



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3298

by Rep. Christian L. Mitchell

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.826 new	
30 ILCS 105/6z-100 new	
35 ILCS 105/3-10	
35 ILCS 105/9	from Ch. 120, par. 439.9
35 ILCS 110/3-10	from Ch. 120, par. 439.33-10
35 ILCS 110/9	from Ch. 120, par. 439.39
35 ILCS 115/3-10	from Ch. 120, par. 439.103-10
35 ILCS 115/9	from Ch. 120, par. 439.109
35 ILCS 120/2-10	
35 ILCS 120/3	from Ch. 120, par. 442

Amends the Use Tax Act, Service Use Tax Act, Service Occupation Tax Act, and Retailers' Occupation Tax Act. Imposes a 2% surcharge on firearm ammunition. Amends the State Finance Act. Creates the High Crime Trauma Center Grant Fund. Requires the 2% surcharge to be deposited into the Fund. Subject to appropriation, authorizes the Department of Public Health to make grants to trauma centers in high crime areas. Effective immediately.

LRB099 08793 SXM 28963 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 Section 5. The State Finance Act is amended by adding  
5 Sections 5.826 and 6z-100 as follows:

6 (30 ILCS 105/5.826 new)

7 Sec. 5.826. The High Crime Trauma Center Grant Fund.

8 (30 ILCS 105/6z-100 new)

9 Sec. 6z-100. High Crime Trauma Center Grant Fund. The High  
10 Crime Trauma Center Grant Fund is created as a special fund in  
11 the State Treasury. Subject to appropriation, moneys in the  
12 Fund shall be used by the Department of Public Health to make  
13 grants to trauma centers in high crime areas for medical  
14 emergency responses. "Trauma center" has the same meaning as in  
15 the Emergency Medical Services (EMS) Systems Act.

16 Section 10. The Use Tax Act is amended by changing Sections  
17 3-10 and 9 as follows:

18 (35 ILCS 105/3-10)

19 Sec. 3-10. Rate of tax. Unless otherwise provided in this  
20 Section, the tax imposed by this Act is at the rate of 6.25% of

1 either the selling price or the fair market value, if any, of  
2 the tangible personal property. In all cases where property  
3 functionally used or consumed is the same as the property that  
4 was purchased at retail, then the tax is imposed on the selling  
5 price of the property. In all cases where property functionally  
6 used or consumed is a by-product or waste product that has been  
7 refined, manufactured, or produced from property purchased at  
8 retail, then the tax is imposed on the lower of the fair market  
9 value, if any, of the specific property so used in this State  
10 or on the selling price of the property purchased at retail.  
11 For purposes of this Section "fair market value" means the  
12 price at which property would change hands between a willing  
13 buyer and a willing seller, neither being under any compulsion  
14 to buy or sell and both having reasonable knowledge of the  
15 relevant facts. The fair market value shall be established by  
16 Illinois sales by the taxpayer of the same property as that  
17 functionally used or consumed, or if there are no such sales by  
18 the taxpayer, then comparable sales or purchases of property of  
19 like kind and character in Illinois.

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

24 Beginning on August 6, 2010 through August 15, 2010, with  
25 respect to sales tax holiday items as defined in Section 3-6 of  
26 this Act, the tax is imposed at the rate of 1.25%.

1 With respect to gasohol, the tax imposed by this Act  
2 applies to (i) 70% of the proceeds of sales made on or after  
3 January 1, 1990, and before July 1, 2003, (ii) 80% of the  
4 proceeds of sales made on or after July 1, 2003 and on or  
5 before December 31, 2018, and (iii) 100% of the proceeds of  
6 sales made thereafter. If, at any time, however, the tax under  
7 this Act on sales of gasohol is imposed at the rate of 1.25%,  
8 then the tax imposed by this Act applies to 100% of the  
9 proceeds of sales of gasohol made during that time.

10 With respect to majority blended ethanol fuel, the tax  
11 imposed by this Act does not apply to the proceeds of sales  
12 made on or after July 1, 2003 and on or before December 31,  
13 2018 but applies to 100% of the proceeds of sales made  
14 thereafter.

15 With respect to biodiesel blends with no less than 1% and  
16 no more than 10% biodiesel, the tax imposed by this Act applies  
17 to (i) 80% of the proceeds of sales made on or after July 1,  
18 2003 and on or before December 31, 2018 and (ii) 100% of the  
19 proceeds of sales made thereafter. If, at any time, however,  
20 the tax under this Act on sales of biodiesel blends with no  
21 less than 1% and no more than 10% biodiesel is imposed at the  
22 rate of 1.25%, then the tax imposed by this Act applies to 100%  
23 of the proceeds of sales of biodiesel blends with no less than  
24 1% and no more than 10% biodiesel made during that time.

25 With respect to 100% biodiesel and biodiesel blends with  
26 more than 10% but no more than 99% biodiesel, the tax imposed

1 by this Act does not apply to the proceeds of sales made on or  
2 after July 1, 2003 and on or before December 31, 2018 but  
3 applies to 100% of the proceeds of sales made thereafter.

4 With respect to food for human consumption that is to be  
5 consumed off the premises where it is sold (other than  
6 alcoholic beverages, soft drinks, and food that has been  
7 prepared for immediate consumption) and prescription and  
8 nonprescription medicines, drugs, medical appliances,  
9 modifications to a motor vehicle for the purpose of rendering  
10 it usable by a disabled person, and insulin, urine testing  
11 materials, syringes, and needles used by diabetics, for human  
12 use, the tax is imposed at the rate of 1%. For the purposes of  
13 this Section, until September 1, 2009: the term "soft drinks"  
14 means any complete, finished, ready-to-use, non-alcoholic  
15 drink, whether carbonated or not, including but not limited to  
16 soda water, cola, fruit juice, vegetable juice, carbonated  
17 water, and all other preparations commonly known as soft drinks  
18 of whatever kind or description that are contained in any  
19 closed or sealed bottle, can, carton, or container, regardless  
20 of size; but "soft drinks" does not include coffee, tea,  
21 non-carbonated water, infant formula, milk or milk products as  
22 defined in the Grade A Pasteurized Milk and Milk Products Act,  
23 or drinks containing 50% or more natural fruit or vegetable  
24 juice.

