

1 AN ACT concerning revenue.

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

4 Section 5. The State Finance Act is amended by adding
5 Sections 5.866 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
16 1-55 of the Cigarette Machine Operators' Occupation Tax Act,
17 Section 9d of the Cigarette Tax Act, Section 14a of the
18 Cigarette Use Tax Act, Section 2 of the Coin-Operated Amusement
19 Device and Redemption Machine Tax Act, Section 6 of the
20 Messages Tax Act, Section 6 of the Gas Revenue Tax Act, Section
21 6 of the Public Utilities Revenue Act, Section 6 of the Water
22 Company Invested Capital Tax Act, Section 10 of the

1 Telecommunications Excise Tax Act, Section 8-3 of the Liquor
2 Control Act, and any other Act that authorizes, either directly
3 or by incorporation of provisions of another Act, payment of
4 refunds out of the Fund, as well as to pay to the State
5 Treasurer the amount of any credit memorandums or refunds under
6 the Acts covered by this Section that qualify as unclaimed
7 property under the Uniform Disposition of Unclaimed Property
8 Act.

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

13 (c) The Director of Revenue shall order payment of refunds
14 under this Section from the Sales and Excise Tax Refund Fund
15 only to the extent that amounts collected pursuant to Section 3
16 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
17 Act, Section 9 of the Service Occupation Tax Act, and Section 9
18 of the Service Use Tax Act have been deposited and retained in
19 the Fund.

20 As soon as possible after the end of each fiscal year, the
21 Director of Revenue shall order transferred and the State
22 Treasurer and State Comptroller shall transfer from the Sales
23 and Excise Tax Refund Fund to the General Revenue Fund any
24 surplus remaining in the Sales and Excise Tax Refund Fund as of
25 the end of such fiscal year.

26 This Section shall constitute an irrevocable and

1 continuing appropriation from the Sales and Excise Tax Refund
2 Fund for the purpose of paying refunds and unclaimed property
3 upon the order of the Director in accordance with the
4 provisions of this Section.

5 Section 10. The Use Tax Act is amended by changing Sections
6 9 and 19 as follows:

7 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

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

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

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

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

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

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

4 1. The name of the seller;

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

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

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

15 5. The amount of tax due;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 liable for penalties and interest on such difference.

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

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

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

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

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

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

26 The transaction reporting return in the case of motor

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

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

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

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

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

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

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

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

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

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

26 Any retailer filing a return under this Section shall also

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

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

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

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

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

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

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

18 Beginning August 1, 2000, each month the Department shall
19 pay into the State and Local Sales Tax Reform Fund 100% of the
20 net revenue realized for the preceding month from the 1.25%
21 rate on the selling price of motor fuel and gasohol. Beginning
22 September 1, 2010, each month the Department shall pay into the
23 State and Local Sales Tax Reform Fund 100% of the net revenue
24 realized for the preceding month from the 1.25% rate on the
25 selling price of sales tax holiday items.

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

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

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

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

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

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

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

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

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

25 Subject to payment of amounts into the Build Illinois Fund
26 as provided in the preceding paragraph or in any amendment

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

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

1	2008	126,000,000
2	2009	132,000,000
3	2010	139,000,000
4	2011	146,000,000
5	2012	153,000,000
6	2013	161,000,000
7	2014	170,000,000
8	2015	179,000,000
9	2016	189,000,000
10	2017	199,000,000
11	2018	210,000,000
12	2019	221,000,000
13	2020	233,000,000
14	2021	246,000,000
15	2022	260,000,000
16	2023	275,000,000
17	2024	275,000,000
18	2025	275,000,000
19	2026	279,000,000
20	2027	292,000,000
21	2028	307,000,000
22	2029	322,000,000
23	2030	338,000,000
24	2031	350,000,000
25	2032	350,000,000
26	and	

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

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

21 Beginning on July 1, 2015, subject to payment of amounts
22 into the Capital Projects Fund, the Clean Air Act (CAA) Permit
23 Fund, the Build Illinois Fund, and the McCormick Place
24 Expansion Project Fund pursuant to the preceding paragraphs or
25 in any amendments thereto hereafter enacted, the Department
26 shall each month deposit into the Sales and Excise Tax Refund

1 Fund 0.18% of 80% of the net revenue realized for the preceding
2 month from the 6.25% general rate on the selling price of
3 tangible personal property.

