games and  
11 the maintenance of the equipment as from time to time the  
12 Board may deem necessary and proper;

13 (7) To review and rule upon any complaint by a licensee  
14 regarding any investigative procedures of the State which  
15 are unnecessarily disruptive of gambling operations. The  
16 need to inspect and investigate shall be presumed at all  
17 times. The disruption of a licensee's operations shall be  
18 proved by clear and convincing evidence, and establish  
19 that: (A) the procedures had no reasonable law enforcement  
20 purposes, and (B) the procedures were so disruptive as to  
21 unreasonably inhibit gambling operations;

22 (8) To hold at least one meeting each quarter of the  
23 fiscal year. In addition, special meetings may be called by  
24 the Chairman or any 2 Board members upon 72 hours written  
25 notice to each member. All Board meetings shall be subject  
26 to the Open Meetings Act. Three members of the Board shall

1 constitute a quorum, and 3 votes shall be required for any  
2 final determination by the Board. The Board shall keep a  
3 complete and accurate record of all its meetings. A  
4 majority of the members of the Board shall constitute a  
5 quorum for the transaction of any business, for the  
6 performance of any duty, or for the exercise of any power  
7 which this Act requires the Board members to transact,  
8 perform or exercise en banc, except that, upon order of the  
9 Board, one of the Board members or an administrative law  
10 judge designated by the Board may conduct any hearing  
11 provided for under this Act or by Board rule and may  
12 recommend findings and decisions to the Board. The Board  
13 member or administrative law judge conducting such hearing  
14 shall have all powers and rights granted to the Board in  
15 this Act. The record made at the time of the hearing shall  
16 be reviewed by the Board, or a majority thereof, and the  
17 findings and decision of the majority of the Board shall  
18 constitute the order of the Board in such case;

19 (9) To maintain records which are separate and distinct  
20 from the records of any other State board or commission.  
21 Such records shall be available for public inspection and  
22 shall accurately reflect all Board proceedings;

23 (10) To file a written annual report with the Governor  
24 on or before March 1 each year and such additional reports  
25 as the Governor may request. The annual report shall  
26 include a statement of receipts and disbursements by the

1 Board, actions taken by the Board, and any additional  
2 information and recommendations which the Board may deem  
3 valuable or which the Governor may request;

4 (11) (Blank);

5 (12) (Blank);

6 (13) (Blank) ~~To assume responsibility for~~  
7 ~~administration and enforcement of the Video Gaming Act;~~ and

8 (14) To adopt, by rule, a code of conduct governing  
9 Board members and employees that ensure, to the maximum  
10 extent possible, that persons subject to this Code avoid  
11 situations, relationships, or associations that may  
12 represent or lead to a conflict of interest.

13 (c) The Board shall have jurisdiction over and shall  
14 supervise all gambling operations governed by this Act. The  
15 Board shall have all powers necessary and proper to fully and  
16 effectively execute the provisions of this Act, including, but  
17 not limited to, the following:

18 (1) To investigate applicants and determine the  
19 eligibility of applicants for licenses and to select among  
20 competing applicants the applicants which best serve the  
21 interests of the citizens of Illinois.

22 (2) To have jurisdiction and supervision over all  
23 riverboat gambling operations in this State and all persons  
24 on riverboats where gambling operations are conducted.

25 (3) To promulgate rules and regulations for the purpose  
26 of administering the provisions of this Act and to

1       prescribe rules, regulations and conditions under which  
2       all riverboat gambling in the State shall be conducted.  
3       Such rules and regulations are to provide for the  
4       prevention of practices detrimental to the public interest  
5       and for the best interests of riverboat gambling, including  
6       rules and regulations regarding the inspection of such  
7       riverboats and the review of any permits or licenses  
8       necessary to operate a riverboat under any laws or  
9       regulations applicable to riverboats, and to impose  
10      penalties for violations thereof.

11       (4) To enter the office, riverboats, facilities, or  
12      other places of business of a licensee, where evidence of  
13      the compliance or noncompliance with the provisions of this  
14      Act is likely to be found.

15       (5) To investigate alleged violations of this Act or  
16      the rules of the Board and to take appropriate disciplinary  
17      action against a licensee or a holder of an occupational  
18      license for a violation, or institute appropriate legal  
19      action for enforcement, or both.

20       (6) To adopt standards for the licensing of all persons  
21      under this Act, as well as for electronic or mechanical  
22      gambling games, and to establish fees for such licenses.

23       (7) To adopt appropriate standards for all riverboats  
24      and facilities.

25       (8) To require that the records, including financial or  
26      other statements of any licensee under this Act, shall be

1 kept in such manner as prescribed by the Board and that any  
2 such licensee involved in the ownership or management of  
3 gambling operations submit to the Board an annual balance  
4 sheet and profit and loss statement, list of the  
5 stockholders or other persons having a 1% or greater  
6 beneficial interest in the gambling activities of each  
7 licensee, and any other information the Board deems  
8 necessary in order to effectively administer this Act and  
9 all rules, regulations, orders and final decisions  
10 promulgated under this Act.