25 Notwithstanding any other provisions of this Act,  
26 beginning September 1, 2009, "soft drinks" means non-alcoholic

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

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

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

26       Notwithstanding any other provisions of this Act,

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

13 (A) A "Drug Facts" panel; or

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

17 Beginning on the effective date of this amendatory Act of  
18 the 98th General Assembly, "prescription and nonprescription  
19 medicines and drugs" includes medical cannabis purchased from a  
20 registered dispensing organization under the Compassionate Use  
21 of Medical Cannabis Pilot Program Act.

22 Beginning January 1, 2016, in addition to all other rates  
23 of tax imposed under this Act, a surcharge of 2% is imposed on  
24 the selling price of firearm ammunition. "Firearm" and "firearm  
25 ammunition" have the meanings ascribed to them in Section 1.1  
26 of the Firearm Owners Identification Card Act.

1           If the property that is purchased at retail from a retailer  
2 is acquired outside Illinois and used outside Illinois before  
3 being brought to Illinois for use here and is taxable under  
4 this Act, the "selling price" on which the tax is computed  
5 shall be reduced by an amount that represents a reasonable  
6 allowance for depreciation for the period of prior out-of-state  
7 use.

8           (Source: P.A. 97-636, eff. 6-1-12; 98-122, eff. 1-1-14.)

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  
23 by transaction basis, as provided in this Section, such  
24 discount shall be taken with each such tax remittance instead  
25 of when such retailer files his periodic return. The Department



1 may disallow the discount for retailers whose certificate of  
2 registration is revoked at the time the return is filed, but  
3 only if the Department's decision to revoke the certificate of  
4 registration has become final. A retailer need not remit that  
5 part of any tax collected by him to the extent that he is  
6 required to remit and does remit the tax imposed by the  
7 Retailers' Occupation Tax Act, with respect to the sale of the  
8 same property.

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 retailer, in collecting the tax (except as to motor  
14 vehicles, watercraft, aircraft, and trailers that are required  
15 to be registered with an agency of this State), may collect for  
16 each tax return period, only the tax applicable to that part of  
17 the selling price actually received during such tax return  
18 period.

19       Except as provided in this Section, on or before the  
20 twentieth day of each calendar month, such retailer shall file  
21 a return for the preceding calendar month. Such return shall be  
22 filed on forms prescribed by the Department and shall furnish  
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 the business of selling tangible  
8 personal property at retail in this State;

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

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

16 5. The amount of tax due;

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

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

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

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

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

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

1 for a minimum of one year beginning on October 1.

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

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

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

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

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

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

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

1 on other than a calendar monthly basis.

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



1 credit taken and that actually due, and the taxpayer shall be  
2 liable for penalties and interest on such difference.

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

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

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

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

1 such retailer shall file a final return under this Act with the  
2 Department not more than one month after discontinuing such  
3 business.

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

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

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

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

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

24 With each such transaction reporting return, the retailer  
25 shall remit the proper amount of tax due (or shall submit  
26 satisfactory evidence that the sale is not taxable if that is

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

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

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

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

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

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

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

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

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

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

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

11 Beginning January 1, 1990, each month the Department shall  
12 pay into the State and Local Sales Tax Reform Fund, a special  
13 fund in the State Treasury, 20% of the net revenue realized for  
14 the preceding month from the 6.25% general rate on the selling  
15 price of tangible personal property, other than tangible  
16 personal property which is purchased outside Illinois at retail  
17 from a retailer and which is titled or registered by an agency  
18 of this State's government.

19 Beginning August 1, 2000, each month the Department shall  
20 pay into the State and Local Sales Tax Reform Fund 100% 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 State and Local Sales Tax Reform Fund 100% 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 which is  
5 purchased outside Illinois at retail from a retailer and which  
6 is titled or registered by an agency of this State's  
7 government.

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

15           Beginning July 1, 2011, each month the Department shall pay  
16 into the Clean Air Act (CAA) Permit Fund 80% of the net revenue  
17 realized for the preceding month from the 6.25% general rate on  
18 the selling price of sorbents used in Illinois in the process  
19 of sorbent injection as used to comply with the Environmental  
20 Protection Act or the federal Clean Air Act, but the total  
21 payment into the Clean Air Act (CAA) Permit Fund under this Act  
22 and the Retailers' Occupation Tax Act shall not exceed  
23 \$2,000,000 in any fiscal year.

24           Beginning July 1, 2013, each month the Department shall pay  
25 into the Underground Storage Tank Fund from the proceeds  
26 collected under this Act, the Service Use Tax Act, the Service

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

13 Beginning January 1, 2016, the Department shall pay into  
14 the High Crime Trauma Center Grant Fund 100% of the net revenue  
15 realized for the preceding month from the 2% surcharge on the  
16 selling price of firearm ammunition.

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

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

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

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

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

16	Fiscal Year	Total Deposit
17	1993	\$0
18	1994	53,000,000
19	1995	58,000,000
20	1996	61,000,000
21	1997	64,000,000
22	1998	68,000,000
23	1999	71,000,000
24	2000	75,000,000
25	2001	80,000,000
26	2002	93,000,000

1	2003	99,000,000
2	2004	103,000,000
3	2005	108,000,000
4	2006	113,000,000
5	2007	119,000,000
6	2008	126,000,000
7	2009	132,000,000
8	2010	139,000,000
9	2011	146,000,000
10	2012	153,000,000
11	2013	161,000,000
12	2014	170,000,000
13	2015	179,000,000
14	2016	189,000,000
15	2017	199,000,000
16	2018	210,000,000
17	2019	221,000,000
18	2020	233,000,000
19	2021	246,000,000
20	2022	260,000,000
21	2023	275,000,000
22	2024	275,000,000
23	2025	275,000,000
24	2026	279,000,000
25	2027	292,000,000
26	2028	307,000,000

1	2029	322,000,000
2	2030	338,000,000
3	2031	350,000,000
4	2032	350,000,000

5 and

6 each fiscal year

7 thereafter that bonds

8 are outstanding under

9 Section 13.2 of the

10 Metropolitan Pier and

11 Exposition Authority Act,

12 but not after fiscal year 2060.