4 Subject to payment of amounts into the Build Illinois Fund
5 and the McCormick Place Expansion Project Fund pursuant to the
6 preceding paragraphs or in any amendments thereto hereafter
7 enacted, beginning July 1, 1993 and ending on September 30,
8 2013, the Department shall each month pay into the Illinois Tax
9 Increment Fund 0.27% of 80% of the net revenue realized for the
10 preceding month from the 6.25% general rate on the selling
11 price of tangible personal property.

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

25 Subject to payment of amounts into the Build Illinois Fund,
26 the McCormick Place Expansion Project Fund, the Illinois Tax

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

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

24 As soon as possible after the first day of each month, upon
25 certification of the Department of Revenue, the Comptroller
26 shall order transferred and the Treasurer shall transfer from

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

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

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

16 (Source: P.A. 97-95, eff. 7-12-11; 97-333, eff. 8-12-11; 98-24,
17 eff. 6-19-13; 98-109, eff. 7-25-13; 98-496, eff. 1-1-14;
18 98-756, eff. 7-16-14; 98-1098, eff. 8-26-14.)

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

20 Sec. 19. If it shall appear that an amount of tax or
21 penalty or interest has been paid in error hereunder to the
22 Department by a purchaser, as distinguished from the retailer,
23 whether such amount be paid through a mistake of fact or an
24 error of law, such purchaser may file a claim for credit or
25 refund with the Department in accordance with Sections 6, 6a,

1 6b, and 6c of the Retailers' Occupation Tax Act. If it shall
2 appear that an amount of tax or penalty or interest has been
3 paid in error to the Department hereunder by a retailer who is
4 required or authorized to collect and remit the use tax,
5 whether such amount be paid through a mistake of fact or an
6 error of law, such retailer 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, provided that
9 no credit or refund shall be allowed for any amount paid by any
10 such retailer unless it shall appear that he bore the burden of
11 such amount and did not shift the burden thereof to anyone else
12 (as in the case of a duplicated tax payment which the retailer
13 made to the Department and did not collect from anyone else),
14 or unless it shall appear that he or she or his or her legal
15 representative has unconditionally repaid such amount to his
16 vendee (1) who bore the burden thereof and has not shifted such
17 burden directly or indirectly in any manner whatsoever; (2)
18 who, if he has shifted such burden, has repaid unconditionally
19 such amount to his or her own vendee, and (3) who is not
20 entitled to receive any reimbursement therefor from any other
21 source than from his vendor, nor to be relieved of such burden
22 in any other manner whatsoever. If it shall appear that an
23 amount of tax has been paid in error hereunder by the purchaser
24 to a retailer, who retained such tax as reimbursement for his
25 or her tax liability on the same sale under the Retailers'
26 Occupation Tax Act, and who remitted the amount involved to the

1 Department under the Retailers' Occupation Tax Act, whether
2 such amount be paid through a mistake of fact or an error of
3 law, the procedure for recovering such tax shall be that
4 prescribed in Sections 6, 6a, 6b and 6c of the Retailers'
5 Occupation Tax Act.

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

9 Any claim filed hereunder shall be filed upon a form
10 prescribed and furnished by the Department. The claim shall be
11 signed by the claimant (or by the claimant's legal
12 representative if the claimant shall have died or become a
13 person under legal disability), or by a duly authorized agent
14 of the claimant or his or her legal representative.