11 (9) To conduct hearings, issue subpoenas for the  
12 attendance of witnesses and subpoenas duces tecum for the  
13 production of books, records and other pertinent documents  
14 in accordance with the Illinois Administrative Procedure  
15 Act, and to administer oaths and affirmations to the  
16 witnesses, when, in the judgment of the Board, it is  
17 necessary to administer or enforce this Act or the Board  
18 rules.

19 (10) To prescribe a form to be used by any licensee  
20 involved in the ownership or management of gambling  
21 operations as an application for employment for their  
22 employees.

23 (11) To revoke or suspend licenses, as the Board may  
24 see fit and in compliance with applicable laws of the State  
25 regarding administrative procedures, and to review  
26 applications for the renewal of licenses. The Board may

1 suspend an owners license, without notice or hearing upon a  
2 determination that the safety or health of patrons or  
3 employees is jeopardized by continuing a riverboat's  
4 operation. The suspension may remain in effect until the  
5 Board determines that the cause for suspension has been  
6 abated. The Board may revoke the owners license upon a  
7 determination that the owner has not made satisfactory  
8 progress toward abating the hazard.

9 (12) To eject or exclude or authorize the ejection or  
10 exclusion of, any person from riverboat gambling  
11 facilities where such person is in violation of this Act,  
12 rules and regulations thereunder, or final orders of the  
13 Board, or where such person's conduct or reputation is such  
14 that his presence within the riverboat gambling facilities  
15 may, in the opinion of the Board, call into question the  
16 honesty and integrity of the gambling operations or  
17 interfere with orderly conduct thereof; provided that the  
18 propriety of such ejection or exclusion is subject to  
19 subsequent hearing by the Board.

20 (13) To require all licensees of gambling operations to  
21 utilize a cashless wagering system whereby all players'  
22 money is converted to tokens, electronic cards, or chips  
23 which shall be used only for wagering in the gambling  
24 establishment.

25 (14) (Blank).

26 (15) To suspend, revoke or restrict licenses, to



1 require the removal of a licensee or an employee of a  
2 licensee for a violation of this Act or a Board rule or for  
3 engaging in a fraudulent practice, and to impose civil  
4 penalties of up to \$5,000 against individuals and up to  
5 \$10,000 or an amount equal to the daily gross receipts,  
6 whichever is larger, against licensees for each violation  
7 of any provision of the Act, any rules adopted by the  
8 Board, any order of the Board or any other action which, in  
9 the Board's discretion, is a detriment or impediment to  
10 riverboat gambling operations.

11 (16) To hire employees to gather information, conduct  
12 investigations and carry out any other tasks contemplated  
13 under this Act.

14 (17) To establish minimum levels of insurance to be  
15 maintained by licensees.

16 (18) To authorize a licensee to sell or serve alcoholic  
17 liquors, wine or beer as defined in the Liquor Control Act  
18 of 1934 on board a riverboat and to have exclusive  
19 authority to establish the hours for sale and consumption  
20 of alcoholic liquor on board a riverboat, notwithstanding  
21 any provision of the Liquor Control Act of 1934 or any  
22 local ordinance, and regardless of whether the riverboat  
23 makes excursions. The establishment of the hours for sale  
24 and consumption of alcoholic liquor on board a riverboat is  
25 an exclusive power and function of the State. A home rule  
26 unit may not establish the hours for sale and consumption

1 of alcoholic liquor on board a riverboat. This amendatory  
2 Act of 1991 is a denial and limitation of home rule powers  
3 and functions under subsection (h) of Section 6 of Article  
4 VII of the Illinois Constitution.

5 (19) After consultation with the U.S. Army Corps of  
6 Engineers, to establish binding emergency orders upon the  
7 concurrence of a majority of the members of the Board  
8 regarding the navigability of water, relative to  
9 excursions, in the event of extreme weather conditions,  
10 acts of God or other extreme circumstances.

11 (20) To delegate the execution of any of its powers  
12 under this Act for the purpose of administering and  
13 enforcing this Act and its rules and regulations hereunder.

14 (20.5) To approve any contract entered into on its  
15 behalf.

16 (20.6) To appoint investigators to conduct  
17 investigations, searches, seizures, arrests, and other  
18 duties imposed under this Act, as deemed necessary by the  
19 Board. These investigators have and may exercise all of the  
20 rights and powers of peace officers, provided that these  
21 powers shall be limited to offenses or violations occurring  
22 or committed on a riverboat or dock, as defined in  
23 subsections (d) and (f) of Section 4, or as otherwise  
24 provided by this Act or any other law.

