



Rep. Jeanne M Ives

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1 AMENDMENT TO HOUSE BILL 3539

2 AMENDMENT NO. _____. Amend House Bill 3539 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding
5 Sections 5.866 and 6z-101 as follows:

6 (30 ILCS 105/5.866 new)

7 Sec. 5.866. The Sales and Excise Tax Refund Fund.

8 (30 ILCS 105/6z-101 new)

9 Sec. 6z-101. The Sales and Excise Tax Refund Fund.

10 (a) The Sales and Excise Tax Refund Fund is hereby created
11 as a special fund in the State Treasury. Moneys in the Fund
12 shall be used by the Department of Revenue to pay refunds as
13 provided in Section 19 of the Use Tax Act, Section 17 of the
14 Service Use Tax Act, Section 17 of the Service Occupation Tax
15 Act, Section 6 of the Retailers' Occupation Tax Act, Section

1 1-55 of the Cigarette Machine Operators' Occupation Tax Act,
2 Section 9d of the Cigarette Tax Act, Section 14a of the
3 Cigarette Use Tax Act, Section 2 of the Coin-Operated Amusement
4 Device and Redemption Machine Tax Act, Section 6 of the
5 Messages Tax Act, Section 6 of the Gas Revenue Tax Act, Section
6 6 of the Public Utilities Revenue Act, Section 6 of the Water
7 Company Invested Capital Tax Act, Section 10 of the
8 Telecommunications Excise Tax Act, Section 8-3 of the Liquor
9 Control Act, and any other Act that authorizes, either directly
10 or by incorporation of provisions of another Act, payment of
11 refunds out of the Fund, as well as to pay to the State
12 Treasurer the amount of any credit memorandums or refunds under
13 the Acts covered by this Section that qualify as unclaimed
14 property under the Uniform Disposition of Unclaimed Property
15 Act.

16 (b) Moneys in the Sales and Excise Tax Refund Fund shall be
17 expended exclusively for the purpose of paying refunds, paying
18 unclaimed property, and making transfers, all pursuant to this
19 Section.

20 (c) The Director of Revenue shall order payment of refunds
21 under this Section from the Sales and Excise Tax Refund Fund
22 only to the extent that amounts collected pursuant to Section 3
23 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
24 Act, Section 9 of the Service Occupation Tax Act, and Section 9
25 of the Service Use Tax Act have been deposited and retained in
26 the Fund.

1 As soon as possible after the end of each fiscal year, the
2 Director of Revenue shall order transferred and the State
3 Treasurer and State Comptroller shall transfer from the Sales
4 and Excise Tax Refund Fund to the General Revenue Fund any
5 surplus remaining in the Sales and Excise Tax Refund Fund as of
6 the end of such fiscal year.

7 This Section shall constitute an irrevocable and
8 continuing appropriation from the Sales and Excise Tax Refund
9 Fund for the purpose of paying refunds and unclaimed property
10 upon the order of the Director in accordance with the
11 provisions of this Section.

12 Section 10. The Use Tax Act is amended by changing Sections
13 9 and 19 as follows:

14 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

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

1 tax, keeping records, preparing and filing returns, remitting
2 the tax and supplying data to the Department on request. In the
3 case of retailers who report and pay the tax on a transaction
4 by transaction basis, as provided in this Section, such
5 discount shall be taken with each such tax remittance instead
6 of when such retailer files his periodic return. The Department
7 may disallow the discount for retailers whose certificate of
8 registration is revoked at the time the return is filed, but
9 only if the Department's decision to revoke the certificate of
10 registration has become final. A retailer need not remit that
11 part of any tax collected by him to the extent that he is
12 required to remit and does remit the tax imposed by the
13 Retailers' Occupation Tax Act, with respect to the sale of the
14 same property.

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

25 Except as provided in this Section, on or before the
26 twentieth day of each calendar month, such retailer shall file

1 a return for the preceding calendar month. Such return shall be
2 filed on forms prescribed by the Department and shall furnish
3 such information as the Department may reasonably require.

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

11 1. The name of the seller;

12 2. The address of the principal place of business from
13 which he engages in the business of selling tangible
14 personal property at retail in this State;

15 3. The total amount of taxable receipts received by him
16 during the preceding calendar month from sales of tangible
17 personal property by him during such preceding calendar
18 month, including receipts from charge and time sales, but
19 less all deductions allowed by law;

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

22 5. The amount of tax due;

23 5-5. The signature of the taxpayer; and

24 6. Such other reasonable information as the Department
25 may require.

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

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

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

1 all payments required by rules of the Department by electronic
2 funds transfer.

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

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

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

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

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

1 incurred. On and after October 1, 2000, if the taxpayer's
2 average monthly tax liability to the Department under this Act,
3 the Retailers' Occupation Tax Act, the Service Occupation Tax
4 Act, and the Service Use Tax Act was \$20,000 or more during the
5 preceding 4 complete calendar quarters, he shall file a return
6 with the Department each month by the 20th day of the month
7 next following the month during which such tax liability is
8 incurred and shall make payment to the Department on or before
9 the 7th, 15th, 22nd and last day of the month during which such
10 liability is incurred. If the month during which such tax
11 liability is incurred began prior to January 1, 1985, each
12 payment shall be in an amount equal to 1/4 of the taxpayer's
13 actual liability for the month or an amount set by the
14 Department not to exceed 1/4 of the average monthly liability
15 of the taxpayer to the Department for the preceding 4 complete
16 calendar quarters (excluding the month of highest liability and
17 the month of lowest liability in such 4 quarter period). If the
18 month during which such tax liability is incurred begins on or
19 after January 1, 1985, and prior to January 1, 1987, each
20 payment shall be in an amount equal to 22.5% of the taxpayer's
21 actual liability for the month or 27.5% 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, 1987, and prior to January 1, 1988, each
25 payment shall be in an amount equal to 22.5% of the taxpayer's
26 actual liability for the month or 26.25% of the taxpayer's

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

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

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

8 If any such payment provided for in this Section exceeds
9 the taxpayer's liabilities under this Act, the Retailers'
10 Occupation Tax Act, the Service Occupation Tax Act and the
11 Service Use Tax Act, as shown by an original monthly return,
12 the Department shall issue to the taxpayer a credit memorandum
13 no later than 30 days after the date of payment, which
14 memorandum may be submitted by the taxpayer to the Department
15 in payment of tax liability subsequently to be remitted by the
16 taxpayer to the Department or be assigned by the taxpayer to a
17 similar taxpayer under this Act, the Retailers' Occupation Tax
18 Act, the Service Occupation Tax Act or the Service Use Tax Act,
19 in accordance with reasonable rules and regulations to be
20 prescribed by the Department, except that if such excess
21 payment is shown on an original monthly return and is made
22 after December 31, 1986, no credit memorandum shall be issued,
23 unless requested by the taxpayer. If no such request is made,
24 the taxpayer may credit such excess payment against tax
25 liability subsequently to be remitted by the taxpayer to the
26 Department under this Act, the Retailers' Occupation Tax Act,

1 the Service Occupation Tax Act or the Service Use Tax Act, in
2 accordance with reasonable rules and regulations prescribed by
3 the Department. If the Department subsequently determines that
4 all or any part of the credit taken was not actually due to the
5 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall
6 be reduced by 2.1% or 1.75% of the difference between the
7 credit taken and that actually due, and the taxpayer shall be
8 liable for penalties and interest on such difference.

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

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

26 Such quarter annual and annual returns, as to form and

1 substance, shall be subject to the same requirements as monthly
2 returns.

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

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

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

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

1 require.

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

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

1 if the Department and such agency or State officer determine
2 that this procedure will expedite the processing of
3 applications for title or registration.

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

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

25 If the user who would otherwise pay tax to the retailer
26 wants the transaction reporting return filed and the payment of

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

17 Where a retailer collects the tax with respect to the
18 selling price of tangible personal property which he sells and
19 the purchaser thereafter returns such tangible personal
20 property and the retailer refunds the selling price thereof to
21 the purchaser, such retailer shall also refund, to the
22 purchaser, the tax so collected from the purchaser. When filing
23 his return for the period in which he refunds such tax to the
24 purchaser, the retailer may deduct the amount of the tax so
25 refunded by him to the purchaser from any other use tax which
26 such retailer may be required to pay or remit to the

1 Department, as shown by such return, if the amount of the tax
2 to be deducted was previously remitted to the Department by
3 such retailer. If the retailer has not previously remitted the
4 amount of such tax to the Department, he is entitled to no
5 deduction under this Act upon refunding such tax to the
6 purchaser.

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

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

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

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

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

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

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

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

1 net revenue realized for the preceding month from the 1.25%
2 rate on the selling price of motor fuel and gasohol. Beginning
3 September 1, 2010, each month the Department shall pay into the
4 State and Local Sales Tax Reform Fund 100% of the net revenue
5 realized for the preceding month from the 1.25% rate on the
6 selling price of sales tax holiday items.

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

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

21 Beginning July 1, 2011, each month the Department shall pay
22 into the Clean Air Act (CAA) Permit Fund 80% of the net revenue
23 realized for the preceding month from the 6.25% general rate on
24 the selling price of sorbents used in Illinois in the process
25 of sorbent injection as used to comply with the Environmental
26 Protection Act or the federal Clean Air Act, but the total

1 payment into the Clean Air Act (CAA) Permit Fund under this Act
2 and the Retailers' Occupation Tax Act shall not exceed
3 \$2,000,000 in any fiscal year.

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

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

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

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

1 payable for such fiscal year pursuant to clause (b) of the
2 preceding sentence. The moneys received by the Department
3 pursuant to this Act and required to be deposited into the
4 Build Illinois Fund are subject to the pledge, claim and charge
5 set forth in Section 12 of the Build Illinois Bond Act.

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

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

1	2001	80,000,000
2	2002	93,000,000
3	2003	99,000,000
4	2004	103,000,000
5	2005	108,000,000
6	2006	113,000,000
7	2007	119,000,000
8	2008	126,000,000
9	2009	132,000,000
10	2010	139,000,000
11	2011	146,000,000
12	2012	153,000,000
13	2013	161,000,000
14	2014	170,000,000
15	2015	179,000,000
16	2016	189,000,000
17	2017	199,000,000
18	2018	210,000,000
19	2019	221,000,000
20	2020	233,000,000
21	2021	246,000,000
22	2022	260,000,000
23	2023	275,000,000
24	2024	275,000,000
25	2025	275,000,000
26	2026	279,000,000

1	2027	292,000,000
2	2028	307,000,000
3	2029	322,000,000
4	2030	338,000,000
5	2031	350,000,000
6	2032	350,000,000

7 and

8 each fiscal year

9 thereafter that bonds

10 are outstanding under

11 Section 13.2 of the

12 Metropolitan Pier and

13 Exposition Authority Act,

14 but not after fiscal year 2060.

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

1 has been deposited.