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

26 Subject to payment of amounts into the Build Illinois Fund

1 and the McCormick Place Expansion Project Fund pursuant to the  
2 preceding paragraphs or in any amendments thereto hereafter  
3 enacted, beginning July 1, 1993 and ending on September 30,  
4 2013, the Department shall each month pay into the Illinois Tax  
5 Increment Fund 0.27% of 80% of the net revenue realized for the  
6 preceding month from the 6.25% general rate on the selling  
7 price of tangible personal property.

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 with the receipt of the first report of  
12 taxes paid by an eligible business and continuing for a 25-year  
13 period, the Department shall each month pay into the Energy  
14 Infrastructure Fund 80% of the net revenue realized from the  
15 6.25% general rate on the selling price of Illinois-mined coal  
16 that was sold to an eligible business. For purposes of this  
17 paragraph, the term "eligible business" means a new electric  
18 generating facility certified pursuant to Section 605-332 of  
19 the Department of Commerce and Economic Opportunity Law of the  
20 Civil Administrative Code of Illinois.

21 Subject to payment of amounts into the Build Illinois Fund,  
22 the McCormick Place Expansion Project Fund, the Illinois Tax  
23 Increment Fund, and the Energy Infrastructure Fund pursuant to  
24 the preceding paragraphs or in any amendments to this Section  
25 hereafter enacted, beginning on the first day of the first  
26 calendar month to occur on or after the effective date of this



1 amendatory Act of the 98th General Assembly, each month, from  
2 the collections made under Section 9 of the Use Tax Act,  
3 Section 9 of the Service Use Tax Act, Section 9 of the Service  
4 Occupation Tax Act, and Section 3 of the Retailers' Occupation  
5 Tax Act, the Department shall pay into the Tax Compliance and  
6 Administration Fund, to be used, subject to appropriation, to  
7 fund additional auditors and compliance personnel at the  
8 Department of Revenue, an amount equal to 1/12 of 5% of 80% of  
9 the cash receipts collected during the preceding fiscal year by  
10 the Audit Bureau of the Department under the Use Tax Act, the  
11 Service Use Tax Act, the Service Occupation Tax Act, the  
12 Retailers' Occupation Tax Act, and associated local occupation  
13 and use taxes administered by the Department.

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

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

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

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

12 (Source: P.A. 97-95, eff. 7-12-11; 97-333, eff. 8-12-11; 98-24,  
13 eff. 6-19-13; 98-109, eff. 7-25-13; 98-496, eff. 1-1-14;  
14 98-756, eff. 7-16-14; 98-1098, eff. 8-26-14.)

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

17 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

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

24 Beginning on July 1, 2000 and through December 31, 2000,

1 with respect to motor fuel, as defined in Section 1.1 of the  
2 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
3 the Use Tax Act, the tax is imposed at the rate of 1.25%.

4 With respect to gasohol, as defined in the Use Tax Act, the  
5 tax imposed by this Act applies to (i) 70% of the selling price  
6 of property transferred as an incident to the sale of service  
7 on or after January 1, 1990, and before July 1, 2003, (ii) 80%  
8 of the selling price of property transferred as an incident to  
9 the sale of service on or after July 1, 2003 and on or before  
10 December 31, 2018, and (iii) 100% of the selling price  
11 thereafter. If, at any time, however, the tax under this Act on  
12 sales of gasohol, as defined in the Use Tax Act, is imposed at  
13 the rate of 1.25%, then the tax imposed by this Act applies to  
14 100% of the proceeds of sales of gasohol made during that time.

15 With respect to majority blended ethanol fuel, as defined  
16 in the Use Tax Act, the tax imposed by this Act does not apply  
17 to the selling price of property transferred as an incident to  
18 the sale of service on or after July 1, 2003 and on or before  
19 December 31, 2018 but applies to 100% of the selling price  
20 thereafter.

21 With respect to biodiesel blends, as defined in the Use Tax  
22 Act, with no less than 1% and no more than 10% biodiesel, the  
23 tax imposed by this Act applies to (i) 80% of the selling price  
24 of property transferred as an incident to the sale of service  
25 on or after July 1, 2003 and on or before December 31, 2018 and  
26 (ii) 100% of the proceeds of the selling price thereafter. If,

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

7 With respect to 100% biodiesel, as defined in the Use Tax  
8 Act, and biodiesel blends, as defined in the Use Tax Act, with  
9 more than 10% but no more than 99% biodiesel, the tax imposed  
10 by this Act does not apply to the proceeds of the selling price  
11 of property transferred as an incident to the sale of service  
12 on or after July 1, 2003 and on or before December 31, 2018 but  
13 applies to 100% of the selling price thereafter.

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

24 The tax shall be imposed at the rate of 1% on food prepared  
25 for immediate consumption and transferred incident to a sale of  
26 service subject to this Act or the Service Occupation Tax Act

1 by an entity licensed under the Hospital Licensing Act, the  
2 Nursing Home Care Act, the ID/DD Community Care Act, the  
3 Specialized Mental Health Rehabilitation Act of 2013, or the  
4 Child Care Act of 1969. The tax shall also be imposed at the  
5 rate of 1% on food for human consumption that is to be consumed  
6 off the premises where it is sold (other than alcoholic  
7 beverages, soft drinks, and food that has been prepared for  
8 immediate consumption and is not otherwise included in this  
9 paragraph) and prescription and nonprescription medicines,  
10 drugs, medical appliances, modifications to a motor vehicle for  
11 the purpose of rendering it usable by a disabled person, and  
12 insulin, urine testing materials, syringes, and needles used by  
13 diabetics, for human use. For the purposes of this Section,  
14 until September 1, 2009: the term "soft drinks" means any  
15 complete, finished, ready-to-use, non-alcoholic drink, whether  
16 carbonated or not, including but not limited to soda water,  
17 cola, fruit juice, vegetable juice, carbonated water, and all  
18 other preparations commonly known as soft drinks of whatever  
19 kind or description that are contained in any closed or sealed  
20 bottle, can, carton, or container, regardless of size; but  
21 "soft drinks" does not include coffee, tea, non-carbonated  
22 water, infant formula, milk or milk products as defined in the  
23 Grade A Pasteurized Milk and Milk Products Act, or drinks  
24 containing 50% or more natural fruit or vegetable juice.