25 (20.7) To contract with the Department of State Police  
26 for the use of trained and qualified State police officers

1 and with the Department of Revenue for the use of trained  
2 and qualified Department of Revenue investigators to  
3 conduct investigations, searches, seizures, arrests, and  
4 other duties imposed under this Act and to exercise all of  
5 the rights and powers of peace officers, provided that the  
6 powers of Department of Revenue investigators under this  
7 subdivision (20.7) shall be limited to offenses or  
8 violations occurring or committed on a riverboat or dock,  
9 as defined in subsections (d) and (f) of Section 4, or as  
10 otherwise provided by this Act or any other law. In the  
11 event the Department of State Police or the Department of  
12 Revenue is unable to fill contracted police or  
13 investigative positions, the Board may appoint  
14 investigators to fill those positions pursuant to  
15 subdivision (20.6).

16 (21) To take any other action as may be reasonable or  
17 appropriate to enforce this Act and rules and regulations  
18 hereunder.

19 (d) The Board may seek and shall receive the cooperation of  
20 the Department of State Police in conducting background  
21 investigations of applicants and in fulfilling its  
22 responsibilities under this Section. Costs incurred by the  
23 Department of State Police as a result of such cooperation  
24 shall be paid by the Board in conformance with the requirements  
25 of Section 2605-400 of the Department of State Police Law (20  
26 ILCS 2605/2605-400).

1 (e) The Board must authorize to each investigator and to  
2 any other employee of the Board exercising the powers of a  
3 peace officer a distinct badge that, on its face, (i) clearly  
4 states that the badge is authorized by the Board and (ii)  
5 contains a unique identifying number. No other badge shall be  
6 authorized by the Board.

7 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;  
8 96-1000, eff. 7-2-10; 96-1392, eff. 1-1-11.)

9 (230 ILCS 10/13) (from Ch. 120, par. 2413)

10 Sec. 13. Wagering tax; rate; distribution.

11 (a) Until January 1, 1998, a tax is imposed on the adjusted  
12 gross receipts received from gambling games authorized under  
13 this Act at the rate of 20%.

14 (a-1) From January 1, 1998 until July 1, 2002, a privilege  
15 tax is imposed on persons engaged in the business of conducting  
16 riverboat gambling operations, based on the adjusted gross  
17 receipts received by a licensed owner from gambling games  
18 authorized under this Act at the following rates:

19 15% of annual adjusted gross receipts up to and  
20 including \$25,000,000;

21 20% of annual adjusted gross receipts in excess of  
22 \$25,000,000 but not exceeding \$50,000,000;

23 25% of annual adjusted gross receipts in excess of  
24 \$50,000,000 but not exceeding \$75,000,000;

25 30% of annual adjusted gross receipts in excess of

1           \$75,000,000 but not exceeding \$100,000,000;  
2           35% of annual adjusted gross receipts in excess of  
3           \$100,000,000.

4           (a-2) From July 1, 2002 until July 1, 2003, a privilege tax  
5 is imposed on persons engaged in the business of conducting  
6 riverboat gambling operations, other than licensed managers  
7 conducting riverboat gambling operations on behalf of the  
8 State, based on the adjusted gross receipts received by a  
9 licensed owner from gambling games authorized under this Act at  
10 the following rates:

11           15% of annual adjusted gross receipts up to and  
12 including \$25,000,000;

13           22.5% of annual adjusted gross receipts in excess of  
14 \$25,000,000 but not exceeding \$50,000,000;

15           27.5% of annual adjusted gross receipts in excess of  
16 \$50,000,000 but not exceeding \$75,000,000;

17           32.5% of annual adjusted gross receipts in excess of  
18 \$75,000,000 but not exceeding \$100,000,000;

19           37.5% of annual adjusted gross receipts in excess of  
20 \$100,000,000 but not exceeding \$150,000,000;

21           45% of annual adjusted gross receipts in excess of  
22 \$150,000,000 but not exceeding \$200,000,000;

23           50% of annual adjusted gross receipts in excess of  
24 \$200,000,000.

25           (a-3) Beginning July 1, 2003, a privilege tax is imposed on  
26 persons engaged in the business of conducting riverboat

1 gambling operations, other than licensed managers conducting  
2 riverboat gambling operations on behalf of the State, based on  
3 the adjusted gross receipts received by a licensed owner from  
4 gambling games authorized under this Act at the following  
5 rates:

6 15% of annual adjusted gross receipts up to and  
7 including \$25,000,000;

8 27.5% of annual adjusted gross receipts in excess of  
9 \$25,000,000 but not exceeding \$37,500,000;

10 32.5% of annual adjusted gross receipts in excess of  
11 \$37,500,000 but not exceeding \$50,000,000;

12 37.5% of annual adjusted gross receipts in excess of  
13 \$50,000,000 but not exceeding \$75,000,000;

14 45% of annual adjusted gross receipts in excess of  
15 \$75,000,000 but not exceeding \$100,000,000;

16 50% of annual adjusted gross receipts in excess of  
17 \$100,000,000 but not exceeding \$250,000,000;

18 70% of annual adjusted gross receipts in excess of  
19 \$250,000,000.