15 A claim for credit or refund shall be considered to have
16 been filed with the Department on the date upon which it is
17 received by the Department. Upon receipt of any claim for
18 credit or refund filed under this Act, any officer or employee
19 of the Department, authorized in writing by the Director of
20 Revenue to acknowledge receipt of such claims on behalf of the
21 Department, shall execute on behalf of the Department, and
22 shall deliver or mail to the claimant or his duly authorized
23 agent, a written receipt, acknowledging that the claim has been
24 filed with the Department, describing the claim in sufficient
25 detail to identify it and stating the date upon which the claim
26 was received by the Department. Such written receipt shall be

1 prima facie evidence that the Department received the claim
2 described in such receipt and shall be prima facie evidence of
3 the date when such claim was received by the Department. In the
4 absence of such a written receipt, the records of the
5 Department as to when the claim was received by the Department,
6 or as to whether or not the claim was received at all by the
7 Department, shall be deemed to be prima facie correct upon
8 these questions in the event of any dispute between the
9 claimant (or his or her legal representative) and the
10 Department concerning these questions.

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

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

1 has paid use tax in error to his or her vendor or vendors of the
2 same tangible personal property which such retailer bought for
3 resale and did not first use before selling it, and no penalty
4 or interest shall be charged to such retailer on the amount of
5 such credit. However, when such credit is allowed to the
6 retailer by the Department, the vendor is precluded from
7 refunding any of that tax to the retailer and filing a claim
8 for credit or refund with respect thereto with the Department.
9 The provisions of this amendatory Act shall be applied
10 retroactively, regardless of the date of the transaction.
11 (Source: P.A. 90-562, eff. 12-16-97.)

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

14 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

15 Sec. 9. Each serviceman required or authorized to collect
16 the tax herein imposed shall pay to the Department the amount
17 of such tax (except as otherwise provided) at the time when he
18 is required to file his return for the period during which such
19 tax was collected, less a discount of 2.1% prior to January 1,
20 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar
21 year, whichever is greater, which is allowed to reimburse the
22 serviceman for expenses incurred in collecting the tax, keeping
23 records, preparing and filing returns, remitting the tax and
24 supplying data to the Department on request. The Department may

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

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

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

23 1. The name of the seller;

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

26 3. The total amount of taxable receipts received by him

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

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

6 5. The amount of tax due;

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

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

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

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

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

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

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

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

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

1 requirements of this Section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 and

18 each fiscal year

19 thereafter that bonds

20 are outstanding under

21 Section 13.2 of the

22 Metropolitan Pier and

23 Exposition Authority Act,

24 but not after fiscal year 2060.

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

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

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

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

1 price of tangible personal property.

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

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

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

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

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

22 Net revenue realized for a month shall be the revenue
23 collected by the State pursuant to this Act, less the amount
24 paid out during that month as refunds to taxpayers for
25 overpayment of liability.

26 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;

1 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14;
2 98-1098, eff. 8-26-14.)

3 (35 ILCS 110/17) (from Ch. 120, par. 439.47)

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

1 vendee, and (3) who is not entitled to receive any
2 reimbursement therefor from any other source than from his
3 vendor, nor to be relieved of such burden in any other manner
4 whatsoever. If it shall appear that an amount of tax has been
5 paid in error hereunder by the purchaser to a serviceman, who
6 retained such tax as reimbursement for his tax liability on the
7 same sale of service under the Service Occupation Tax Act, and
8 who paid such tax as required by the Service Occupation Tax
9 Act, whether such amount be paid through a mistake of fact or
10 an error of law, the procedure for recovering such tax shall be
11 that prescribed in Sections 17, 18, 19 and 20 of the Service
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 (Source: P.A. 87-205.)

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

5 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

6 Sec. 9. Each serviceman required or authorized to collect
7 the tax herein imposed shall pay to the Department the amount
8 of such tax at the time when he is required to file his return
9 for the period during which such tax was collectible, less a
10 discount of 2.1% prior to January 1, 1990, and 1.75% on and
11 after January 1, 1990, or \$5 per calendar year, whichever is
12 greater, which is allowed to reimburse the serviceman for
13 expenses incurred in collecting the tax, keeping records,
14 preparing and filing returns, remitting the tax and supplying
15 data to the Department on request. The Department may disallow
16 the discount for servicemen whose certificate of registration
17 is revoked at the time the return is filed, but only if the
18 Department's decision to revoke the certificate of
19 registration has become final.