2 Beginning on July 1, 2015, subject to payment of amounts
3 into the Capital Projects Fund, the Clean Air Act (CAA) Permit
4 Fund, the Build Illinois Fund, and the McCormick Place
5 Expansion Project Fund pursuant to the preceding paragraphs or
6 in any amendments thereto hereafter enacted, the Department
7 shall each month deposit into the Sales and Excise Tax Refund
8 Fund 0.18% of 80% of the net revenue realized for the preceding
9 month from the 6.25% general rate on the selling price of
10 tangible personal property.

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

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

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

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

25 Of the remainder of the moneys received by the Department
26 pursuant to this Act, 75% thereof shall be paid into the State

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

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

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

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

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

1 (35 ILCS 105/19) (from Ch. 120, par. 439.19)

2 Sec. 19. If it shall appear that an amount of tax or
3 penalty or interest has been paid in error hereunder to the
4 Department by a purchaser, as distinguished from the retailer,
5 whether such amount be paid through a mistake of fact or an
6 error of law, such purchaser may file a claim for credit or
7 refund with the Department in accordance with Sections 6, 6a,
8 6b, and 6c of the Retailers' Occupation Tax Act. If it shall
9 appear that an amount of tax or penalty or interest has been
10 paid in error to the Department hereunder by a retailer who is
11 required or authorized to collect and remit the use tax,
12 whether such amount be paid through a mistake of fact or an
13 error of law, such retailer may file a claim for credit or
14 refund with the Department in accordance with Sections 6, 6a,
15 6b, and 6c of the Retailers' Occupation Tax Act, provided that
16 no credit or refund shall be allowed for any amount paid by any
17 such retailer unless it shall appear that he bore the burden of
18 such amount and did not shift the burden thereof to anyone else
19 (as in the case of a duplicated tax payment which the retailer
20 made to the Department and did not collect from anyone else),
21 or unless it shall appear that he or she or his or her legal
22 representative has unconditionally repaid such amount to his
23 vendee (1) who bore the burden thereof and has not shifted such
24 burden directly or indirectly in any manner whatsoever; (2)
25 who, if he has shifted such burden, has repaid unconditionally
26 such amount to his or her own vendee, and (3) who is not

1 entitled to receive any reimbursement therefor from any other
2 source than from his vendor, nor to be relieved of such burden
3 in any other manner whatsoever. If it shall appear that an
4 amount of tax has been paid in error hereunder by the purchaser
5 to a retailer, who retained such tax as reimbursement for his
6 or her tax liability on the same sale under the Retailers'
7 Occupation Tax Act, and who remitted the amount involved to the
8 Department under the Retailers' Occupation Tax Act, whether
9 such amount be paid through a mistake of fact or an error of
10 law, the procedure for recovering such tax shall be that
11 prescribed in Sections 6, 6a, 6b and 6c of the Retailers'
12 Occupation Tax Act.

13 Any credit or refund that is allowed under this Section
14 shall bear interest at the rate and in the manner specified in
15 the Uniform Penalty and Interest Act.

16 Any claim filed hereunder shall be filed upon a form
17 prescribed and furnished by the Department. The claim shall be
18 signed by the claimant (or by the claimant's legal
19 representative if the claimant shall have died or become a
20 person under legal disability), or by a duly authorized agent
21 of the claimant or his or her legal representative.

22 A claim for credit or refund shall be considered to have
23 been filed with the Department on the date upon which it is
24 received by the Department. Upon receipt of any claim for
25 credit or refund filed under this Act, any officer or employee
26 of the Department, authorized in writing by the Director of

1 Revenue to acknowledge receipt of such claims on behalf of the
2 Department, shall execute on behalf of the Department, and
3 shall deliver or mail to the claimant or his duly authorized
4 agent, a written receipt, acknowledging that the claim has been
5 filed with the Department, describing the claim in sufficient
6 detail to identify it and stating the date upon which the claim
7 was received by the Department. Such written receipt shall be
8 prima facie evidence that the Department received the claim
9 described in such receipt and shall be prima facie evidence of
10 the date when such claim was received by the Department. In the
11 absence of such a written receipt, the records of the
12 Department as to when the claim was received by the Department,
13 or as to whether or not the claim was received at all by the
14 Department, shall be deemed to be prima facie correct upon
15 these questions in the event of any dispute between the
16 claimant (or his or her legal representative) and the
17 Department concerning these questions.

18 In case the Department determines that the claimant is
19 entitled to a refund, such refund shall be made only from the
20 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
21 available for that purpose. If it appears unlikely that the
22 amount available ~~appropriated~~ would permit everyone having a
23 claim allowed ~~during the period covered by such appropriation~~
24 to elect to receive a cash refund, the Department, by rule or
25 regulation, shall provide for the payment of refunds in
26 hardship cases and shall define what types of cases qualify as

1 hardship cases.

2 If a retailer who has failed to pay use tax on gross
3 receipts from retail sales is required by the Department to pay
4 such tax, such retailer, without filing any formal claim with
5 the Department, shall be allowed to take credit against such
6 use tax liability to the extent, if any, to which such retailer
7 has paid an amount equivalent to retailers' occupation tax or
8 has paid use tax in error to his or her vendor or vendors of the
9 same tangible personal property which such retailer bought for
10 resale and did not first use before selling it, and no penalty
11 or interest shall be charged to such retailer on the amount of
12 such credit. However, when such credit is allowed to the
13 retailer by the Department, the vendor is precluded from
14 refunding any of that tax to the retailer and filing a claim
15 for credit or refund with respect thereto with the Department.
16 The provisions of this amendatory Act shall be applied
17 retroactively, regardless of the date of the transaction.

18 (Source: P.A. 90-562, eff. 12-16-97.)

19 Section 15. The Service Use Tax Act is amended by changing
20 Sections 9 and 17 as follows:

21 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

22 Sec. 9. Each serviceman required or authorized to collect
23 the tax herein imposed shall pay to the Department the amount
24 of such tax (except as otherwise provided) at the time when he

1 is required to file his return for the period during which such
2 tax was collected, less a discount of 2.1% prior to January 1,
3 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar
4 year, whichever is greater, which is allowed to reimburse the
5 serviceman for expenses incurred in collecting the tax, keeping
6 records, preparing and filing returns, remitting the tax and
7 supplying data to the Department on request. The Department may
8 disallow the discount for servicemen whose certificate of
9 registration is revoked at the time the return is filed, but
10 only if the Department's decision to revoke the certificate of
11 registration has become final. A serviceman need not remit that
12 part of any tax collected by him to the extent that he is
13 required to pay and does pay the tax imposed by the Service
14 Occupation Tax Act with respect to his sale of service
15 involving the incidental transfer by him of the same property.

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

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

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

4 1. The name of the seller;

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

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

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

13 5. The amount of tax due;

14 5-5. The signature of the taxpayer; and

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

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

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

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

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

25 Any taxpayer not required to make payments by electronic
26 funds transfer may make payments by electronic funds transfer

1 with the permission of the Department.

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

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

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

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

26 Such quarter annual and annual returns, as to form and

1 substance, shall be subject to the same requirements as monthly
2 returns.

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

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

1 Any serviceman filing a return hereunder shall also include
2 the total tax upon the selling price of tangible personal
3 property purchased for use by him as an incident to a sale of
4 service, and such serviceman shall remit the amount of such tax
5 to the Department when filing such return.

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

12 Where the serviceman has more than one business registered
13 with the Department under separate registration hereunder,
14 such serviceman shall not file each return that is due as a
15 single return covering all such registered businesses, but
16 shall file separate returns for each such registered business.

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

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

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

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

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

1 the Use Tax Act, the Service Occupation Tax Act, and the
2 Retailers' Occupation Tax Act shall not exceed \$18,000,000 in
3 any State fiscal year. As used in this paragraph, the "average
4 monthly deficit" shall be equal to the difference between the
5 average monthly claims for payment by the fund and the average
6 monthly revenues deposited into the fund, excluding payments
7 made pursuant to this paragraph.

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 Bond Account
4 in the 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.

7	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 Beginning on July 1, 2015, subject to payment of amounts
19 into the Capital Projects Fund, the Build Illinois Fund, and
20 the McCormick Place Expansion Project Fund pursuant to the
21 preceding paragraphs or in any amendments thereto hereafter
22 enacted, the Department shall each month deposit into the Sales
23 and Excise Tax Refund Fund 0.18% of 80% of the net revenue
24 realized for the preceding month from the 6.25% general rate on
25 the selling 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 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
16 General Revenue Fund of the State Treasury and 25% shall be
17 reserved in a special account and used only for the transfer to
18 the Common School Fund as part of the monthly transfer from the
19 General Revenue Fund in accordance with Section 8a of the State
20 Finance Act.

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

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

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

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

9 (35 ILCS 110/17) (from Ch. 120, par. 439.47)

10 Sec. 17. If it shall appear that an amount of tax or
11 penalty or interest has been paid in error hereunder to the
12 Department by a purchaser, as distinguished from the
13 serviceman, whether such amount be paid through a mistake of
14 fact or an error of law, such purchaser may file a claim for
15 credit or refund with the Department. If it shall appear that
16 an amount of tax or penalty or interest has been paid in error
17 to the Department hereunder by a serviceman who is required or
18 authorized to collect and remit the Service Use Tax, whether
19 such amount be paid through a mistake of fact or an error of
20 law, such serviceman may file a claim for credit or refund with
21 the Department, provided that no credit shall be allowed or
22 refund made for any amount paid by any such serviceman unless
23 it shall appear that he bore the burden of such amount and did
24 not shift the burden thereof to anyone else (as in the case of
25 a duplicated tax payment which the serviceman made to the

1 Department and did not collect from anyone else), or unless it
2 shall appear that he or his legal representative has
3 unconditionally repaid such amount to his vendee (1) who bore
4 the burden thereof and has not shifted such burden directly or
5 indirectly in any manner whatsoever; (2) who, if he has shifted
6 such burden, has repaid unconditionally such amount to his own
7 vendee, and (3) who is not entitled to receive any
8 reimbursement therefor from any other source than from his
9 vendor, nor to be relieved of such burden in any other manner
10 whatsoever. If it shall appear that an amount of tax has been
11 paid in error hereunder by the purchaser to a serviceman, who
12 retained such tax as reimbursement for his tax liability on the
13 same sale of service under the Service Occupation Tax Act, and
14 who paid such tax as required by the Service Occupation Tax
15 Act, whether such amount be paid through a mistake of fact or
16 an error of law, the procedure for recovering such tax shall be
17 that prescribed in Sections 17, 18, 19 and 20 of the Service
18 Occupation Tax Act.

19 Any credit or refund that is allowed under this Section
20 shall bear interest at the rate and in the manner specified in
21 the Uniform Penalty and Interest Act.

22 Any claim filed hereunder shall be filed upon a form
23 prescribed and furnished by the Department. The claim shall be
24 signed by the claimant (or by the claimant's legal
25 representative if the claimant shall have died or become a
26 person under legal disability), or by a duly authorized agent

1 of the claimant or his or her legal representative.