20 An amount equal to the amount of wagering taxes collected  
21 under this subsection (a-3) that are in addition to the amount  
22 of wagering taxes that would have been collected if the  
23 wagering tax rates under subsection (a-2) were in effect shall  
24 be paid into the Common School Fund.

25 The privilege tax imposed under this subsection (a-3) shall  
26 no longer be imposed beginning on the earlier of (i) July 1,

1 2005; (ii) the first date after June 20, 2003 that riverboat  
2 gambling operations are conducted pursuant to a dormant  
3 license; or (iii) the first day that riverboat gambling  
4 operations are conducted under the authority of an owners  
5 license that is in addition to the 10 owners licenses initially  
6 authorized under this Act. For the purposes of this subsection  
7 (a-3), the term "dormant license" means an owners license that  
8 is authorized by this Act under which no riverboat gambling  
9 operations are being conducted on June 20, 2003.

10 (a-4) Beginning on the first day on which the tax imposed  
11 under subsection (a-3) is no longer imposed, a privilege tax is  
12 imposed on persons engaged in the business of conducting  
13 riverboat gambling operations, other than licensed managers  
14 conducting riverboat gambling operations on behalf of the  
15 State, based on the adjusted gross receipts received by a  
16 licensed owner from gambling games authorized under this Act at  
17 the following rates:

18 15% of annual adjusted gross receipts up to and  
19 including \$25,000,000;

20 22.5% of annual adjusted gross receipts in excess of  
21 \$25,000,000 but not exceeding \$50,000,000;

22 27.5% of annual adjusted gross receipts in excess of  
23 \$50,000,000 but not exceeding \$75,000,000;

24 32.5% of annual adjusted gross receipts in excess of  
25 \$75,000,000 but not exceeding \$100,000,000;

26 37.5% of annual adjusted gross receipts in excess of

1           \$100,000,000 but not exceeding \$150,000,000;  
2           45% of annual adjusted gross receipts in excess of  
3           \$150,000,000 but not exceeding \$200,000,000;  
4           50% of annual adjusted gross receipts in excess of  
5           \$200,000,000.

6           (a-8) Riverboat gambling operations conducted by a  
7 licensed manager on behalf of the State are not subject to the  
8 tax imposed under this Section.

9           (a-10) The taxes imposed by this Section shall be paid by  
10 the licensed owner to the Board not later than 5:00 o'clock  
11 p.m. of the day after the day when the wagers were made.

12           (a-15) If the privilege tax imposed under subsection (a-3)  
13 is no longer imposed pursuant to item (i) of the last paragraph  
14 of subsection (a-3), then by June 15 of each year, each owners  
15 licensee, other than an owners licensee that admitted 1,000,000  
16 persons or fewer in calendar year 2004, must, in addition to  
17 the payment of all amounts otherwise due under this Section,  
18 pay to the Board a reconciliation payment in the amount, if  
19 any, by which the licensed owner's base amount exceeds the  
20 amount of net privilege tax paid by the licensed owner to the  
21 Board in the then current State fiscal year. A licensed owner's  
22 net privilege tax obligation due for the balance of the State  
23 fiscal year shall be reduced up to the total of the amount paid  
24 by the licensed owner in its June 15 reconciliation payment.  
25 The obligation imposed by this subsection (a-15) is binding on  
26 any person, firm, corporation, or other entity that acquires an



1 ownership interest in any such owners license. The obligation  
2 imposed under this subsection (a-15) terminates on the earliest  
3 of: (i) July 1, 2007, (ii) the first day after the effective  
4 date of this amendatory Act of the 94th General Assembly that  
5 riverboat gambling operations are conducted pursuant to a  
6 dormant license, (iii) the first day that riverboat gambling  
7 operations are conducted under the authority of an owners  
8 license that is in addition to the 10 owners licenses initially  
9 authorized under this Act, or (iv) the first day that a  
10 licensee under the Illinois Horse Racing Act of 1975 conducts  
11 gaming operations with slot machines or other electronic gaming  
12 devices. The Board must reduce the obligation imposed under  
13 this subsection (a-15) by an amount the Board deems reasonable  
14 for any of the following reasons: (A) an act or acts of God,  
15 (B) an act of bioterrorism or terrorism or a bioterrorism or  
16 terrorism threat that was investigated by a law enforcement  
17 agency, or (C) a condition beyond the control of the owners  
18 licensee that does not result from any act or omission by the  
19 owners licensee or any of its agents and that poses a hazardous  
20 threat to the health and safety of patrons. If an owners  
21 licensee pays an amount in excess of its liability under this  
22 Section, the Board shall apply the overpayment to future  
23 payments required under this Section.