20 Where such tangible personal property is sold under a
21 conditional sales contract, or under any other form of sale
22 wherein the payment of the principal sum, or a part thereof, is
23 extended beyond the close of the period for which the return is
24 filed, the serviceman, in collecting the tax may collect, for

1 each tax return period, only the tax applicable to the part of
2 the selling price actually received during such tax return
3 period.

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

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

- 18 1. The name of the seller;
- 19 2. The address of the principal place of business from
20 which he engages in business as a serviceman in this State;
- 21 3. The total amount of taxable receipts received by him
22 during the preceding calendar month, including receipts
23 from charge and time sales, but less all deductions allowed
24 by law;
- 25 4. The amount of credit provided in Section 2d of this
26 Act;

- 1 5. The amount of tax due;
- 2 5-5. The signature of the taxpayer; and
- 3 6. Such other reasonable information as the Department
- 4 may require.

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

9 Prior to October 1, 2003, and on and after September 1,
10 2004 a serviceman may accept a Manufacturer's Purchase Credit
11 certification from a purchaser in satisfaction of Service Use
12 Tax as provided in Section 3-70 of the Service Use Tax Act if
13 the purchaser provides the appropriate documentation as
14 required by Section 3-70 of the Service Use Tax Act. A
15 Manufacturer's Purchase Credit certification, accepted prior
16 to October 1, 2003 or on or after September 1, 2004 by a
17 serviceman as provided in Section 3-70 of the Service Use Tax
18 Act, may be used by that serviceman to satisfy Service
19 Occupation Tax liability in the amount claimed in the
20 certification, not to exceed 6.25% of the receipts subject to
21 tax from a qualifying purchase. A Manufacturer's Purchase
22 Credit reported on any original or amended return filed under
23 this Act after October 20, 2003 for reporting periods prior to
24 September 1, 2004 shall be disallowed. Manufacturer's Purchase
25 Credit reported on annual returns due on or after January 1,
26 2005 will be disallowed for periods prior to September 1, 2004.

1 No Manufacturer's Purchase Credit may be used after September
2 30, 2003 through August 31, 2004 to satisfy any tax liability
3 imposed under this Act, including any audit liability.

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

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

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

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

1 discontinuing such business.

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

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

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

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

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

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

1 to the Department, as shown by such return, provided that the
2 amount of the tax to be deducted shall previously have been
3 remitted to the Department by such serviceman. If the
4 serviceman shall not previously have remitted the amount of
5 such tax to the Department, he shall be entitled to no
6 deduction hereunder upon refunding such tax to the purchaser.

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

14 Where the serviceman has more than one business registered
15 with the Department under separate registrations hereunder,
16 such serviceman shall file separate returns for each registered
17 business.

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

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

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

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

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

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

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

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

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

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

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

26 Subject to payment of amounts into the Build Illinois Fund

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

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

1	2006	113,000,000
2	2007	119,000,000
3	2008	126,000,000
4	2009	132,000,000
5	2010	139,000,000
6	2011	146,000,000
7	2012	153,000,000
8	2013	161,000,000
9	2014	170,000,000
10	2015	179,000,000
11	2016	189,000,000
12	2017	199,000,000
13	2018	210,000,000
14	2019	221,000,000
15	2020	233,000,000
16	2021	246,000,000
17	2022	260,000,000
18	2023	275,000,000
19	2024	275,000,000
20	2025	275,000,000
21	2026	279,000,000
22	2027	292,000,000
23	2028	307,000,000
24	2029	322,000,000
25	2030	338,000,000
26	2031	350,000,000

1 2032 350,000,000
2 and
3 each fiscal year
4 thereafter that bonds
5 are outstanding under
6 Section 13.2 of the
7 Metropolitan Pier and
8 Exposition Authority Act,
9 but not after fiscal year 2060.