25 Notwithstanding any other provisions of this Act,  
26 beginning September 1, 2009, "soft drinks" means non-alcoholic

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

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

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

26       Notwithstanding any other provisions of this Act,

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

13 (A) A "Drug Facts" panel; or

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

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

22 Beginning January 1, 2016, in addition to all other rates  
23 of tax imposed under this Act, a surcharge of 2% is imposed on  
24 the selling price of firearm ammunition. "Firearm" and "firearm  
25 ammunition" have the meanings ascribed to them in Section 1.1  
26 of the Firearm Owners Identification Card Act.

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

8           (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-636,  
9 eff. 6-1-12; 98-104, eff. 7-22-13; 98-122, eff. 1-1-14; 98-756,  
10 eff. 7-16-14.)

11           (35 ILCS 110/9) (from Ch. 120, par. 439.39)

12           Sec. 9. Each serviceman required or authorized to collect  
13 the tax herein imposed shall pay to the Department the amount  
14 of such tax (except as otherwise provided) at the time when he  
15 is required to file his return for the period during which such  
16 tax was collected, less a discount of 2.1% prior to January 1,  
17 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar  
18 year, whichever is greater, which is allowed to reimburse the  
19 serviceman for expenses incurred in collecting the tax, keeping  
20 records, preparing and filing returns, remitting the tax and  
21 supplying data to the Department on request. The Department may  
22 disallow the discount for servicemen whose certificate of  
23 registration is revoked at the time the return is filed, but  
24 only if the Department's decision to revoke the certificate of  
25 registration has become final. A serviceman need not remit that



1 part of any tax collected by him to the extent that he is  
2 required to pay and does pay the tax imposed by the Service  
3 Occupation Tax Act with respect to his sale of service  
4 involving the incidental transfer by him of the same property.

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

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

19 1. The name of the seller;

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

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

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

1 Act;

2 5. The amount of tax due;

3 5-5. The signature of the taxpayer; and

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

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

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

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

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

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

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

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

24 If the serviceman is otherwise required to file a monthly  
25 return and if the serviceman's average monthly tax liability to  
26 the Department does not exceed \$200, the Department may

1 authorize his returns to be filed on a quarter annual basis,  
2 with the return for January, February and March of a given year  
3 being due by April 20 of such year; with the return for April,  
4 May and June of a given year being due by July 20 of such year;  
5 with the return for July, August and September of a given year  
6 being due by October 20 of such year, and with the return for  
7 October, November and December of a given year being due by  
8 January 20 of the following year.

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

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

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

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

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

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

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

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

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

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

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

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

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

23           Beginning January 1, 2016, the Department shall pay into  
24 the High Crime Trauma Center Grant Fund 100% of the net revenue  
25 realized for the preceding month from the 2% surcharge on the  
26 selling price of firearm ammunition.

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



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

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

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

		Total
	Fiscal Year	Deposit
1		
2	1993	\$0
3	1994	53,000,000
4	1995	58,000,000
5	1996	61,000,000
6	1997	64,000,000
7	1998	68,000,000
8	1999	71,000,000
9	2000	75,000,000
10	2001	80,000,000
11	2002	93,000,000
12	2003	99,000,000
13	2004	103,000,000
14	2005	108,000,000
15	2006	113,000,000
16	2007	119,000,000
17	2008	126,000,000
18	2009	132,000,000
19	2010	139,000,000
20	2011	146,000,000
21	2012	153,000,000
22	2013	161,000,000
23	2014	170,000,000
24	2015	179,000,000
25	2016	189,000,000

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

17 and

18 each fiscal year

19 thereafter that bonds

20 are outstanding under

21 Section 13.2 of the

22 Metropolitan Pier and

23 Exposition Authority Act,

24 but not after fiscal year 2060.

25 Beginning July 20, 1993 and in each month of each fiscal  
26 year thereafter, one-eighth of the amount requested in the

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

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

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 with the receipt of the first report of  
24 taxes paid by an eligible business and continuing for a 25-year  
25 period, the Department shall each month pay into the Energy  
26 Infrastructure Fund 80% of the net revenue realized from the

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

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

26 Of the remainder of the moneys received by the Department

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

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

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

18 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;  
19 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14;  
20 98-1098, eff. 8-26-14.)

21 Section 20. The Service Occupation Tax Act is amended by  
22 changing Sections 3-10 and 9 as follows:

23 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

24 Sec. 3-10. Rate of tax. Unless otherwise provided in this

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

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

22 With respect to gasohol, as defined in the Use Tax Act, the  
23 tax imposed by this Act shall apply to (i) 70% of the cost  
24 price of property transferred as an incident to the sale of  
25 service on or after January 1, 1990, and before July 1, 2003,  
26 (ii) 80% of the selling price of property transferred as an



1 incident to the sale of service on or after July 1, 2003 and on  
2 or before December 31, 2018, and (iii) 100% of the cost price  
3 thereafter. If, at any time, however, the tax under this Act on  
4 sales of gasohol, as defined in the Use Tax Act, is imposed at  
5 the rate of 1.25%, then the tax imposed by this Act applies to  
6 100% of the proceeds of sales of gasohol made during that time.

7 With respect to majority blended ethanol fuel, as defined  
8 in the Use Tax Act, the tax imposed by this Act does not apply  
9 to the selling price of property transferred as an incident to  
10 the sale of service on or after July 1, 2003 and on or before  
11 December 31, 2018 but applies to 100% of the selling price  
12 thereafter.

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

25 With respect to 100% biodiesel, as defined in the Use Tax  
26 Act, and biodiesel blends, as defined in the Use Tax Act, with

1 more than 10% but no more than 99% biodiesel material, the tax  
2 imposed by this Act does not apply to the proceeds of the  
3 selling price of property transferred as an incident to the  
4 sale of service on or after July 1, 2003 and on or before  
5 December 31, 2018 but applies to 100% of the selling price  
6 thereafter.