24 For purposes of this subsection (a-15):

25 "Act of God" means an incident caused by the operation of  
26 an extraordinary force that cannot be foreseen, that cannot be

1 avoided by the exercise of due care, and for which no person  
2 can be held liable.

3 "Base amount" means the following:

4 For a riverboat in Alton, \$31,000,000.

5 For a riverboat in East Peoria, \$43,000,000.

6 For the Empress riverboat in Joliet, \$86,000,000.

7 For a riverboat in Metropolis, \$45,000,000.

8 For the Harrah's riverboat in Joliet, \$114,000,000.

9 For a riverboat in Aurora, \$86,000,000.

10 For a riverboat in East St. Louis, \$48,500,000.

11 For a riverboat in Elgin, \$198,000,000.

12 "Dormant license" has the meaning ascribed to it in  
13 subsection (a-3).

14 "Net privilege tax" means all privilege taxes paid by a  
15 licensed owner to the Board under this Section, less all  
16 payments made from the State Gaming Fund pursuant to subsection  
17 (b) of this Section.

18 The changes made to this subsection (a-15) by Public Act  
19 94-839 are intended to restate and clarify the intent of Public  
20 Act 94-673 with respect to the amount of the payments required  
21 to be made under this subsection by an owners licensee to the  
22 Board.

23 (b) Until January 1, 1998, 25% of the tax revenue deposited  
24 in the State Gaming Fund under this Section shall be paid,  
25 subject to appropriation by the General Assembly, to the unit  
26 of local government which is designated as the home dock of the

1 riverboat. Beginning January 1, 1998, from the tax revenue  
2 deposited in the State Gaming Fund under this Section, an  
3 amount equal to 5% of adjusted gross receipts generated by a  
4 riverboat shall be paid monthly, subject to appropriation by  
5 the General Assembly, to the unit of local government that is  
6 designated as the home dock of the riverboat. From the tax  
7 revenue deposited in the State Gaming Fund pursuant to  
8 riverboat gambling operations conducted by a licensed manager  
9 on behalf of the State, an amount equal to 5% of adjusted gross  
10 receipts generated pursuant to those riverboat gambling  
11 operations shall be paid monthly, subject to appropriation by  
12 the General Assembly, to the unit of local government that is  
13 designated as the home dock of the riverboat upon which those  
14 riverboat gambling operations are conducted.

15 (c) Appropriations, as approved by the General Assembly,  
16 may be made from the State Gaming Fund to the Board (i) for the  
17 administration and enforcement of this Act ~~and the Video Gaming~~  
18 ~~Act~~, (ii) for distribution to the Department of State Police  
19 and to the Department of Revenue for the enforcement of this  
20 Act, and (iii) to the Department of Human Services for the  
21 administration of programs to treat problem gambling.

22 (c-5) Before May 26, 2006 (the effective date of Public Act  
23 94-804) and beginning on the effective date of this amendatory  
24 Act of the 95th General Assembly, unless any organization  
25 licensee under the Illinois Horse Racing Act of 1975 begins to  
26 operate a slot machine or video game of chance under the

1 Illinois Horse Racing Act of 1975 or this Act, after the  
2 payments required under subsections (b) and (c) have been made,  
3 an amount equal to 15% of the adjusted gross receipts of (1) an  
4 owners licensee that relocates pursuant to Section 11.2, (2) an  
5 owners licensee conducting riverboat gambling operations  
6 pursuant to an owners license that is initially issued after  
7 June 25, 1999, or (3) the first riverboat gambling operations  
8 conducted by a licensed manager on behalf of the State under  
9 Section 7.3, whichever comes first, shall be paid from the  
10 State Gaming Fund into the Horse Racing Equity Fund.

11 (c-10) Each year the General Assembly shall appropriate  
12 from the General Revenue Fund to the Education Assistance Fund  
13 an amount equal to the amount paid into the Horse Racing Equity  
14 Fund pursuant to subsection (c-5) in the prior calendar year.

15 (c-15) After the payments required under subsections (b),  
16 (c), and (c-5) have been made, an amount equal to 2% of the  
17 adjusted gross receipts of (1) an owners licensee that  
18 relocates pursuant to Section 11.2, (2) an owners licensee  
19 conducting riverboat gambling operations pursuant to an owners  
20 license that is initially issued after June 25, 1999, or (3)  
21 the first riverboat gambling operations conducted by a licensed  
22 manager on behalf of the State under Section 7.3, whichever  
23 comes first, shall be paid, subject to appropriation from the  
24 General Assembly, from the State Gaming Fund to each home rule  
25 county with a population of over 3,000,000 inhabitants for the  
26 purpose of enhancing the county's criminal justice system.

1           (c-20) Each year the General Assembly shall appropriate  
2 from the General Revenue Fund to the Education Assistance Fund  
3 an amount equal to the amount paid to each home rule county  
4 with a population of over 3,000,000 inhabitants pursuant to  
5 subsection (c-15) in the prior calendar year.