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

23 Beginning on July 1, 2015, subject to payment of amounts
24 into the Capital Projects Fund, the Build Illinois Fund, and
25 the McCormick Place Expansion Project Fund pursuant to the
26 preceding paragraphs or in any amendments thereto hereafter

1 enacted, the Department shall each month deposit into the Sales
2 and Excise Tax Refund Fund 0.18% of 80% of the net revenue
3 realized for the preceding month from the 6.25% general rate on
4 the selling price of tangible personal property.

5 Subject to payment of amounts into the Build Illinois Fund
6 and the McCormick Place Expansion Project Fund pursuant to the
7 preceding paragraphs or in any amendments thereto hereafter
8 enacted, beginning July 1, 1993 and ending on September 30,
9 2013, the Department shall each month pay into the Illinois Tax
10 Increment Fund 0.27% of 80% of the net revenue realized for the
11 preceding month from the 6.25% general rate on the selling
12 price of tangible personal property.

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

26 Subject to payment of amounts into the Build Illinois Fund,

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

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

26 The Department may, upon separate written notice to a

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

23 If the annual information return required by this Section
24 is not filed when and as required, the taxpayer shall be liable
25 as follows:

26 (i) Until January 1, 1994, the taxpayer shall be liable

1 for a penalty equal to 1/6 of 1% of the tax due from such
2 taxpayer under this Act during the period to be covered by
3 the annual return for each month or fraction of a month
4 until such return is filed as required, the penalty to be
5 assessed and collected in the same manner as any other
6 penalty provided for in this Act.

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

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

18 The foregoing portion of this Section concerning the filing
19 of an annual information return shall not apply to a serviceman
20 who is not required to file an income tax return with the
21 United States Government.

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

1 for the second preceding month. Beginning April 1, 2000, this
2 transfer is no longer required and shall not be made.

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

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

15 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
16 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14;
17 98-1098, eff. 8-26-14.)

18 (35 ILCS 115/17) (from Ch. 120, par. 439.117)

19 Sec. 17. If it shall appear that an amount of tax or
20 penalty or interest has been paid in error hereunder directly
21 to the Department by a serviceman, whether such amount be paid
22 through a mistake of fact or an error of law, such serviceman
23 may file a claim for credit or refund with the Department. If
24 it shall appear that an amount of tax or penalty or interest
25 has been paid in error to the Department hereunder by a

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

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 or her duly
10 authorized agent, a written receipt, acknowledging that the
11 claim has been filed with the Department, describing the claim
12 in sufficient detail to identify it and stating the date upon
13 which the claim was received by the Department. Such written
14 receipt shall be prima facie evidence that the Department
15 received the claim described in such receipt and shall be prima
16 facie evidence of the date when such claim was received by the
17 Department. In the absence of such a written receipt, the
18 records of the Department as to when the claim was received by
19 the Department, or as to whether or not the claim was received
20 at all by the Department, shall be deemed to be prima facie
21 correct upon these questions in the event of any dispute
22 between the claimant (or his 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 25. The Retailers' Occupation Tax Act is amended by
10 changing Sections 3 and 6 as follows:

11 (35 ILCS 120/3) (from Ch. 120, par. 442)

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

17 1. The name of the seller;

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

23 3. Total amount of receipts received by him during the
24 preceding calendar month or quarter, as the case may be,

1 from sales of tangible personal property, and from services
2 furnished, by him during such preceding calendar month or
3 quarter;

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

9 5. Deductions allowed by law;

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

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

15 8. The amount of tax due;

16 9. The signature of the taxpayer; and

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

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

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

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

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

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

1 the twentieth day of the following calendar month, stating:

2 1. The name of the seller;

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

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

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

13 5. The amount of tax due; and

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

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

1 of this paragraph. For the purposes of this paragraph, the term
2 "alcoholic liquor" shall have the meaning prescribed in the
3 Liquor Control Act of 1934.

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

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

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

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

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

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

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

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

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

23 Any amount which is required to be shown or reported on any
24 return or other document under this Act shall, if such amount
25 is not a whole-dollar amount, be increased to the nearest
26 whole-dollar amount in any case where the fractional part of a

1 dollar is 50 cents or more, and decreased to the nearest
2 whole-dollar amount where the fractional part of a dollar is
3 less than 50 cents.