2 A claim for credit or refund shall be considered to have
3 been filed with the Department on the date upon which it is
4 received by the Department. Upon receipt of any claim for
5 credit or refund filed under this Act, any officer or employee
6 of the Department, authorized in writing by the Director of
7 Revenue to acknowledge receipt of such claims on behalf of the
8 Department, shall execute on behalf of the Department, and
9 shall deliver or mail to the claimant or his duly authorized
10 agent, a written receipt, acknowledging that the claim has been
11 filed with the Department, describing the claim in sufficient
12 detail to identify it and stating the date upon which the claim
13 was received by the Department. Such written receipt shall be
14 prima facie evidence that the Department received the claim
15 described in such receipt and shall be prima facie evidence of
16 the date when such claim was received by the Department. In the
17 absence of such a written receipt, the records of the
18 Department as to when the claim was received by the Department,
19 or as to whether or not the claim was received at all by the
20 Department, shall be deemed to be prima facie correct upon
21 these questions in the event of any dispute between the
22 claimant (or his or her legal representative) and the
23 Department concerning these questions.

24 In case the Department determines that the claimant is
25 entitled to a refund, such refund shall be made only from the
26 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be

1 available for that purpose. If it appears unlikely that the
2 amount available ~~appropriated~~ would permit everyone having a
3 claim allowed ~~during the period covered by such appropriation~~
4 to elect to receive a cash refund, the Department, by rule or
5 regulation, shall provide for the payment of refunds in
6 hardship cases and shall define what types of cases qualify as
7 hardship cases.

8 (Source: P.A. 87-205.)

9 Section 20. The Service Occupation Tax Act is amended by
10 changing Sections 9 and 17 as follows:

11 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

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 at the time when he is required to file his return
15 for the period during which such tax was collectible, less a
16 discount of 2.1% prior to January 1, 1990, and 1.75% on and
17 after January 1, 1990, or \$5 per calendar year, whichever is
18 greater, which is allowed to reimburse the serviceman for
19 expenses incurred in collecting the tax, keeping records,
20 preparing and filing returns, remitting the tax and supplying
21 data to the Department on request. The Department may disallow
22 the discount for servicemen whose certificate of registration
23 is revoked at the time the return is filed, but only if the
24 Department's decision to revoke the certificate of

1 registration has become final.

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

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

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

- 24 1. The name of the seller;
- 25 2. The address of the principal place of business from
26 which he engages in business as a serviceman in this State;

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

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

7 5. The amount of tax due;

8 5-5. The signature of the taxpayer; and

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

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

15 Prior to October 1, 2003, and on and after September 1,
16 2004 a serviceman may accept a Manufacturer's Purchase Credit
17 certification from a purchaser in satisfaction of Service Use
18 Tax as provided in Section 3-70 of the Service Use Tax Act if
19 the purchaser provides the appropriate documentation as
20 required by Section 3-70 of the Service Use Tax Act. A
21 Manufacturer's Purchase Credit certification, accepted prior
22 to October 1, 2003 or on or after September 1, 2004 by a
23 serviceman as provided in Section 3-70 of the Service Use Tax
24 Act, may be used by that serviceman to satisfy Service
25 Occupation Tax liability in the amount claimed in the
26 certification, not to exceed 6.25% of the receipts subject to

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

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

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

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

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

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

1 Department, for the immediately preceding calendar year
2 divided by 12. Beginning on October 1, 2002, a taxpayer who has
3 a tax liability in the amount set forth in subsection (b) of
4 Section 2505-210 of the Department of Revenue Law shall make
5 all payments required by rules of the Department by electronic
6 funds transfer.

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

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

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

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

22 Where a serviceman collects the tax with respect to the
23 selling price of tangible personal property which he sells and
24 the purchaser thereafter returns such tangible personal
25 property and the serviceman refunds the selling price thereof
26 to the purchaser, such serviceman shall also refund, to the

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

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

20 Where the serviceman has more than one business registered
21 with the Department under separate registrations hereunder,
22 such serviceman shall file separate returns for each registered
23 business.

24 Beginning January 1, 1990, each month the Department shall
25 pay into the Local Government Tax Fund the revenue realized for
26 the preceding month from the 1% tax on sales of food for human

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

7 Beginning January 1, 1990, each month the Department shall
8 pay into the County and Mass Transit District Fund 4% of the
9 revenue realized for the preceding month from the 6.25% general
10 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.

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

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

23 Beginning October 1, 2009, each month the Department shall
24 pay into the Capital Projects Fund an amount that is equal to
25 an amount estimated by the Department to represent 80% of the
26 net revenue realized for the preceding month from the sale of

1 candy, grooming and hygiene products, and soft drinks that had
2 been taxed at a rate of 1% prior to September 1, 2009 but that
3 are now taxed at 6.25%.

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

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

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

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

1 payable for such fiscal year pursuant to clause (b) of the
2 preceding sentence. The moneys received by the Department
3 pursuant to this Act and required to be deposited into the
4 Build Illinois Fund are subject to the pledge, claim and charge
5 set forth in Section 12 of the Build Illinois Bond Act.

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

	Fiscal Year	Total Deposit
18		
19	1993	\$0
20	1994	53,000,000
21	1995	58,000,000
22	1996	61,000,000
23	1997	64,000,000
24	1998	68,000,000
25	1999	71,000,000

1	2000	75,000,000
2	2001	80,000,000
3	2002	93,000,000
4	2003	99,000,000
5	2004	103,000,000
6	2005	108,000,000
7	2006	113,000,000
8	2007	119,000,000
9	2008	126,000,000
10	2009	132,000,000
11	2010	139,000,000
12	2011	146,000,000
13	2012	153,000,000
14	2013	161,000,000
15	2014	170,000,000
16	2015	179,000,000
17	2016	189,000,000
18	2017	199,000,000
19	2018	210,000,000
20	2019	221,000,000
21	2020	233,000,000
22	2021	246,000,000
23	2022	260,000,000
24	2023	275,000,000
25	2024	275,000,000
26	2025	275,000,000

1	2026	279,000,000
2	2027	292,000,000
3	2028	307,000,000
4	2029	322,000,000
5	2030	338,000,000
6	2031	350,000,000
7	2032	350,000,000

8 and

9 each fiscal year

10 thereafter that bonds

11 are outstanding under

12 Section 13.2 of the

13 Metropolitan Pier and

14 Exposition Authority Act,

15 but not after fiscal year 2060.

16 Beginning July 20, 1993 and in each month of each fiscal
17 year thereafter, one-eighth of the amount requested in the
18 certificate of the Chairman of the Metropolitan Pier and
19 Exposition Authority for that fiscal year, less the amount
20 deposited into the McCormick Place Expansion Project Fund by
21 the State Treasurer in the respective month under subsection
22 (g) of Section 13 of the Metropolitan Pier and Exposition
23 Authority Act, plus cumulative deficiencies in the deposits
24 required under this Section for previous months and years,
25 shall be deposited into the McCormick Place Expansion Project
26 Fund, until the full amount requested for the fiscal year, but

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

3 Beginning on July 1, 2015, subject to payment of amounts
4 into the Capital Projects Fund, the Build Illinois Fund, and
5 the McCormick Place Expansion Project Fund pursuant to the
6 preceding paragraphs or in any amendments thereto hereafter
7 enacted, the Department shall each month deposit into the Sales
8 and Excise Tax Refund Fund 0.18% of 80% of the net revenue
9 realized for the preceding month from the 6.25% general rate on
10 the selling price of tangible personal property.

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

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

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

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

25 Of the remainder of the moneys received by the Department
26 pursuant to this Act, 75% shall be paid into the General

1 Revenue Fund of the State Treasury and 25% shall be reserved in
2 a special account and used only for the transfer to the Common
3 School Fund as part of the monthly transfer from the General
4 Revenue Fund in accordance with Section 8a of the State Finance
5 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 taxpayer's last Federal
13 income tax return. If the total receipts of the business as
14 reported in the Federal income tax return do not agree with the
15 gross receipts reported to the Department of Revenue for the
16 same period, the taxpayer shall attach to his annual return a
17 schedule showing a reconciliation of the 2 amounts and the
18 reasons for the difference. The taxpayer's annual return to the
19 Department shall also disclose the cost of goods sold by the
20 taxpayer during the year covered by such return, opening and
21 closing inventories of such goods for such year, cost of goods
22 used from stock or taken from stock and given away by the
23 taxpayer during such year, pay roll information of the
24 taxpayer's business during such year and any additional
25 reasonable information which the Department deems would be
26 helpful in determining the accuracy of the monthly, quarterly

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

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

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

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

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

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

1 United States Government.

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

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

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

21 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
22 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14;
23 98-1098, eff. 8-26-14.)

24 (35 ILCS 115/17) (from Ch. 120, par. 439.117)

25 Sec. 17. If it shall appear that an amount of tax or

1 penalty or interest has been paid in error hereunder directly
2 to the Department by a serviceman, whether such amount be paid
3 through a mistake of fact or an error of law, such serviceman
4 may file a claim for credit or refund with the Department. If
5 it shall appear that an amount of tax or penalty or interest
6 has been paid in error to the Department hereunder by a
7 supplier who is required or authorized to collect and remit the
8 Service Occupation Tax, whether such amount be paid through a
9 mistake of fact or an error of law, such supplier may file a
10 claim for credit or refund with the Department, provided that
11 no credit shall be allowed nor any refund made for any amount
12 paid by any such supplier unless it shall appear that he bore
13 the burden of such amount and did not shift the burden thereof
14 to anyone else (as in the case of a duplicated tax payment
15 which the supplier made to the Department and did not collect
16 from anyone else), or unless it shall appear that he or his
17 legal representative has unconditionally repaid such amount to
18 his vendee (1) who bore the burden thereof and has not shifted
19 such burden directly or indirectly in any manner whatsoever;
20 (2) who, if he has shifted such burden, has repaid
21 unconditionally such amount to his own vendee, and (3) who is
22 not entitled to receive any reimbursement therefor from any
23 other source than from his supplier, nor to be relieved of such
24 burden in any other manner whatsoever.

25 Any credit or refund that is allowed under this Section
26 shall bear interest at the rate and in the manner specified in

1 the Uniform Penalty and Interest Act.

2 Any claim filed hereunder shall be filed upon a form
3 prescribed and furnished by the Department. The claim shall be
4 signed by the claimant (or by the claimant's legal
5 representative if the claimant shall have died or become a
6 person under legal disability), or by a duly authorized agent
7 of the claimant or his or her legal representative.