6           (c-25) After the payments required under subsections (b),  
7 (c), (c-5) and (c-15) have been made, an amount equal to 2% of  
8 the adjusted gross receipts of (1) an owners licensee that  
9 relocates pursuant to Section 11.2, (2) an owners licensee  
10 conducting riverboat gambling operations pursuant to an owners  
11 license that is initially issued after June 25, 1999, or (3)  
12 the first riverboat gambling operations conducted by a licensed  
13 manager on behalf of the State under Section 7.3, whichever  
14 comes first, shall be paid from the State Gaming Fund to  
15 Chicago State University.

16           (d) From time to time, the Board shall transfer the  
17 remainder of the funds generated by this Act into the Education  
18 Assistance Fund, created by Public Act 86-0018, of the State of  
19 Illinois.

20           (e) Nothing in this Act shall prohibit the unit of local  
21 government designated as the home dock of the riverboat from  
22 entering into agreements with other units of local government  
23 in this State or in other states to share its portion of the  
24 tax revenue.

25           (f) To the extent practicable, the Board shall administer  
26 and collect the wagering taxes imposed by this Section in a

1 manner consistent with the provisions of Sections 4, 5, 5a, 5b,  
2 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the  
3 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
4 Penalty and Interest Act.

5 (Source: P.A. 95-331, eff. 8-21-07; 95-1008, eff. 12-15-08;  
6 96-37, eff. 7-13-09; 96-1392, eff. 1-1-11.)

7 (230 ILCS 10/17) (from Ch. 120, par. 2417)

8 Sec. 17. Administrative Procedures. The Illinois  
9 Administrative Procedure Act shall apply to all administrative  
10 rules and procedures of the Board under this Act ~~or the Video~~  
11 ~~Gaming Act~~, except that: (1) subsection (b) of Section 5-10 of  
12 the Illinois Administrative Procedure Act does not apply to  
13 final orders, decisions and opinions of the Board; (2)  
14 subsection (a) of Section 5-10 of the Illinois Administrative  
15 Procedure Act does not apply to forms established by the Board  
16 for use under this Act ~~or the Video Gaming Act~~; (3) the  
17 provisions of Section 10-45 of the Illinois Administrative  
18 Procedure Act regarding proposals for decision are excluded  
19 under this Act ~~or the Video Gaming Act~~; and (4) the provisions  
20 of subsection (d) of Section 10-65 of the Illinois  
21 Administrative Procedure Act do not apply so as to prevent  
22 summary suspension of any license pending revocation or other  
23 action, which suspension shall remain in effect unless modified  
24 by the Board or unless the Board's decision is reversed on the  
25 merits upon judicial review.

1 (Source: P.A. 96-34, eff. 7-13-09.)

2 (230 ILCS 10/24 rep.)

3 Section 35. The Riverboat Gambling Act is amended by  
4 repealing Section 24.

5 (230 ILCS 40/Act rep.)

6 Section 40. The Video Gaming Act is repealed.

7 Section 45. The Criminal Code of 1961 is amended by  
8 changing Sections 28-1, 28-1.1, and 28-3 as follows:

9 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

10 Sec. 28-1. Gambling.

11 (a) A person commits gambling when he:

12 (1) Plays a game of chance or skill for money or other  
13 thing of value, unless excepted in subsection (b) of this  
14 Section; or

15 (2) Makes a wager upon the result of any game, contest,  
16 or any political nomination, appointment or election; or

17 (3) Operates, keeps, owns, uses, purchases, exhibits,  
18 rents, sells, bargains for the sale or lease of,  
19 manufactures or distributes any gambling device; or

20 (4) Contracts to have or give himself or another the  
21 option to buy or sell, or contracts to buy or sell, at a  
22 future time, any grain or other commodity whatsoever, or

1 any stock or security of any company, where it is at the  
2 time of making such contract intended by both parties  
3 thereto that the contract to buy or sell, or the option,  
4 whenever exercised, or the contract resulting therefrom,  
5 shall be settled, not by the receipt or delivery of such  
6 property, but by the payment only of differences in prices  
7 thereof; however, the issuance, purchase, sale, exercise,  
8 endorsement or guarantee, by or through a person registered  
9 with the Secretary of State pursuant to Section 8 of the  
10 Illinois Securities Law of 1953, or by or through a person  
11 exempt from such registration under said Section 8, of a  
12 put, call, or other option to buy or sell securities which  
13 have been registered with the Secretary of State or which  
14 are exempt from such registration under Section 3 of the  
15 Illinois Securities Law of 1953 is not gambling within the  
16 meaning of this paragraph (4); or

17 (5) Knowingly owns or possesses any book, instrument or  
18 apparatus by means of which bets or wagers have been, or  
19 are, recorded or registered, or knowingly possesses any  
20 money which he has received in the course of a bet or  
21 wager; or

22 (6) Sells pools upon the result of any game or contest  
23 of skill or chance, political nomination, appointment or  
24 election; or