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

17 The tax shall be imposed at the rate of 1% on food prepared  
18 for immediate consumption and transferred incident to a sale of  
19 service subject to this Act or the Service Occupation Tax Act  
20 by an entity licensed under the Hospital Licensing Act, the  
21 Nursing Home Care Act, the ID/DD Community Care Act, the  
22 Specialized Mental Health Rehabilitation Act of 2013, or the  
23 Child Care Act of 1969. The tax shall also be imposed at the  
24 rate of 1% on food for human consumption that is to be consumed  
25 off the premises where it is sold (other than alcoholic  
26 beverages, soft drinks, and food that has been prepared for

1 immediate consumption and is not otherwise included in this  
2 paragraph) and prescription and nonprescription medicines,  
3 drugs, medical appliances, modifications to a motor vehicle for  
4 the purpose of rendering it usable by a disabled person, and  
5 insulin, urine testing materials, syringes, and needles used by  
6 diabetics, for human use. For the purposes of this Section,  
7 until September 1, 2009: the term "soft drinks" means any  
8 complete, finished, ready-to-use, non-alcoholic drink, whether  
9 carbonated or not, including but not limited to soda water,  
10 cola, fruit juice, vegetable juice, carbonated water, and all  
11 other preparations commonly known as soft drinks of whatever  
12 kind or description that are contained in any closed or sealed  
13 can, carton, or container, regardless of size; but "soft  
14 drinks" does not include coffee, tea, non-carbonated water,  
15 infant formula, milk or milk products as defined in the Grade A  
16 Pasteurized Milk and Milk Products Act, or drinks containing  
17 50% or more natural fruit or vegetable juice.

18 Notwithstanding any other provisions of this Act,  
19 beginning September 1, 2009, "soft drinks" means non-alcoholic  
20 beverages that contain natural or artificial sweeteners. "Soft  
21 drinks" do not include beverages that contain milk or milk  
22 products, soy, rice or similar milk substitutes, or greater  
23 than 50% of vegetable or fruit juice by volume.

24 Until August 1, 2009, and notwithstanding any other  
25 provisions of this Act, "food for human consumption that is to  
26 be consumed off the premises where it is sold" includes all

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

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

19 Notwithstanding any other provisions of this Act,  
20 beginning September 1, 2009, "nonprescription medicines and  
21 drugs" does not include grooming and hygiene products. For  
22 purposes of this Section, "grooming and hygiene products"  
23 includes, but is not limited to, soaps and cleaning solutions,  
24 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
25 lotions and screens, unless those products are available by  
26 prescription only, regardless of whether the products meet the

1 definition of "over-the-counter-drugs". For the purposes of  
2 this paragraph, "over-the-counter-drug" means a drug for human  
3 use that contains a label that identifies the product as a drug  
4 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
5 label includes:

6 (A) A "Drug Facts" panel; or

7 (B) A statement of the "active ingredient(s)" with a  
8 list of those ingredients contained in the compound,  
9 substance or preparation.

10 Beginning on January 1, 2014 (the effective date of Public  
11 Act 98-122), "prescription and nonprescription medicines and  
12 drugs" includes medical cannabis purchased from a registered  
13 dispensing organization under the Compassionate Use of Medical  
14 Cannabis Pilot Program Act.

15 Beginning January 1, 2016, in addition to all other rates  
16 of tax imposed under this Act, a surcharge of 2% is imposed on  
17 the selling price of firearm ammunition. "Firearm" and "firearm  
18 ammunition" have the meanings ascribed to them in Section 1.1  
19 of the Firearm Owners Identification Card Act.

20 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-636,  
21 eff. 6-1-12; 98-104, eff. 7-22-13; 98-122, eff. 1-1-14; 98-756,  
22 eff. 7-16-14.)

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

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

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. The Department may disallow  
9 the discount for servicemen whose certificate of registration  
10 is revoked at the time the return is filed, but only if the  
11 Department's decision to revoke the certificate of  
12 registration has become final.

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

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

1 such information as the Department may reasonably require.

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

9 1. The name of the seller;

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

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

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

18 5. The amount of tax due;

19 5-5. The signature of the taxpayer; and

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

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

26 Prior to October 1, 2003, and on and after September 1,

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

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



1 the return for July, August and September of a given year being  
2 due by October 20 of such year, and with the return for  
3 October, November and December of a given year being due by  
4 January 20 of the following year.

5 If the serviceman's average monthly tax liability to the  
6 Department does not exceed \$50, the Department may authorize  
7 his returns to be filed on an annual basis, with the return for  
8 a given year being due by January 20 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 serviceman may file his return, in the  
14 case of any serviceman who ceases to engage in a kind of  
15 business which makes him responsible for filing returns under  
16 this Act, such serviceman shall file a final return under this  
17 Act with the Department not more than 1 month after  
18 discontinuing such business.

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

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

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

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

26 All taxpayers required to make payment by electronic funds

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

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

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

24 If experience indicates such action to be practicable, the  
25 Department may prescribe and furnish a combination or joint  
26 return which will enable servicemen, who are required to file

1 returns hereunder and also under the Retailers' Occupation Tax  
2 Act, the Use Tax Act or the Service Use Tax Act, to furnish all  
3 the return information required by all said Acts on the one  
4 form.

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

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

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

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

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

1 pay into the Local Government Tax Fund 16% of the revenue  
2 realized for the preceding month from the 6.25% general rate on  
3 transfers of tangible personal property.

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

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

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

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

4 Beginning January 1, 2016, the Department shall pay into  
5 the High Crime Trauma Center Grant Fund 100% of the net revenue  
6 realized for the preceding month from the 2% surcharge on the  
7 selling price of firearm ammunition.

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

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

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

21 Subject to payment of amounts into the Build Illinois Fund  
22 as provided in the preceding paragraph or in any amendment  
23 thereto hereafter enacted, the following specified monthly  
24 installment of the amount requested in the certificate of the  
25 Chairman of the Metropolitan Pier and Exposition Authority  
26 provided under Section 8.25f of the State Finance Act, but not



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

	Fiscal Year	Total Deposit
8	1993	\$0
9	1994	53,000,000
10	1995	58,000,000
11	1996	61,000,000
12	1997	64,000,000
13	1998	68,000,000
14	1999	71,000,000
15	2000	75,000,000
16	2001	80,000,000
17	2002	93,000,000
18	2003	99,000,000
19	2004	103,000,000
20	2005	108,000,000
21	2006	113,000,000
22	2007	119,000,000
23	2008	126,000,000
24	2009	132,000,000
25	2010	139,000,000

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

23                   and  
24                    each fiscal year  
25                   thereafter that bonds  
26                   are outstanding under

1           Section 13.2 of the  
2           Metropolitan Pier and  
3           Exposition Authority Act,  
4           but not after fiscal year 2060.