8 A claim for credit or refund shall be considered to have
9 been filed with the Department on the date upon which it is
10 received by the Department. Upon receipt of any claim for
11 credit or refund filed under this Act, any officer or employee
12 of the Department, authorized in writing by the Director of
13 Revenue to acknowledge receipt of such claims on behalf of the
14 Department, shall execute on behalf of the Department, and
15 shall deliver or mail to the claimant or his or her duly
16 authorized agent, a written receipt, acknowledging that the
17 claim has been filed with the Department, describing the claim
18 in sufficient detail to identify it and stating the date upon
19 which the claim was received by the Department. Such written
20 receipt shall be prima facie evidence that the Department
21 received the claim described in such receipt and shall be prima
22 facie evidence of the date when such claim was received by the
23 Department. In the absence of such a written receipt, the
24 records of the Department as to when the claim was received by
25 the Department, or as to whether or not the claim was received
26 at all by the Department, shall be deemed to be prima facie

1 correct upon these questions in the event of any dispute
2 between the claimant (or his legal representative) and the
3 Department concerning these questions.

4 In case the Department determines that the claimant is
5 entitled to a refund, such refund shall be made only from the
6 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
7 available for that purpose. If it appears unlikely that the
8 amount available ~~appropriated~~ would permit everyone having a
9 claim allowed ~~during the period covered by such appropriation~~
10 to elect to receive a cash refund, the Department, by rule or
11 regulation, shall provide for the payment of refunds in
12 hardship cases and shall define what types of cases qualify as
13 hardship cases.

14 (Source: P.A. 87-205.)

15 Section 25. The Retailers' Occupation Tax Act is amended by
16 changing Sections 3 and 6 as follows:

17 (35 ILCS 120/3) (from Ch. 120, par. 442)

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

23 1. The name of the seller;

24 2. His residence address and the address of his

1 principal place of business and the address of the
2 principal place of business (if that is a different
3 address) from which he engages in the business of selling
4 tangible personal property at retail in this State;

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

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

15 5. Deductions allowed by law;

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

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

21 8. The amount of tax due;

22 9. The signature of the taxpayer; and

23 10. Such other reasonable information as the
24 Department may require.

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

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

3 Each return shall be accompanied by the statement of
4 prepaid tax issued pursuant to Section 2e for which credit is
5 claimed.

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

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

8 1. The name of the seller;

9 2. The address of the principal place of business from
10 which he engages in the business of selling tangible
11 personal property at retail in this State;

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

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

19 5. The amount of tax due; and

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

22 Beginning on October 1, 2003, any person who is not a
23 licensed distributor, importing distributor, or manufacturer,
24 as defined in the Liquor Control Act of 1934, but is engaged in
25 the business of selling, at retail, alcoholic liquor shall file
26 a statement with the Department of Revenue, in a format and at

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

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

1 for the preceding month during which the transaction occurred.
2 The distributor, importing distributor, or manufacturer shall
3 notify the retailer as to the method by which the distributor,
4 importing distributor, or manufacturer will provide the sales
5 information. If the retailer is unable to receive the sales
6 information by electronic means, the distributor, importing
7 distributor, or manufacturer shall furnish the sales
8 information by personal delivery or by mail. For purposes of
9 this paragraph, the term "electronic means" includes, but is
10 not limited to, the use of a secure Internet website, e-mail,
11 or facsimile.

12 If a total amount of less than \$1 is payable, refundable or
13 creditable, such amount shall be disregarded if it is less than
14 50 cents and shall be increased to \$1 if it is 50 cents or more.

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

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

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

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

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

26 The Department shall adopt such rules as are necessary to

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

3 Any amount which is required to be shown or reported on any
4 return or other document under this Act shall, if such amount
5 is not a whole-dollar amount, be increased to the nearest
6 whole-dollar amount in any case where the fractional part of a
7 dollar is 50 cents or more, and decreased to the nearest
8 whole-dollar amount where the fractional part of a dollar is
9 less than 50 cents.

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

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

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

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

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

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

1 purpose of resale or (ii) a retailer of aircraft, watercraft,
2 motor vehicles, or trailers transfers more than one aircraft,
3 watercraft, motor vehicle, or trailer to a purchaser for use as
4 a qualifying rolling stock as provided in Section 2-5 of this
5 Act, then that seller may report the transfer of all aircraft,
6 watercraft, motor vehicles or trailers involved in that
7 transaction to the Department on the same uniform
8 invoice-transaction reporting return form. For purposes of
9 this Section, "watercraft" means a Class 2, Class 3, or Class 4
10 watercraft as defined in Section 3-2 of the Boat Registration
11 and Safety Act, a personal watercraft, or any boat equipped
12 with an inboard motor.

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

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

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

16 The transaction reporting return in the case of watercraft
17 or aircraft must show the name and address of the seller; the
18 name and address of the purchaser; the amount of the selling
19 price including the amount allowed by the retailer for
20 traded-in property, if any; the amount allowed by the retailer
21 for the traded-in tangible personal property, if any, to the
22 extent to which Section 1 of this Act allows an exemption for
23 the value of traded-in property; the balance payable after
24 deducting such trade-in allowance from the total selling price;
25 the amount of tax due from the retailer with respect to such
26 transaction; the amount of tax collected from the purchaser by

1 the retailer on such transaction (or satisfactory evidence that
2 such tax is not due in that particular instance, if that is
3 claimed to be the fact); the place and date of the sale, a
4 sufficient identification of the property sold, and such other
5 information as the Department may reasonably require.

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

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

1 property that is involved (if titling or registration is
2 required) in support of such purchaser's application for an
3 Illinois certificate or other evidence of title or registration
4 to such tangible personal property.

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

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

1 provided for in this Section being allowed. When the user pays
2 the tax directly to the Department, he shall pay the tax in the
3 same amount and in the same form in which it would be remitted
4 if the tax had been remitted to the Department by the retailer.

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

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

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

21 Except as provided in this Section, the retailer filing the
22 return under this Section shall, at the time of filing such
23 return, pay to the Department the amount of tax imposed by this
24 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
25 on and after January 1, 1990, or \$5 per calendar year,
26 whichever is greater, which is allowed to reimburse the

1 retailer for the expenses incurred in keeping records,
2 preparing and filing returns, remitting the tax and supplying
3 data to the Department on request. Any prepayment made pursuant
4 to Section 2d of this Act shall be included in the amount on
5 which such 2.1% or 1.75% discount is computed. In the case of
6 retailers who report and pay the tax on a transaction by
7 transaction basis, as provided in this Section, such discount
8 shall be taken with each such tax remittance instead of when
9 such retailer files his periodic return. The Department may
10 disallow the discount for retailers whose certificate of
11 registration is revoked at the time the return is filed, but
12 only if the Department's decision to revoke the certificate of
13 registration has become final.

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

1 Occupation Tax Act, and the Service Use Tax Act, excluding any
2 liability for prepaid sales tax to be remitted in accordance
3 with Section 2d of this Act, was \$20,000 or more during the
4 preceding 4 complete calendar quarters, he shall file a return
5 with the Department each month by the 20th day of the month
6 next following the month during which such tax liability is
7 incurred and shall make payment to the Department on or before
8 the 7th, 15th, 22nd and last day of the month during which such
9 liability is incurred. If the month during which such tax
10 liability is incurred began prior to January 1, 1985, each
11 payment shall be in an amount equal to 1/4 of the taxpayer's
12 actual liability for the month or an amount set by the
13 Department not to exceed 1/4 of the average monthly liability
14 of the taxpayer to the Department for the preceding 4 complete
15 calendar quarters (excluding the month of highest liability and
16 the month of lowest liability in such 4 quarter period). If the
17 month during which such tax liability is incurred begins on or
18 after January 1, 1985 and prior to January 1, 1987, each
19 payment shall be in an amount equal to 22.5% of the taxpayer's
20 actual liability for the month or 27.5% 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, 1987 and prior to January 1, 1988, each
24 payment shall be in an amount equal to 22.5% of the taxpayer's
25 actual liability for the month or 26.25% of the taxpayer's
26 liability for the same calendar month of the preceding year. If

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

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

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

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

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

21 The provisions of this paragraph apply on and after October
22 1, 2001. Without regard to whether a taxpayer is required to
23 make quarter monthly payments as specified above, any taxpayer
24 who is required by Section 2d of this Act to collect and remit
25 prepaid taxes and has collected prepaid taxes that average in
26 excess of \$20,000 per month during the preceding 4 complete

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

25 If any payment provided for in this Section exceeds the
26 taxpayer's liabilities under this Act, the Use Tax Act, the

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

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

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

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

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

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

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

1 Beginning August 1, 2000, each month the Department shall
2 pay into the Local Government Tax Fund 80% of the net revenue
3 realized for the preceding month from the 1.25% rate on the
4 selling price of motor fuel and gasohol. Beginning September 1,
5 2010, each month the Department shall pay into the Local
6 Government Tax Fund 80% of the net revenue realized for the
7 preceding month from the 1.25% rate on the selling price of
8 sales tax holiday items.

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

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

25 Beginning July 1, 2013, each month the Department shall pay
26 into the Underground Storage Tank Fund from the proceeds

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

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.

	Fiscal Year	Total 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 Beginning on July 1, 2015, subject to payment of amounts
13 into the Capital Projects Fund, the Clean Air Act (CAA) Permit
14 Fund, the Build Illinois Fund, and the McCormick Place
15 Expansion Project Fund pursuant to the preceding paragraphs or
16 in any amendments thereto hereafter enacted, the Department
17 shall each month deposit into the Sales and Excise Tax Refund
18 Fund 0.18% of 80% of the net revenue realized for the preceding
19 month from the 6.25% general rate on the selling price of
20 tangible personal property.

21 Subject to payment of amounts into the Build Illinois Fund
22 and the McCormick Place Expansion Project Fund pursuant to the
23 preceding paragraphs or in any amendments thereto hereafter
24 enacted, beginning July 1, 1993 and ending on September 30,
25 2013, the Department shall each month pay into the Illinois Tax
26 Increment Fund 0.27% of 80% of the net revenue realized for the

1 preceding month from the 6.25% general rate on the selling
2 price of tangible personal property.

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

16 Subject to payment of amounts into the Build Illinois Fund,
17 the McCormick Place Expansion Project Fund, the Illinois Tax
18 Increment Fund, and the Energy Infrastructure Fund pursuant to
19 the preceding paragraphs or in any amendments to this Section
20 hereafter enacted, beginning on the first day of the first
21 calendar month to occur on or after the effective date of this
22 amendatory Act of the 98th General Assembly, each month, from
23 the collections made under Section 9 of the Use Tax Act,
24 Section 9 of the Service Use Tax Act, Section 9 of the Service
25 Occupation Tax Act, and Section 3 of the Retailers' Occupation
26 Tax Act, the Department shall pay into the Tax Compliance and

1 Administration Fund, to be used, subject to appropriation, to
2 fund additional auditors and compliance personnel at the
3 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
4 the cash receipts collected during the preceding fiscal year by
5 the Audit Bureau of the Department under the Use Tax Act, the
6 Service Use Tax Act, the Service Occupation Tax Act, the
7 Retailers' Occupation Tax Act, and associated local occupation
8 and use taxes administered by the Department.