25 (7) Sets up or promotes any lottery or sells, offers to  
26 sell or transfers any ticket or share for any lottery; or



1           (8) Sets up or promotes any policy game or sells,  
2 offers to sell or knowingly possesses or transfers any  
3 policy ticket, slip, record, document or other similar  
4 device; or

5           (9) Knowingly drafts, prints or publishes any lottery  
6 ticket or share, or any policy ticket, slip, record,  
7 document or similar device, except for such activity  
8 related to lotteries, bingo games and raffles authorized by  
9 and conducted in accordance with the laws of Illinois or  
10 any other state or foreign government; or

11           (10) Knowingly advertises any lottery or policy game,  
12 except for such activity related to lotteries, bingo games  
13 and raffles authorized by and conducted in accordance with  
14 the laws of Illinois or any other state; or

15           (11) Knowingly transmits information as to wagers,  
16 betting odds, or changes in betting odds by telephone,  
17 telegraph, radio, semaphore or similar means; or knowingly  
18 installs or maintains equipment for the transmission or  
19 receipt of such information; except that nothing in this  
20 subdivision (11) prohibits transmission or receipt of such  
21 information for use in news reporting of sporting events or  
22 contests; or

23           (12) Knowingly establishes, maintains, or operates an  
24 Internet site that permits a person to play a game of  
25 chance or skill for money or other thing of value by means  
26 of the Internet or to make a wager upon the result of any

1 game, contest, political nomination, appointment, or  
2 election by means of the Internet. This item (12) does not  
3 apply to activities referenced in items (6) and (6.1) of  
4 subsection (b) of this Section.

5 (b) Participants in any of the following activities shall  
6 not be convicted of gambling therefor:

7 (1) Agreements to compensate for loss caused by the  
8 happening of chance including without limitation contracts  
9 of indemnity or guaranty and life or health or accident  
10 insurance.

11 (2) Offers of prizes, award or compensation to the  
12 actual contestants in any bona fide contest for the  
13 determination of skill, speed, strength or endurance or to  
14 the owners of animals or vehicles entered in such contest.

15 (3) Pari-mutuel betting as authorized by the law of  
16 this State.

17 (4) Manufacture of gambling devices, including the  
18 acquisition of essential parts therefor and the assembly  
19 thereof, for transportation in interstate or foreign  
20 commerce to any place outside this State when such  
21 transportation is not prohibited by any applicable Federal  
22 law, ~~or the manufacture, distribution, or possession of~~  
23 ~~video gaming terminals, as defined in the Video Gaming Act,~~  
24 ~~by manufacturers, distributors, and terminal operators~~  
25 ~~licensed to do so under the Video Gaming Act.~~

26 (5) The game commonly known as "bingo", when conducted

1 in accordance with the Bingo License and Tax Act.

2 (6) Lotteries when conducted by the State of Illinois  
3 in accordance with the Illinois Lottery Law. This exemption  
4 includes any activity conducted by the Department of  
5 Revenue to sell lottery tickets pursuant to the provisions  
6 of the Illinois Lottery Law and its rules.

7 (6.1) The purchase of lottery tickets through the  
8 Internet for a lottery conducted by the State of Illinois  
9 under the program established in Section 7.12 of the  
10 Illinois Lottery Law.

11 (7) Possession of an antique slot machine that is  
12 neither used nor intended to be used in the operation or  
13 promotion of any unlawful gambling activity or enterprise.  
14 For the purpose of this subparagraph (b) (7), an antique  
15 slot machine is one manufactured 25 years ago or earlier.

16 (8) Raffles when conducted in accordance with the  
17 Raffles Act.

18 (9) Charitable games when conducted in accordance with  
19 the Charitable Games Act.

20 (10) Pull tabs and jar games when conducted under the  
21 Illinois Pull Tabs and Jar Games Act.

22 (11) Gambling games conducted on riverboats when  
23 authorized by the Riverboat Gambling Act.

24 (12) ~~(Blank) Video gaming terminal games at a licensed~~  
25 ~~establishment, licensed truck stop establishment, licensed~~  
26 ~~fraternal establishment, or licensed veterans~~

1 ~~establishment when conducted in accordance with the Video~~  
2 ~~Gaming Act.~~

3 (13) Games of skill or chance where money or other  
4 things of value can be won but no payment or purchase is  
5 required to participate.

6 (c) Sentence.

7 Gambling under subsection (a) (1) or (a) (2) of this Section  
8 is a Class A misdemeanor. Gambling under any of subsections  
9 (a) (3) through (a) (11) of this Section is a Class A  
10 misdemeanor. A second or subsequent conviction under any of  
11 subsections (a) (3) through (a) (11), is a Class 4 felony.  
12 Gambling under subsection (a) (12) of this Section is a Class A  
13 misdemeanor. A second or subsequent conviction under  
14 subsection (a) (12) is a Class 4 felony.