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

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

26          Subject to payment of amounts into the Build Illinois Fund

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

13 Subject to payment of amounts into the Build Illinois Fund,  
14 the McCormick Place Expansion Project Fund, the Illinois Tax  
15 Increment Fund, and the Energy Infrastructure Fund pursuant to  
16 the preceding paragraphs or in any amendments to this Section  
17 hereafter enacted, beginning on the first day of the first  
18 calendar month to occur on or after the effective date of this  
19 amendatory Act of the 98th General Assembly, each month, from  
20 the collections made under Section 9 of the Use Tax Act,  
21 Section 9 of the Service Use Tax Act, Section 9 of the Service  
22 Occupation Tax Act, and Section 3 of the Retailers' Occupation  
23 Tax Act, the Department shall pay into the Tax Compliance and  
24 Administration Fund, to be used, subject to appropriation, to  
25 fund additional auditors and compliance personnel at the  
26 Department of Revenue, an amount equal to 1/12 of 5% of 80% of

1 the cash receipts collected during the preceding fiscal year by  
2 the Audit Bureau of the Department under the Use Tax Act, the  
3 Service Use Tax Act, the Service Occupation Tax Act, the  
4 Retailers' Occupation Tax Act, and associated local occupation  
5 and use taxes administered by the Department.

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

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

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

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

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

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

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

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

5 The foregoing portion of this Section concerning the filing  
6 of an annual information return shall not apply to a serviceman  
7 who is not required to file an income tax return with the  
8 United States Government.

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

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

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

1 arrangement.

2 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;  
3 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14;  
4 98-1098, eff. 8-26-14.)

5 Section 25. The Retailers' Occupation Tax Act is amended by  
6 changing Sections 2-10 and 3 as follows:

7 (35 ILCS 120/2-10)

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

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

16 Beginning on August 6, 2010 through August 15, 2010, with  
17 respect to sales tax holiday items as defined in Section 2-8 of  
18 this Act, the tax is imposed at the rate of 1.25%.

19 Within 14 days after the effective date of this amendatory  
20 Act of the 91st General Assembly, each retailer of motor fuel  
21 and gasohol shall cause the following notice to be posted in a  
22 prominently visible place on each retail dispensing device that  
23 is used to dispense motor fuel or gasohol in the State of  
24 Illinois: "As of July 1, 2000, the State of Illinois has



1 eliminated the State's share of sales tax on motor fuel and  
2 gasohol through December 31, 2000. The price on this pump  
3 should reflect the elimination of the tax." The notice shall be  
4 printed in bold print on a sign that is no smaller than 4  
5 inches by 8 inches. The sign shall be clearly visible to  
6 customers. Any retailer who fails to post or maintain a  
7 required sign through December 31, 2000 is guilty of a petty  
8 offense for which the fine shall be \$500 per day per each  
9 retail premises where a violation occurs.

10 With respect to gasohol, as defined in the Use Tax Act, the  
11 tax imposed by this Act applies to (i) 70% of the proceeds of  
12 sales made on or after January 1, 1990, and before July 1,  
13 2003, (ii) 80% of the proceeds of sales made on or after July  
14 1, 2003 and on or before December 31, 2018, and (iii) 100% of  
15 the proceeds of sales made thereafter. If, at any time,  
16 however, the tax under this Act on sales of gasohol, as defined  
17 in the Use Tax Act, is imposed at the rate of 1.25%, then the  
18 tax imposed by this Act applies to 100% of the proceeds of  
19 sales of gasohol made during that time.

20 With respect to majority blended ethanol fuel, as defined  
21 in the Use Tax Act, the tax imposed by this Act does not apply  
22 to the proceeds of sales made on or after July 1, 2003 and on or  
23 before December 31, 2018 but applies to 100% of the proceeds of  
24 sales made thereafter.

25 With respect to biodiesel blends, as defined in the Use Tax  
26 Act, with no less than 1% and no more than 10% biodiesel, the

1 tax imposed by this Act applies to (i) 80% of the proceeds of  
2 sales made on or after July 1, 2003 and on or before December  
3 31, 2018 and (ii) 100% of the proceeds of sales made  
4 thereafter. If, at any time, however, the tax under this Act on  
5 sales of biodiesel blends, as defined in the Use Tax Act, with  
6 no less than 1% and no more than 10% biodiesel is imposed at  
7 the rate of 1.25%, then the tax imposed by this Act applies to  
8 100% of the proceeds of sales of biodiesel blends with no less  
9 than 1% and no more than 10% biodiesel made during that time.

10 With respect to 100% biodiesel, as defined in the Use Tax  
11 Act, and biodiesel blends, as defined in the Use Tax Act, with  
12 more than 10% but no more than 99% biodiesel, the tax imposed  
13 by this Act does not apply to the proceeds of sales made on or  
14 after July 1, 2003 and on or before December 31, 2018 but  
15 applies to 100% of the proceeds of sales made thereafter.

16 With respect to food for human consumption that is to be  
17 consumed off the premises where it is sold (other than  
18 alcoholic beverages, soft drinks, and food that has been  
19 prepared for immediate consumption) and prescription and  
20 nonprescription medicines, drugs, medical appliances,  
21 modifications to a motor vehicle for the purpose of rendering  
22 it usable by a disabled person, and insulin, urine testing  
23 materials, syringes, and needles used by diabetics, for human  
24 use, the tax is imposed at the rate of 1%. For the purposes of  
25 this Section, until September 1, 2009: the term "soft drinks"  
26 means any complete, finished, ready-to-use, non-alcoholic

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

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

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

1 products that are dispensed hot from a vending machine,  
2 regardless of the location of the vending machine.