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

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

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

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

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

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

25 The chief executive officer, proprietor, owner or highest
26 ranking manager shall sign the annual return to certify the

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

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

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

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

22 For greater simplicity of administration, manufacturers,
23 importers and wholesalers whose products are sold at retail in
24 Illinois by numerous retailers, and who wish to do so, may
25 assume the responsibility for accounting and paying to the
26 Department all tax accruing under this Act with respect to such

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

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

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

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

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

17 (35 ILCS 120/6) (from Ch. 120, par. 445)

18 Sec. 6. Credit memorandum or refund. If it appears, after
19 claim therefor filed with the Department, that an amount of tax
20 or penalty or interest has been paid which was not due under
21 this Act, whether as the result of a mistake of fact or an
22 error of law, except as hereinafter provided, then the
23 Department shall issue a credit memorandum or refund to the
24 person who made the erroneous payment or, if that person died
25 or became a person under legal disability, to his or her legal

1 representative, as such. For purposes of this Section, the tax
2 is deemed to be erroneously paid by a retailer when the
3 manufacturer of a motor vehicle sold by the retailer accepts
4 the return of that automobile and refunds to the purchaser the
5 selling price of that vehicle as provided in the New Vehicle
6 Buyer Protection Act. When a motor vehicle is returned for a
7 refund of the purchase price under the New Vehicle Buyer
8 Protection Act, the Department shall issue a credit memorandum
9 or a refund for the amount of tax paid by the retailer under
10 this Act attributable to the initial sale of that vehicle.
11 Claims submitted by the retailer are subject to the same
12 restrictions and procedures provided for in this Act. If it is
13 determined that the Department should issue a credit memorandum
14 or refund, the Department may first apply the amount thereof
15 against any tax or penalty or interest due or to become due
16 under this Act or under the Use Tax Act, the Service Occupation
17 Tax Act, the Service Use Tax Act, any local occupation or use
18 tax administered by the Department, Section 4 of the Water
19 Commission Act of 1985, subsections (b), (c) and (d) of Section
20 5.01 of the Local Mass Transit District Act, or subsections
21 (e), (f) and (g) of Section 4.03 of the Regional Transportation
22 Authority Act, from the person who made the erroneous payment.
23 If no tax or penalty or interest is due and no proceeding is
24 pending to determine whether such person is indebted to the
25 Department for tax or penalty or interest, the credit
26 memorandum or refund shall be issued to the claimant; or (in

1 the case of a credit memorandum) the credit memorandum may be
2 assigned and set over by the lawful holder thereof, subject to
3 reasonable rules of the Department, to any other person who is
4 subject to this Act, the Use Tax Act, the Service Occupation
5 Tax Act, the Service Use Tax Act, any local occupation or use
6 tax administered by the Department, Section 4 of the Water
7 Commission Act of 1985, subsections (b), (c) and (d) of Section
8 5.01 of the Local Mass Transit District Act, or subsections
9 (e), (f) and (g) of Section 4.03 of the Regional Transportation
10 Authority Act, and the amount thereof applied by the Department
11 against any tax or penalty or interest due or to become due
12 under this Act or under the Use Tax Act, the Service Occupation
13 Tax Act, the Service Use Tax Act, any local occupation or use
14 tax administered by the Department, Section 4 of the Water
15 Commission Act of 1985, subsections (b), (c) and (d) of Section
16 5.01 of the Local Mass Transit District Act, or subsections
17 (e), (f) and (g) of Section 4.03 of the Regional Transportation
18 Authority Act, from such assignee. However, as to any claim for
19 credit or refund filed with the Department on and after each
20 January 1 and July 1 no amount of tax or penalty or interest
21 erroneously paid (either in total or partial liquidation of a
22 tax or penalty or amount of interest under this Act) more than
23 3 years prior to such January 1 and July 1, respectively, shall
24 be credited or refunded, except that if both the Department and
25 the taxpayer have agreed to an extension of time to issue a
26 notice of tax liability as provided in Section 4 of this Act,

1 such claim may be filed at any time prior to the expiration of
2 the period agreed upon.

3 No claim may be allowed for any amount paid to the
4 Department, whether paid voluntarily or involuntarily, if paid
5 in total or partial liquidation of an assessment which had
6 become final before the claim for credit or refund to recover
7 the amount so paid is filed with the Department, or if paid in
8 total or partial liquidation of a judgment or order of court.
9 No credit may be allowed or refund made for any amount paid by
10 or collected from any claimant unless it appears (a) that the
11 claimant bore the burden of such amount and has not been
12 relieved thereof nor reimbursed therefor and has not shifted
13 such burden directly or indirectly through inclusion of such
14 amount in the price of the tangible personal property sold by
15 him or her or in any manner whatsoever; and that no
16 understanding or agreement, written or oral, exists whereby he
17 or she or his or her legal representative may be relieved of
18 the burden of such amount, be reimbursed therefor or may shift
19 the burden thereof; or (b) that he or she or his or her legal
20 representative has repaid unconditionally such amount to his or
21 her vendee (1) who bore the burden thereof and has not shifted
22 such burden directly or indirectly, in any manner whatsoever;
23 (2) who, if he or she has shifted such burden, has repaid
24 unconditionally such amount to his own vendee; and (3) who is
25 not entitled to receive any reimbursement therefor from any
26 other source than from his or her vendor, nor to be relieved of

1 such burden in any manner whatsoever. No credit may be allowed
2 or refund made for any amount paid by or collected from any
3 claimant unless it appears that the claimant has
4 unconditionally repaid, to the purchaser, any amount collected
5 from the purchaser and retained by the claimant with respect to
6 the same transaction under the Use Tax Act.

7 Any credit or refund that is allowed under this Section
8 shall bear interest at the rate and in the manner specified in
9 the Uniform Penalty and Interest Act.

10 In case the Department determines that the claimant is
11 entitled to a refund, such refund shall be made only from the
12 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
13 available for that purpose. If it appears unlikely that the
14 amount available ~~appropriated~~ would permit everyone having a
15 claim allowed ~~during the period covered by such appropriation~~
16 to elect to receive a cash refund, the Department, by rule or
17 regulation, shall provide for the payment of refunds in
18 hardship cases and shall define what types of cases qualify as
19 hardship cases.

20 If a retailer who has failed to pay retailers' occupation
21 tax on gross receipts from retail sales is required by the
22 Department to pay such tax, such retailer, without filing any
23 formal claim with the Department, shall be allowed to take
24 credit against such retailers' occupation tax liability to the
25 extent, if any, to which such retailer has paid an amount
26 equivalent to retailers' occupation tax or has paid use tax in

1 error to his or her vendor or vendors of the same tangible
2 personal property which such retailer bought for resale and did
3 not first use before selling it, and no penalty or interest
4 shall be charged to such retailer on the amount of such credit.
5 However, when such credit is allowed to the retailer by the
6 Department, the vendor is precluded from refunding any of that
7 tax to the retailer and filing a claim for credit or refund
8 with respect thereto with the Department. The provisions of
9 this amendatory Act shall be applied retroactively, regardless
10 of the date of the transaction.

11 (Source: P.A. 91-901, eff. 1-1-01.)

12 Section 30. The Cigarette Machine Operators' Occupation
13 Tax Act is amended by changing Section 1-55 as follows:

14 (35 ILCS 128/1-55)

15 Sec. 1-55. Claims; credit memorandum or refunds. If it
16 appears, after claim is filed with the Department, that an
17 amount of tax or penalty has been paid which was not due under
18 this Act, whether as the result of a mistake of fact or an
19 error of law, except as hereinafter provided, then the
20 Department shall issue a credit memorandum or refund to the
21 person who made the erroneous payment or, if that person has
22 died or become a person under legal disability, to his or her
23 legal representative.

24 If it is determined that the Department should issue a

1 credit or refund under this Act, the Department may first apply
2 the amount thereof against any amount of tax or penalty due
3 under this Act, the Cigarette Tax Act, the Cigarette Use Tax
4 Act, or the Tobacco Products Act of 1995 from the person
5 entitled to that credit or refund. For this purpose, if
6 proceedings are pending to determine whether or not any tax or
7 penalty is due under this Act or under the Cigarette Tax Act,
8 Cigarette Use Tax Act, or the Tobacco Products Act of 1995 from
9 the person, the Department may withhold issuance of the credit
10 or refund pending the final disposition of such proceedings and
11 may apply such credit or refund against any amount found to be
12 due to the Department under this Act, the Cigarette Tax Act,
13 the Cigarette Use Tax Act, or the Tobacco Products Act of 1995
14 as a result of such proceedings. The balance, if any, of the
15 credit or refund shall be issued to the person entitled
16 thereto.

17 If no tax or penalty is due and no proceeding is pending to
18 determine whether such taxpayer is indebted to the Department
19 for the payment of a tax or penalty, the credit memorandum or
20 refund shall be issued to the claimant; or (in the case of a
21 credit memorandum) the credit memorandum may be assigned and
22 set over by the lawful holder thereof, subject to reasonable
23 rules of the Department, to any other person who is subject to
24 this Act, the Cigarette Tax Act, the Cigarette Use Tax Act, or
25 the Tobacco Products Act of 1995, and the amount thereof shall
26 be applied by the Department against any tax or penalty due or

1 to become due under this Act, the Cigarette Tax Act, the
2 Cigarette Use Tax Act, or the Tobacco Products Act of 1995 from
3 such assignee.

4 As to any claim filed hereunder with the Department on and
5 after each January 1 and July 1, no amount of tax or penalty
6 erroneously paid (either in total or partial liquidation of a
7 tax or penalty under this Act) more than 3 years prior to such
8 January 1 and July 1, respectively, shall be credited or
9 refunded, except that, if both the Department and the taxpayer
10 have agreed to an extension of time to issue a notice of tax
11 liability under this Act, the claim may be filed at any time
12 prior to the expiration of the period agreed upon.

13 Any credit or refund that is allowed under this Act shall
14 bear interest at the rate and in the manner set forth in the
15 Uniform Penalty and Interest Act.

16 In case the Department determines that the claimant is
17 entitled to a refund, such refund shall be made only from the
18 Sales and Excise Tax Refund Fund as may be ~~appropriations~~
19 available for that purpose. If it appears unlikely that the
20 amount available ~~appropriated~~ would permit everyone having a
21 claim allowed ~~during the period covered by such appropriation~~
22 to elect to receive a cash refund, the Department, by rule or
23 regulation, shall provide for the payment of refunds in
24 hardship cases and shall define what types of cases qualify as
25 hardship cases.

26 The provisions of Sections 6a, 6b, and 6c of the Retailers'

1 Occupation Tax Act which are not inconsistent with this Act
2 shall apply, as far as practicable, to the subject matter of
3 this Act to the same extent as if such provisions were included
4 herein.

5 (Source: P.A. 97-688, eff. 6-14-12.)