15 (d) Circumstantial evidence.

16 In prosecutions under subsection (a) (1) through (a) (12) of  
17 this Section circumstantial evidence shall have the same  
18 validity and weight as in any criminal prosecution.

19 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;  
20 96-1203, eff. 7-22-10.)

21 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

22 Sec. 28-1.1. Syndicated gambling.

23 (a) Declaration of Purpose. Recognizing the close  
24 relationship between professional gambling and other organized  
25 crime, it is declared to be the policy of the legislature to

1     restrain persons from engaging in the business of gambling for  
2     profit in this State. This Section shall be liberally construed  
3     and administered with a view to carrying out this policy.

4             (b) A person commits syndicated gambling when he operates a  
5     "policy game" or engages in the business of bookmaking.

6             (c) A person "operates a policy game" when he knowingly  
7     uses any premises or property for the purpose of receiving or  
8     knowingly does receive from what is commonly called "policy":

9                 (1) money from a person other than the better or player  
10     whose bets or plays are represented by such money; or

11                (2) written "policy game" records, made or used over  
12     any period of time, from a person other than the better or  
13     player whose bets or plays are represented by such written  
14     record.

15             (d) A person engages in bookmaking when he receives or  
16     accepts more than five bets or wagers upon the result of any  
17     trials or contests of skill, speed or power of endurance or  
18     upon any lot, chance, casualty, unknown or contingent event  
19     whatsoever, which bets or wagers shall be of such size that the  
20     total of the amounts of money paid or promised to be paid to  
21     such bookmaker on account thereof shall exceed \$2,000.  
22     Bookmaking is the receiving or accepting of such bets or wagers  
23     regardless of the form or manner in which the bookmaker records  
24     them.

25             (e) Participants in any of the following activities shall  
26     not be convicted of syndicated gambling:

1           (1) Agreements to compensate for loss caused by the  
2 happening of chance including without limitation contracts  
3 of indemnity or guaranty and life or health or accident  
4 insurance; and

5           (2) Offers of prizes, award or compensation to the  
6 actual contestants in any bona fide contest for the  
7 determination of skill, speed, strength or endurance or to  
8 the owners of animals or vehicles entered in such contest;  
9 and

10          (3) Pari-mutuel betting as authorized by law of this  
11 State; and

12          (4) Manufacture of gambling devices, including the  
13 acquisition of essential parts therefor and the assembly  
14 thereof, for transportation in interstate or foreign  
15 commerce to any place outside this State when such  
16 transportation is not prohibited by any applicable Federal  
17 law; and

18          (5) Raffles when conducted in accordance with the  
19 Raffles Act; and

20          (6) Gambling games conducted on riverboats when  
21 authorized by the Riverboat Gambling Act; and

22          (7) (Blank) ~~Video gaming terminal games at a licensed~~  
23 ~~establishment, licensed truck stop establishment, licensed~~  
24 ~~fraternal establishment, or licensed veterans~~  
25 ~~establishment when conducted in accordance with the Video~~  
26 ~~Gaming Act.~~

1 (f) Sentence. Syndicated gambling is a Class 3 felony.

2 (Source: P.A. 96-34, eff. 7-13-09.)

3 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

4 Sec. 28-3. Keeping a Gambling Place. A "gambling place" is  
5 any real estate, vehicle, boat or any other property whatsoever  
6 used for the purposes of gambling other than gambling conducted  
7 in the manner authorized by the Riverboat Gambling Act ~~or the~~  
8 ~~Video Gaming Act~~. Any person who knowingly permits any premises  
9 or property owned or occupied by him or under his control to be  
10 used as a gambling place commits a Class A misdemeanor. Each  
11 subsequent offense is a Class 4 felony. When any premises is  
12 determined by the circuit court to be a gambling place:

13 (a) Such premises is a public nuisance and may be proceeded  
14 against as such, and

15 (b) All licenses, permits or certificates issued by the  
16 State of Illinois or any subdivision or public agency thereof  
17 authorizing the serving of food or liquor on such premises  
18 shall be void; and no license, permit or certificate so  
19 cancelled shall be reissued for such premises for a period of  
20 60 days thereafter; nor shall any person convicted of keeping a  
21 gambling place be reissued such license for one year from his  
22 conviction and, after a second conviction of keeping a gambling  
23 place, any such person shall not be reissued such license, and

24 (c) Such premises of any person who knowingly permits  
25 thereon a violation of any Section of this Article shall be

1 held liable for, and may be sold to pay any unsatisfied  
2 judgment that may be recovered and any unsatisfied fine that  
3 may be levied under any Section of this Article.

4 (Source: P.A. 96-34, eff. 7-13-09.)

5 Section 97. Inseverability. The provisions of this Act are  
6 mutually dependent and inseverable. If any provision is held  
7 invalid other than as applied to a particular person or  
8 circumstance, then this entire Act is invalid.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.