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

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

25 (A) A "Drug Facts" panel; or

26 (B) A statement of the "active ingredient(s)" with a

1 list of those ingredients contained in the compound,  
2 substance or preparation.

3 Beginning on the effective date of this amendatory Act of  
4 the 98th General Assembly, "prescription and nonprescription  
5 medicines and drugs" includes medical cannabis purchased from a  
6 registered dispensing organization under the Compassionate Use  
7 of Medical Cannabis Pilot Program Act.

8 Beginning January 1, 2016, in addition to all other rates  
9 of tax imposed under this Act, a surcharge of 2% is imposed on  
10 the selling price of firearm ammunition. "Firearm" and "firearm  
11 ammunition" have the meanings ascribed to them in Section 1.1  
12 of the Firearm Owners Identification Card Act.

13 (Source: P.A. 97-636, eff. 6-1-12; 98-122, eff. 1-1-14.)

14 (35 ILCS 120/3) (from Ch. 120, par. 442)

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

20 1. The name of the seller;

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

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

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

11           5. Deductions allowed by law;

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

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

17           8. The amount of tax due;

18           9. The signature of the taxpayer; and

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

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

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

1 claimed.

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

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; and

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

18 Beginning on October 1, 2003, any person who is not a  
19 licensed distributor, importing distributor, or manufacturer,  
20 as defined in the Liquor Control Act of 1934, but is engaged in  
21 the business of selling, at retail, alcoholic liquor shall file  
22 a statement with the Department of Revenue, in a format and at  
23 a time prescribed by the Department, showing the total amount  
24 paid for alcoholic liquor purchased during the preceding month  
25 and such other information as is reasonably required by the  
26 Department. The Department may adopt rules to require that this



1 statement be filed in an electronic or telephonic format. Such  
2 rules may provide for exceptions from the filing requirements  
3 of this paragraph. For the purposes of this paragraph, the term  
4 "alcoholic liquor" shall have the meaning prescribed in the  
5 Liquor Control Act of 1934.

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

1 information. If the retailer is unable to receive the sales  
2 information by electronic means, the distributor, importing  
3 distributor, or manufacturer shall furnish the sales  
4 information by personal delivery or by mail. For purposes of  
5 this paragraph, the term "electronic means" includes, but is  
6 not limited to, the use of a secure Internet website, e-mail,  
7 or facsimile.

8 If a total amount of less than \$1 is payable, refundable or  
9 creditable, such amount shall be disregarded if it is less than  
10 50 cents and shall be increased to \$1 if it is 50 cents or more.

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

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

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

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

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

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

25 Any amount which is required to be shown or reported on any  
26 return or other document under this Act shall, if such amount

1 is not a whole-dollar amount, be increased to the nearest  
2 whole-dollar amount in any case where the fractional part of a  
3 dollar is 50 cents or more, and decreased to the nearest  
4 whole-dollar amount where the fractional part of a dollar is  
5 less than 50 cents.

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

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

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

26 Notwithstanding any other provision in this Act concerning

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

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

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

1 Act, then that seller may report the transfer of all aircraft,  
2 watercraft, motor vehicles or trailers involved in that  
3 transaction to the Department on the same uniform  
4 invoice-transaction reporting return form. For purposes of  
5 this Section, "watercraft" means a Class 2, Class 3, or Class 4  
6 watercraft as defined in Section 3-2 of the Boat Registration  
7 and Safety Act, a personal watercraft, or any boat equipped  
8 with an inboard motor.

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

17 The transaction reporting return, in the case of motor  
18 vehicles or trailers that are required to be registered with an  
19 agency of this State, shall be the same document as the Uniform  
20 Invoice referred to in Section 5-402 of The Illinois Vehicle  
21 Code and must show the name and address of the seller; the name  
22 and address of the purchaser; the amount of the selling price  
23 including the amount allowed by the retailer for traded-in  
24 property, if any; the amount allowed by the retailer for the  
25 traded-in tangible personal property, if any, to the extent to  
26 which Section 1 of this Act allows an exemption for the value

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

12 The transaction reporting return in the case of watercraft  
13 or aircraft must show the name and address of the seller; the  
14 name and address of the purchaser; the amount of the selling  
15 price including the amount allowed by the retailer for  
16 traded-in property, if any; the amount allowed by the retailer  
17 for the traded-in tangible personal property, if any, to the  
18 extent to which Section 1 of this Act allows an exemption for  
19 the value of traded-in property; the balance payable after  
20 deducting such trade-in allowance from the total selling price;  
21 the amount of tax due from the retailer with respect to such  
22 transaction; the amount of tax collected from the purchaser by  
23 the retailer on such transaction (or satisfactory evidence that  
24 such tax is not due in that particular instance, if that is  
25 claimed to be the fact); the place and date of the sale, a  
26 sufficient identification of the property sold, and such other

1 information as the Department may reasonably require.

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

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



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

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

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

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

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

17 Except as provided in this Section, the retailer filing the  
18 return under this Section shall, at the time of filing such  
19 return, pay to the Department the amount of tax imposed by this  
20 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%  
21 on and after January 1, 1990, or \$5 per calendar year,  
22 whichever is greater, which is allowed to reimburse the  
23 retailer for the expenses incurred in keeping records,  
24 preparing and filing returns, remitting the tax and supplying  
25 data to the Department on request. Any prepayment made pursuant  
26 to Section 2d of this Act shall be included in the amount on

1 which such 2.1% or 1.75% discount is computed. In the case of  
2 retailers who report and pay the tax on a transaction by  
3 transaction basis, as provided in this Section, such discount  
4 shall be taken with each such tax remittance instead of when  
5 such retailer files his periodic return. The Department may  
6 disallow the discount for retailers whose certificate of  
7 registration is revoked at the time the return is filed, but  
8 only if the Department's decision to revoke the certificate of  
9 registration has become final.