6 Section 35. The Cigarette Tax Act is amended by changing
7 Section 9d as follows:

8 (35 ILCS 130/9d) (from Ch. 120, par. 453.9d)

9 Sec. 9d. If it appears, after claim therefor filed with the
10 Department, that an amount of tax or penalty has been paid
11 which was not due under this Act, whether as the result of a
12 mistake of fact or an error of law, except as hereinafter
13 provided, then the Department shall issue a credit memorandum
14 or refund to the person who made the erroneous payment or, if
15 that person has died or become a person under legal disability,
16 to his or her legal representative, as such.

17 If it is determined that the Department should issue a
18 credit or refund under this Act, the Department may first apply
19 the amount thereof against any amount of tax or penalty due
20 under this Act or under the Cigarette Use Tax Act from the
21 person entitled to such credit or refund. For this purpose, if
22 proceedings are pending to determine whether or not any tax or
23 penalty is due under this Act or under the Cigarette Use Tax
24 Act from such person, the Department may withhold issuance of

1 the credit or refund pending the final disposition of such
2 proceedings and may apply such credit or refund against any
3 amount found to be due to the Department under this Act or
4 under the Cigarette Use Tax Act as a result of such
5 proceedings. The balance, if any, of the credit or refund shall
6 be issued to the person entitled thereto.

7 If no tax or penalty is due and no proceeding is pending to
8 determine whether such taxpayer is indebted to the Department
9 for tax or penalty, the credit memorandum or refund shall be
10 issued to the claimant; or (in the case of a credit memorandum)
11 the credit memorandum may be assigned and set over by the
12 lawful holder thereof, subject to reasonable rules of the
13 Department, to any other person who is subject to this Act or
14 the Cigarette Use Tax Act, and the amount thereof shall be
15 applied by the Department against any tax or penalty due or to
16 become due under this Act or under the Cigarette Use Tax Act
17 from such assignee.

18 As to any claim filed hereunder with the Department on and
19 after each January 1 and July 1, no amount of tax or penalty
20 erroneously paid (either in total or partial liquidation of a
21 tax or penalty under this Act) more than 3 years prior to such
22 January 1 and July 1, respectively, shall be credited or
23 refunded, except that if both the Department and the taxpayer
24 have agreed to an extension of time to issue a notice of tax
25 liability under this Act, the claim may be filed at any time
26 prior to the expiration of the period agreed upon.

1 If the Department approves a claim for stamps affixed to a
2 product returned to a manufacturer or for replacement of
3 stamps, the credit memorandum shall not exceed the face value
4 of stamps originally affixed, and replacement stamps shall be
5 issued only in an amount equal to the value of the stamps
6 previously affixed. Higher denomination stamps shall not be
7 issued as replacements for lower value stamps. Distributors
8 must prove the face value of the stamps which have been
9 destroyed or returned to manufacturers when filing claims.

10 Any credit or refund that is allowed under this Act shall
11 bear interest at the rate and in the manner set forth in the
12 Uniform Penalty and Interest Act.

13 In case the Department determines that the claimant is
14 entitled to a refund, such refund shall be made only from the
15 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
16 available for that purpose. If it appears unlikely that the
17 amount available ~~appropriated~~ would permit everyone having a
18 claim allowed ~~during the period covered by such appropriation~~
19 to elect to receive a cash refund, the Department, by rule or
20 regulation, shall provide for the payment of refunds in
21 hardship cases and shall define what types of cases qualify as
22 hardship cases.

23 If the Department approves a claim for the physical
24 replacement of cigarette tax stamps, the Department (subject to
25 the same limitations as those provided for hereinbefore in this
26 Section) may issue an assignable credit memorandum or refund to

1 the claimant or to the claimant's legal representative.

2 The provisions of Sections 6a, 6b and 6c of the Retailers'
3 Occupation Tax Act which are not inconsistent with this Act,
4 shall apply, as far as practicable, to the subject matter of
5 this Act to the same extent as if such provisions were included
6 herein.

7 (Source: P.A. 90-491, eff. 1-1-98.)

8 Section 40. The Cigarette Use Tax Act is amended by
9 changing Section 14a as follows:

10 (35 ILCS 135/14a) (from Ch. 120, par. 453.44a)

11 Sec. 14a. If it appears, after claim therefor filed with
12 the Department, that an amount of tax or penalty has been paid
13 which was not due under this Act, whether as the result of a
14 mistake of fact or an error of law, except as hereinafter
15 provided, then the Department shall issue a credit memorandum
16 or refund to the person who made the erroneous payment or, if
17 that person has died or become a person under legal disability,
18 to his or her legal representative, as such.

19 If it is determined that the Department should issue a
20 credit or refund under this Act, the Department may first apply
21 the amount thereof against any amount of tax or penalty due
22 under this Act or under the Cigarette Tax Act from the person
23 entitled to such credit or refund. For this purpose, if
24 proceedings are pending to determine whether or not any tax or

1 penalty is due under this Act or under the Cigarette Tax Act
2 from such person, the Department may withhold issuance of the
3 credit or refund pending the final disposition of such
4 proceedings and may apply such credit or refund against any
5 amount found to be due to the Department under this Act or
6 under the Cigarette Tax Act as a result of such proceedings.
7 The balance, if any, of the credit or refund shall be issued to
8 the person entitled thereto.

9 If no tax or penalty is due and no proceeding is pending to
10 determine whether such taxpayer is indebted to the Department
11 for tax or penalty, the credit memorandum or refund shall be
12 issued to the claimant; or (in the case of a credit memorandum)
13 may be assigned and set over by the lawful holder thereof,
14 subject to reasonable rules of the Department, to any other
15 person who is subject to this Act or the Cigarette Tax Act, and
16 the amount thereof shall be applied by the Department against
17 any tax or penalty due or to become due under this Act or under
18 the Cigarette Tax Act from such assignee.

19 As to any claim filed hereunder with the Department on and
20 after each January 1 and July 1, no amount of tax or penalty
21 erroneously paid (either in total or partial liquidation of a
22 tax or penalty under this Act) more than 3 years prior to such
23 January 1 and July 1, respectively, shall be credited or
24 refunded, except that if both the Department and the taxpayer
25 have agreed to an extension of time to issue a notice of tax
26 liability under this Act, the claim may be filed at any time

1 prior to the expiration of the period agreed upon.

2 In case the Department determines that the claimant is
3 entitled to a refund, such refund shall be made only from the
4 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
5 available for that purpose. If it appears unlikely that the
6 amount available ~~appropriated~~ would permit everyone having a
7 claim allowed ~~during the period covered by such appropriation~~
8 to elect to receive a cash refund, the Department, by rule or
9 regulation, shall provide for the payment of refunds in
10 hardship cases and shall define what types of cases qualify as
11 hardship cases.

12 If the Department approves a claim for the physical
13 replacement of cigarette tax stamps, the Department (subject to
14 the same limitations as those provided for hereinbefore in this
15 Section) may issue an assignable credit memorandum or refund to
16 the claimant or to the claimant's legal representative.

17 Any credit or refund that is allowed under this Act shall
18 bear interest at the rate and in the manner set forth in the
19 Uniform Penalty and Interest Act.

20 The provisions of Sections 6a, 6b and 6c of the "Retailers'
21 Occupation Tax Act", approved June 28, 1933, as amended, in
22 effect on the effective date of this amendatory Act, as
23 subsequently amended, which are not inconsistent with this Act,
24 shall apply, as far as practicable, to the subject matter of
25 this Act to the same extent as if such provisions were included
26 herein.

1 (Source: P.A. 90-491, eff. 1-1-98.)

2 Section 45. The Coin-Operated Amusement Device and
3 Redemption Machine Tax Act is amended by changing Section 2 as
4 follows:

5 (35 ILCS 510/2) (from Ch. 120, par. 481b.2)

6 Sec. 2. (a) Any person, firm, limited liability company, or
7 corporation which displays any device described in Section 1,
8 to be played or operated by the public at any place owned or
9 leased by any such person, firm, limited liability company, or
10 corporation, shall before he displays such device, file in the
11 Office of the Department of Revenue a form containing
12 information regarding such device, setting forth his name and
13 address, with a brief description of the device to be displayed
14 and the premises where such device will be located, together
15 with such other relevant data as the Department of Revenue may
16 require. Such form shall be accompanied by the required
17 privilege tax for each device. Such privilege tax shall be paid
18 to the Department of Revenue of the State of Illinois and all
19 monies received by the Department of Revenue under this Act
20 shall be paid into the General Revenue Fund in the State
21 Treasury. The Department of Revenue shall supply and deliver to
22 the person, firm, limited liability company, or corporation
23 which displays any device described in Section 1, charges
24 prepaid and without additional cost, one privilege tax decal

1 for each such device on which the tax has been paid, stating
2 the year for which issued. Such privilege tax decal shall
3 thereupon be securely affixed to such device.

4 (b) If an amount of tax, penalty, or interest has been paid
5 in error to the Department, the taxpayer may file a claim for
6 credit or refund with the Department. If it is determined that
7 the Department must issue a credit or refund under this Act,
8 the Department may first apply the amount of the credit or
9 refund due against any amount of tax, penalty, or interest due
10 under this Act from the taxpayer entitled to the credit or
11 refund. If proceedings are pending to determine if any tax,
12 penalty, or interest is due under this Act from the taxpayer,
13 the Department may withhold issuance of the credit or refund
14 pending the final disposition of those proceedings and may
15 apply that credit or refund against any amount determined to be
16 due to the Department as a result of those proceedings. The
17 balance, if any, of the credit or refund shall be paid to the
18 taxpayer.

19 If no tax, penalty, or interest is due and no proceedings
20 are pending to determine whether the taxpayer is indebted to
21 the Department for tax, penalty, or interest, the credit
22 memorandum or refund shall be issued to the taxpayer; or, the
23 credit memorandum may be assigned by the taxpayer, subject to
24 reasonable rules of the Department, to any other person who is
25 subject to this Act, and the amount of the credit memorandum by
26 the Department against any tax, penalty, or interest due or to

1 become due under this Act from the assignee.

2 For any claim for credit or refund filed with the
3 Department on or after each July 1, no amount erroneously paid
4 more than 3 years before that July 1, shall be credited or
5 refunded.

6 A claim for credit or refund shall be filed on a form
7 provided by the Department. As soon as practicable after any
8 claim for credit or refund is filed, the Department shall
9 determine the amount of credit or refund to which the claimant
10 is entitled and shall notify the claimant of that
11 determination.

12 A claim for credit or refund shall be filed with the
13 Department on the date it is received by the Department. Upon
14 receipt of any claim for credit or refund filed under this
15 Section, an officer or employee of the Department, authorized
16 by the Director of Revenue to acknowledge receipt of such
17 claims on behalf of the Department, shall deliver or mail to
18 the claimant or his duly authorized agent, a written receipt,
19 acknowledging that the claim has been filed with the
20 Department, describing the claim in sufficient detail to
21 identify it, and stating the date on which the claim was
22 received by the Department. The written receipt shall be prima
23 facie evidence that the Department received the claim described
24 in the receipt and shall be prima facie evidence of the date
25 when such claim was received by the Department. In the absence
26 of a written receipt, the records of the Department as to

1 whether a claim was received, or when the claim was received by
2 the Department, shall be deemed to be prima facie correct in
3 the event of any dispute between the claimant, or his legal
4 representative, and the Department on these issues.

5 Any credit or refund that is allowed under this Article
6 shall bear interest at the rate and in the manner specified in
7 the Uniform Penalty and Interest Act.

8 If the Department determines that the claimant is entitled
9 to a refund, the refund shall be made only from the Sales and
10 Excise Tax Refund Fund ~~an appropriation to the Department~~ for
11 that purpose. If the amount available ~~appropriated~~ is
12 insufficient to pay claimants electing to receive a cash
13 refund, the Department by rule or regulation shall first
14 provide for the payment of refunds in hardship cases as defined
15 by the Department.

16 (Source: P.A. 93-32, eff. 7-1-03.)

17 Section 50. The Messages Tax Act is amended by changing
18 Section 6 as follows:

19 (35 ILCS 610/6) (from Ch. 120, par. 467.6)

20 Sec. 6. If it appears, after claim therefor filed with the
21 Department, that an amount of tax or penalty or interest has
22 been paid which was not due under this Act, whether as the
23 result of a mistake of fact or an error of law, except as
24 hereinafter provided, then the Department shall issue a credit

1 memorandum or refund to the person who made the erroneous
2 payment or, if that person has died or become a person under
3 legal disability, to his or her legal representative, as such.

4 If it is determined that the Department should issue a
5 credit or refund under this Act, the Department may first apply
6 the amount thereof against any amount of tax or penalty or
7 interest due hereunder from the person entitled to such credit
8 or refund. For this purpose, if proceedings are pending to
9 determine whether or not any tax or penalty or interest is due
10 under this Act from such person, the Department may withhold
11 issuance of the credit or refund pending the final disposition
12 of such proceedings and may apply such credit or refund against
13 any amount found to be due to the Department as a result of
14 such proceedings. The balance, if any, of the credit or refund
15 shall be issued to the person entitled thereto.

16 If no tax or penalty or interest is due and no proceeding
17 is pending to determine whether such person is indebted to the
18 Department for tax or penalty or interest, the credit
19 memorandum or refund shall be issued to the claimant; or (in
20 the case of a credit memorandum) the credit memorandum may be
21 assigned and set over by the lawful holder thereof, subject to
22 reasonable rules of the Department, to any other person who is
23 subject to this Act, and the amount thereof shall be applied by
24 the Department against any tax or penalty or interest due or to
25 become due under this Act from such assignee.

26 As to any claim for credit or refund filed with the

1 Department on or after each January 1 and July 1, no amounts
2 erroneously paid more than 3 years prior to such January 1 and
3 July 1, respectively, shall be credited or refunded, except
4 that if both the Department and the taxpayer have agreed to an
5 extension of time to issue a notice of tax liability under this
6 Act, the claim may be filed at any time prior to the expiration
7 of the period agreed upon.

8 Claims for credit or refund shall be filed upon forms
9 provided by the Department. As soon as practicable after any
10 claim for credit or refund is filed, the Department shall
11 examine the same and determine the amount of credit or refund
12 to which the claimant is entitled and shall notify the claimant
13 of such determination, which amount shall be prima facie
14 correct.

15 Any credit or refund that is allowed under this Act shall
16 bear interest at the rate and in the manner specified in the
17 Uniform Penalty and Interest Act.

18 In case the Department determines that the claimant is
19 entitled to a refund, such refund shall be made only from the
20 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
21 available for that purpose. If it appears unlikely that the
22 amount available ~~appropriated~~ would permit everyone having a
23 claim allowed ~~during the period covered by such appropriation~~
24 to elect to receive a cash refund, the Department, by rule or
25 regulation, shall provide for the payment of refunds in
26 hardship cases and shall define what types of cases qualify as

1 hardship cases.

2 (Source: P.A. 90-491, eff. 1-1-98.)

3 Section 55. The Gas Revenue Tax Act is amended by changing
4 Section 6 as follows:

5 (35 ILCS 615/6) (from Ch. 120, par. 467.21)

6 Sec. 6. If it appears, after claim therefor filed with the
7 Department, that an amount of tax or penalty or interest has
8 been paid which was not due under this Act, whether as the
9 result of a mistake of fact or an error of law, except as
10 hereinafter provided, then the Department shall issue a credit
11 memorandum or refund to the person who made the erroneous
12 payment or, if that person has died or become a person under
13 legal disability, to his or her legal representative, as such.

14 If it is determined that the Department should issue a
15 credit or refund under this Act, the Department may first apply
16 the amount thereof against any amount of tax or penalty or
17 interest due hereunder from the person entitled to such credit
18 or refund. For this purpose, if proceedings are pending to
19 determine whether or not any tax or penalty or interest is due
20 under this Act from such person, the Department may withhold
21 issuance of the credit or refund pending the final disposition
22 of such proceedings and may apply such credit or refund against
23 any amount found to be due to the Department as a result of
24 such proceedings. The balance, if any, of the credit or refund

1 shall be issued to the person entitled thereto.

2 If no tax or penalty or interest is due and no proceeding
3 is pending to determine whether such person is indebted to the
4 Department for tax or penalty or interest, the credit
5 memorandum or refund shall be issued to the claimant; or (in
6 the case of a credit memorandum) the credit memorandum may be
7 assigned and set over by the lawful holder thereof, subject to
8 reasonable rules of the Department, to any other person who is
9 subject to this Act, and the amount thereof shall be applied by
10 the Department against any tax or penalty or interest due or to
11 become due under this Act from such assignee.

12 As to any claim for credit or refund filed with the
13 Department on or after each January 1 and July 1, no amounts
14 erroneously paid more than 3 years prior to such January 1 and
15 July 1, respectively, shall be credited or refunded, except
16 that if both the Department and the taxpayer have agreed to an
17 extension of time to issue a notice of tax liability under this
18 Act, the claim may be filed at any time prior to the expiration
19 of the period agreed upon.

20 Claims for credit or refund shall be filed upon forms
21 provided by the Department. As soon as practicable after any
22 claim for credit or refund is filed, the Department shall
23 examine the same and determine the amount of credit or refund
24 to which the claimant is entitled and shall notify the claimant
25 of such determination, which amount shall be prima facie
26 correct.

1 Any credit or refund that is allowed under this Act shall
2 bear interest at the rate and in the manner specified in the
3 Uniform Penalty and Interest Act.

4 In case the Department determines that the claimant is
5 entitled to a refund, such refund shall be made only from the
6 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
7 available for that purpose. If it appears unlikely that the
8 amount available ~~appropriated~~ would permit everyone having a
9 claim allowed ~~during the period covered by such appropriation~~
10 to elect to receive a cash refund, the Department, by rule or
11 regulation, shall provide for the payment of refunds in
12 hardship cases and shall define what types of cases qualify as
13 hardship cases.

14 (Source: P.A. 90-491, eff. 1-1-98.)

15 Section 60. The Public Utilities Revenue Act is amended by
16 changing Section 6 as follows:

17 (35 ILCS 620/6) (from Ch. 120, par. 473)

18 Sec. 6. If it appears, after claim therefor filed with the
19 Department, that an amount of tax or penalty or interest has
20 been paid which was not due under this Act, whether as the
21 result of a mistake of fact or an error of law, except as
22 hereinafter provided, then the Department shall issue a credit
23 memorandum or refund to the person who made the erroneous
24 payment or, if that person has died or become a person under

1 legal disability, to his or her legal representative, as such.

2 If it is determined that the Department should issue a
3 credit or refund under this Act, the Department may first apply
4 the amount thereof against any amount of tax or penalty or
5 interest due hereunder from the person entitled to such credit
6 or refund. Any credit memorandum issued under the Electricity
7 Excise Tax Law may be applied against any liability incurred
8 under the tax previously imposed by Section 2 of this Act. For
9 this purpose, if proceedings are pending to determine whether
10 or not any tax or penalty or interest is due under this Act
11 from such person, the Department may withhold issuance of the
12 credit or refund pending the final disposition of such
13 proceedings and may apply such credit or refund against any
14 amount found to be due to the Department as a result of such
15 proceedings. The balance, if any, of the credit or refund shall
16 be issued to the person entitled thereto.

17 If no tax or penalty or interest is due and no proceeding
18 is pending to determine whether such person is indebted to the
19 Department for tax or penalty or interest, the credit
20 memorandum or refund shall be issued to the claimant; or (in
21 the case of a credit memorandum) the credit memorandum may be
22 assigned and set over by the lawful holder thereof, subject to
23 reasonable rules of the Department, to any other person who is
24 subject to this Act, and the amount thereof shall be applied by
25 the Department against any tax or penalty or interest due or to
26 become due under this Act from such assignee.

1 As to any claim for credit or refund filed with the
2 Department on or after each January 1 and July 1, no amounts
3 erroneously paid more than 3 years prior to such January 1 and
4 July 1, respectively, shall be credited or refunded, except
5 that if both the Department and the taxpayer have agreed to an
6 extension of time to issue a notice of tax liability under this
7 Act, the claim may be filed at any time prior to the expiration
8 of the period agreed upon.

9 Claims for credit or refund shall be filed upon forms
10 provided by the Department. As soon as practicable after any
11 claim for credit or refund is filed, the Department shall
12 examine the same and determine the amount of credit or refund
13 to which the claimant is entitled and shall notify the claimant
14 of such determination, which amount shall be prima facie
15 correct.

16 Any credit or refund that is allowed under this Act shall
17 bear interest at the rate and in the manner specified in the
18 Uniform Penalty and Interest Act.

19 In case the Department determines that the claimant is
20 entitled to a refund, such refund shall be made only from the
21 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
22 available for that purpose. If it appears unlikely that the
23 amount available ~~appropriated~~ would permit everyone having a
24 claim allowed ~~during the period covered by such appropriation~~
25 to elect to receive a cash refund, the Department, by rule or
26 regulation, shall provide for the payment of refunds in

1 hardship cases and shall define what types of cases qualify as
2 hardship cases.

3 (Source: P.A. 90-491, eff. 1-1-98; 90-624, eff. 7-10-98.)

4 Section 65. The Water Company Invested Capital Tax Act is
5 amended by changing Section 6 as follows:

6 (35 ILCS 625/6) (from Ch. 120, par. 1416)

7 Sec. 6. If it appears, after claim therefor filed with the
8 Department, that an amount of tax or penalty or interest has
9 been paid which was not due under this Act, whether as the
10 result of a mistake of fact or an error of law, except as
11 hereinafter provided, then the Department shall issue a credit
12 memorandum or refund to the person who made the erroneous
13 payment or, if that person has died or become incompetent, to
14 his legal representative, as such.