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

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

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

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

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

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

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

17 The provisions of this paragraph apply on and after October  
18 1, 2001. Without regard to whether a taxpayer is required to  
19 make quarter monthly payments as specified above, any taxpayer  
20 who is required by Section 2d of this Act to collect and remit  
21 prepaid taxes and has collected prepaid taxes that average in  
22 excess of \$20,000 per month during the preceding 4 complete  
23 calendar quarters shall file a return with the Department as  
24 required by Section 2f and shall make payments to the  
25 Department on or before the 7th, 15th, 22nd and last day of the  
26 month during which the liability is incurred. Each payment



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

21 If any payment provided for in this Section exceeds the  
22 taxpayer's liabilities under this Act, the Use Tax Act, the  
23 Service Occupation Tax Act and the Service Use Tax Act, as  
24 shown on an original monthly return, the Department shall, if  
25 requested by the taxpayer, issue to the taxpayer a credit  
26 memorandum no later than 30 days after the date of payment. The

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

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

22 Beginning January 1, 1990, each month the Department shall  
23 pay into the Local Government Tax Fund, a special fund in the  
24 State treasury which is hereby created, the net revenue  
25 realized for the preceding month from the 1% tax on sales of  
26 food for human consumption which is to be consumed off the

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

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

11 Beginning August 1, 2000, each month the Department shall  
12 pay into the County and Mass Transit District Fund 20% of the  
13 net revenue realized for the preceding month from the 1.25%  
14 rate on the selling price of motor fuel and gasohol. Beginning  
15 September 1, 2010, each month the Department shall pay into the  
16 County and Mass Transit District Fund 20% of the net revenue  
17 realized for the preceding month from the 1.25% rate on the  
18 selling price of sales tax holiday items.

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

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

1 2010, each month the Department shall pay into the Local  
2 Government Tax Fund 80% of the net revenue realized for the  
3 preceding month from the 1.25% rate on the selling price of  
4 sales tax holiday items.

5 Beginning October 1, 2009, each month the Department shall  
6 pay into the Capital Projects Fund an amount that is equal to  
7 an amount estimated by the Department to represent 80% of the  
8 net revenue realized for the preceding month from the sale of  
9 candy, grooming and hygiene products, and soft drinks that had  
10 been taxed at a rate of 1% prior to September 1, 2009 but that  
11 are now taxed at 6.25%.

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

21 Beginning July 1, 2013, each month the Department shall pay  
22 into the Underground Storage Tank Fund from the proceeds  
23 collected under this Act, the Use Tax Act, the Service Use Tax  
24 Act, and the Service Occupation Tax Act an amount equal to the  
25 average monthly deficit in the Underground Storage Tank Fund  
26 during the prior year, as certified annually by the Illinois

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

10 Beginning January 1, 2016, the Department shall pay into  
11 the High Crime Trauma Center Grant Fund 100% of the net revenue  
12 realized for the preceding month from the 2% surcharge on the  
13 selling price of firearm ammunition.

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

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

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

17 and means the Certified Annual Debt Service Requirement (as  
18 defined in Section 13 of the Build Illinois Bond Act) or the  
19 Tax Act Amount, whichever is greater, for fiscal year 1994 and  
20 each fiscal year thereafter; and further provided, that if on  
21 the last business day of any month the sum of (1) the Tax Act  
22 Amount required to be deposited into the Build Illinois Bond  
23 Account in the Build Illinois Fund during such month and (2)  
24 the amount transferred to the Build Illinois Fund from the  
25 State and Local Sales Tax Reform Fund shall have been less than  
26 1/12 of the Annual Specified Amount, an amount equal to the

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

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

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



		Total
	Fiscal Year	Deposit
1		
2	1993	\$0
3	1994	53,000,000
4	1995	58,000,000
5	1996	61,000,000
6	1997	64,000,000
7	1998	68,000,000
8	1999	71,000,000
9	2000	75,000,000
10	2001	80,000,000
11	2002	93,000,000
12	2003	99,000,000
13	2004	103,000,000
14	2005	108,000,000
15	2006	113,000,000
16	2007	119,000,000
17	2008	126,000,000
18	2009	132,000,000
19	2010	139,000,000
20	2011	146,000,000
21	2012	153,000,000
22	2013	161,000,000
23	2014	170,000,000
24	2015	179,000,000
25	2016	189,000,000

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

17 and

18 each fiscal year

19 thereafter that bonds

20 are outstanding under

21 Section 13.2 of the

22 Metropolitan Pier and

23 Exposition Authority Act,

24 but not after fiscal year 2060.

25 Beginning July 20, 1993 and in each month of each fiscal  
26 year thereafter, one-eighth of the amount requested in the

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

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

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 with the receipt of the first report of  
24 taxes paid by an eligible business and continuing for a 25-year  
25 period, the Department shall each month pay into the Energy  
26 Infrastructure Fund 80% of the net revenue realized from the

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

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

26 Of the remainder of the moneys received by the Department

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

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 retailer'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 retailer shall attach to his annual return a  
17 schedule showing a reconciliation of the 2 amounts and the  
18 reasons for the difference. The retailer's annual return to the  
19 Department shall also disclose the cost of goods sold by the  
20 retailer during the year covered by such return, opening and  
21 closing inventories of such goods for such year, costs of goods  
22 used from stock or taken from stock and given away by the  
23 retailer during such year, payroll information of the  
24 retailer'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 retailer as provided for in  
2 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 provisions of this Section concerning the filing of an  
25 annual information return do not apply to a retailer who is not  
26 required to file an income tax return with the United States

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

20 Any person who promotes, organizes, provides retail  
21 selling space for concessionaires or other types of sellers at  
22 the Illinois State Fair, DuQuoin State Fair, county fairs,  
23 local fairs, art shows, flea markets and similar exhibitions or  
24 events, including any transient merchant as defined by Section  
25 2 of the Transient Merchant Act of 1987, is required to file a  
26 report with the Department providing the name of the merchant's

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

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



1 concessionaires and other sellers affected by the imposition of  
2 this requirement. In the absence of notification by the  
3 Department, the concessionaires and other sellers shall file  
4 their returns as otherwise required in this Section.

5 (Source: P.A. 97-95, eff. 7-12-11; 97-333, eff. 8-12-11; 98-24,  
6 eff. 6-19-13; 98-109, eff. 7-25-13; 98-496, eff. 1-1-14;  
7 98-756, eff. 7-16-14; 98-1098, eff. 8-26-14.)

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