15 If it is determined that the Department should issue a
16 credit or refund under this Act, the Department may first apply
17 the amount thereof against any amount of tax or penalty or
18 interest due hereunder from the person entitled to such credit
19 or refund. For this purpose, if proceedings are pending to
20 determine whether or not any tax or penalty or interest is due
21 under this Act from such person, the Department may withhold
22 issuance of the credit or refund pending the final disposition
23 of such proceedings and may apply such credit or refund against
24 any amount found to be due to the Department as a result of

1 such proceedings. The balance, if any, of the credit or refund
2 shall be issued to the person entitled thereto.

3 If no tax or penalty or interest is due and no proceeding
4 is pending to determine whether such person is indebted to the
5 Department for tax or penalty or interest, the credit
6 memorandum or refund shall be issued to the claimant; or (in
7 the case of a credit memorandum) the credit memorandum may be
8 assigned and set over by the lawful holder thereof, subject to
9 reasonable rules of the Department, to any other person who is
10 subject to this Act, and the amount thereof shall be applied by
11 the Department against any tax or penalty or interest due or to
12 become due under this Act from such assignee.

13 As to any claim for credit or refund filed with the
14 Department on or after each January 1 and July 1, no amounts
15 erroneously paid more than 3 years prior to such January 1 and
16 July 1, respectively, shall be credited or refunded, except
17 that if both the Department and the taxpayer have agreed to an
18 extension of time to issue a notice of tax liability under this
19 Act, the claim may be filed at any time prior to the expiration
20 of the period agreed upon.

21 Claims for credit or refund shall be filed upon forms
22 provided by the Department. As soon as practicable after any
23 claim for credit or refund is filed, the Department shall
24 examine the same and determine the amount of credit or refund
25 to which the claimant is entitled and shall notify the claimant
26 of such determination, which amount shall be prima facie

1 correct.

2 Any credit or refund that is allowed under this Section
3 shall bear interest at the rate and in the manner specified in
4 the Uniform Penalty and Interest Act.

5 In case the Department determines that the claimant is
6 entitled to a refund, such refund shall be made only from the
7 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
8 available for that purpose. If it appears unlikely that the
9 amount available ~~appropriated~~ would permit everyone having a
10 claim allowed ~~during the period covered by such appropriation~~
11 to elect to receive a cash refund, the Department, by rule or
12 regulation, shall provide for the payment of refunds in
13 hardship cases and shall define what types of cases qualify as
14 hardship cases.

15 (Source: P.A. 90-491, eff. 1-1-98.)

16 Section 70. The Telecommunications Excise Tax Act is
17 amended by changing Section 10 as follows:

18 (35 ILCS 630/10) (from Ch. 120, par. 2010)

19 Sec. 10. If it shall appear that an amount of tax or
20 penalty or interest has been paid in error hereunder to the
21 Department by a taxpayer, as distinguished from the retailer,
22 whether such amount be paid through a mistake of fact or an
23 error of law, such taxpayer may file a claim for credit or
24 refund with the Department. If it shall appear that an amount

1 of tax or penalty or interest has been paid in error to the
2 Department hereunder by a retailer who is required or
3 authorized to collect and remit the tax imposed by this
4 Article, whether such amount be paid through a mistake of fact
5 or an error of law, such retailer may file a claim for credit
6 or refund with the Department, provided that no credit or
7 refund shall be allowed for any amount paid by any such
8 retailer unless it shall appear that he bore the burden of such
9 amount and did not shift the burden thereof to anyone else, or
10 unless it shall appear that he or she or his or her legal
11 representative has unconditionally repaid such amount to his
12 customer (1) who bore the burden thereof and has not shifted
13 such burden directly or indirectly in any manner whatsoever; or
14 (2) who, if he or she shifted such burden, has repaid
15 unconditionally such amount to his or her own customer; and (3)
16 who is not entitled to receive any reimbursement therefor from
17 any other source than from his retailer, nor to be relieved of
18 such burden in any other manner whatsoever.

19 If it is determined that the Department should issue a
20 credit or refund under this Article, the Department may first
21 apply the amount thereof against any amount of tax or penalty
22 or interest due hereunder from the person entitled to such
23 credit or refund. For this purpose, if proceedings are pending
24 to determine whether or not any tax or penalty or interest is
25 due under this Article from such person, the Department may
26 withhold issuance of the credit or refund pending the final

1 disposition of such proceedings and may apply such credit or
2 refund against any amount found to be due to the Department as
3 a result of such proceedings. The balance, if any, of the
4 credit or refund shall be issued to the person entitled
5 thereto.

6 If no tax or penalty or interest is due and no proceeding
7 is pending to determine whether such person is indebted to the
8 Department for tax or penalty or interest, the credit
9 memorandum or refund shall be issued to the claimant; or (in
10 the case of a credit memorandum) the credit memorandum may be
11 assigned and set over by the lawful holder thereof, subject to
12 reasonable rules of the Department, to any other person who is
13 subject to this Article, and the amount thereof shall be
14 applied by the Department against any tax or penalty or
15 interest due or to become due under this Article from such
16 assignee.

17 As to any claim for credit or refund filed with the
18 Department on or after each January 1 and July 1, no amounts
19 erroneously paid more than three years prior to such January 1
20 and July 1, respectively, shall be credited or refunded, except
21 that if both the Department and the taxpayer have agreed to an
22 extension of time to issue a notice of tax liability under this
23 Act, the claim may be filed at any time prior to the expiration
24 of the period agreed upon.

25 Claims for credit or refund shall be filed upon forms
26 provided by the Department. As soon as practicable after any

1 claim for credit or refund is filed, the Department shall
2 examine the same and determine the amount of credit or refund
3 to which the claimant is entitled and shall notify the claimant
4 of such determination, which amount shall be prima facie
5 correct.

6 A claim for credit or refund shall be considered to have
7 been filed with the Department on the date upon which it is
8 received by the Department. Upon receipt of any claim for
9 credit or refund filed under this Article, any officer or
10 employee of the Department, authorized in writing by the
11 Director of Revenue to acknowledge receipt of such claims on
12 behalf of the Department, shall execute on behalf of the
13 Department, and shall deliver or mail to the claimant or his
14 duly authorized agent, a written receipt, acknowledging that
15 the claim has been filed with the Department, describing the
16 claim in sufficient detail to identify it and stating the date
17 upon which the claim was received by the Department. Such
18 written receipt shall be prima facie evidence that the
19 Department received the claim described in such receipt and
20 shall be prima facie evidence of the date when such claim was
21 received by the Department. In the absence of such a written
22 receipt, the records of the Department as to when the claim was
23 received by the Department, or as to whether or not the claim
24 was received at all by the Department, shall be deemed to be
25 prima facie correct upon these questions in the event of any
26 dispute between the claimant (or his or her legal

1 representative) and the Department concerning these questions.

2 Any credit or refund that is allowed under this Article
3 shall bear interest at the rate and in the manner specified in
4 the Uniform Penalty and Interest Act.

5 In case the Department determines that the claimant is
6 entitled to a refund, such refund shall be made only from the
7 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
8 available for that purpose. If it appears unlikely that the
9 amount available ~~appropriated~~ would permit everyone having a
10 claim allowed ~~during the period covered by such appropriation~~
11 to elect to receive a cash refund, the Department by rule or
12 regulation shall provide for the payment of refunds in hardship
13 cases and shall define what types of cases qualify as hardship
14 cases.

15 If a retailer who has failed to pay tax on gross charges
16 for telecommunications is required by the Department to pay
17 such tax, such retailer, without filing any formal claim with
18 the Department, shall be allowed to take credit against such
19 tax liability to the extent, if any, to which such retailer has
20 paid the tax to its vendor of the telecommunications which such
21 retailer purchased and used for resale, and no penalty or
22 interest shall be charged to such retailer on the amount of
23 such credit. However, when such credit is allowed to the
24 retailer by the Department, the vendor is precluded from
25 refunding any of the tax to the retailer and filing a claim for
26 credit or refund with respect thereto with the Department. The

1 provisions of this Section added by this amendatory Act of 1988
2 shall be applied retroactively, regardless of the date of the
3 transaction.

4 (Source: P.A. 90-491, eff. 1-1-98.)

5 Section 75. The Liquor Control Act of 1934 is amended by
6 changing Section 8-3 as follows:

7 (235 ILCS 5/8-3) (from Ch. 43, par. 159a)

8 Sec. 8-3. If it appears, after claim therefor filed with
9 the Department, that an amount of tax or penalty or interest
10 has been paid which was not due under this Article, whether as
11 the result of a mistake of fact or an error of law, except as
12 hereinafter provided, then the Department shall issue a credit
13 memorandum or refund to the person who made the erroneous
14 payment or, if that person died or became a person under legal
15 disability, to his or her legal representative, as such.

16 If it is determined that the Department should issue a
17 credit or refund under this Article, the Department may first
18 apply the amount thereof against any amount of tax or penalty
19 or interest due hereunder from the person entitled to such
20 credit or refund. For this purpose, if proceedings are pending
21 to determine whether or not any tax or penalty or interest is
22 due under this Article from such person, the Department may
23 withhold issuance of the credit or refund pending the final
24 disposition of such proceedings and may apply such credit or

1 refund against any amount found to be due to the Department as
2 a result of such proceedings. The balance, if any, of the
3 credit or refund shall be issued to the person entitled
4 thereto.

5 If no tax or penalty or interest is due and no proceeding
6 is pending to determine whether such taxpayer is indebted to
7 the Department for tax or penalty or interest the credit
8 memorandum or refund shall be issued to the claimant; or (in
9 the case of a credit memorandum) the credit memorandum may be
10 assigned and set over by the lawful holder thereof, subject to
11 reasonable rules of the Department, to any other person who is
12 subject to this Article, and the amount thereof shall be
13 applied by the Department against any tax or penalty or
14 interest due or to become due under this Article from such
15 assignee.

16 As to any claim filed hereunder with the Department on and
17 after each January 1 and July 1, no amount of tax or penalty or
18 interest, erroneously paid (either in total or partial
19 liquidation of a tax or penalty or interest under this Article)
20 more than 3 years prior to such January 1 and July 1,
21 respectively, shall be credited or refunded.

22 Any credit or refund that is allowed under this Act shall
23 bear interest at the rate and in the manner specified in the
24 Uniform Penalty and Interest Act.

25 In case the Department determines that the claimant is
26 entitled to a refund, such refund shall be made only from the

1 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
2 available for that purpose. If it appears unlikely that the
3 amount available ~~appropriated~~ would permit everyone having a
4 claim allowed ~~during the period covered by such appropriation~~
5 to elect to receive a cash refund, the Department, by rule or
6 regulation, shall provide for the payment of refunds in
7 hardship cases and shall define what types of cases qualify as
8 hardship cases.

9 (Source: P.A. 87-205.)

10 Section 99. Effective date. This Act takes effect July 1,
11 2015."