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

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

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

24 Notwithstanding any other provision in this Act concerning
25 the time within which a retailer may file his return, in the
26 case of any retailer who ceases to engage in a kind of business

1 which makes him responsible for filing returns under this Act,
2 such retailer shall file a final return under this Act with the
3 Department not more than one month after discontinuing such
4 business.

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

10 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 retailer or trailer retailer for the
21 purpose of resale or (ii) a retailer of aircraft, watercraft,
22 motor 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 2-5 of this
25 Act, then that seller may report the transfer of all aircraft,
26 watercraft, motor vehicles or trailers involved in that

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

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

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

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

26 Such transaction reporting return shall be filed not later

1 than 20 days after the day of delivery of the item that is
2 being sold, but may be filed by the retailer at any time sooner
3 than that if he chooses to do so. The transaction reporting
4 return and tax remittance or proof of exemption from the
5 Illinois use tax may be transmitted to the Department by way of
6 the State agency with which, or State officer with whom the
7 tangible personal property must be titled or registered (if
8 titling or registration is required) if the Department and such
9 agency or State officer determine that this procedure will
10 expedite the processing of applications for title or
11 registration.

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

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

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

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

25 Refunds made by the seller during the preceding return
26 period to purchasers, on account of tangible personal property

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

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

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

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

1 transaction basis, as provided in this Section, such discount
2 shall be taken with each such tax remittance instead of when
3 such retailer files his periodic return. The Department may
4 disallow the discount for retailers whose certificate of
5 registration is revoked at the time the return is filed, but
6 only if the Department's decision to revoke the certificate of
7 registration has become final.

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

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

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

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

1 The Department shall make reasonable rules and regulations to
2 govern the quarter monthly payment amount and quarter monthly
3 payment dates for taxpayers who file on other than a calendar
4 monthly basis.

5 The provisions of this paragraph apply before October 1,
6 2001. Without regard to whether a taxpayer is required to make
7 quarter monthly payments as specified above, any taxpayer who
8 is required by Section 2d of this Act to collect and remit
9 prepaid taxes and has collected prepaid taxes which average in
10 excess of \$25,000 per month during the preceding 2 complete
11 calendar quarters, shall file a return with the Department as
12 required by Section 2f and shall make payments to the
13 Department on or before the 7th, 15th, 22nd and last day of the
14 month during which such liability is incurred. If the month
15 during which such tax liability is incurred began prior to the
16 effective date of this amendatory Act of 1985, each payment
17 shall be in an amount not less than 22.5% of the taxpayer's
18 actual liability under Section 2d. If the month during which
19 such tax liability is incurred begins on or after January 1,
20 1986, each payment shall be in an amount equal to 22.5% of the
21 taxpayer's actual liability for the month or 27.5% of the
22 taxpayer's liability for the same calendar month of the
23 preceding calendar year. If the month during which such tax
24 liability is incurred begins on or after January 1, 1987, 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.
2 The amount of such quarter monthly payments shall be credited
3 against the final tax liability of the taxpayer's return for
4 that month filed under this Section or Section 2f, as the case
5 may be. Once applicable, the requirement of the making of
6 quarter monthly payments to the Department pursuant to this
7 paragraph shall continue until such taxpayer's average monthly
8 prepaid tax collections during the preceding 2 complete
9 calendar quarters is \$25,000 or less. If any such quarter
10 monthly payment is not paid at the time or in the amount
11 required, the taxpayer shall be liable for penalties and
12 interest on such difference, except insofar as the taxpayer has
13 previously made payments for that month in excess of the
14 minimum payments previously due.

15 The provisions of this paragraph apply on and after October
16 1, 2001. Without regard to whether a taxpayer is required to
17 make quarter monthly payments as specified above, any taxpayer
18 who is required by Section 2d of this Act to collect and remit
19 prepaid taxes and has collected prepaid taxes that average in
20 excess of \$20,000 per month during the preceding 4 complete
21 calendar quarters shall file a return with the Department as
22 required by Section 2f and shall make payments to the
23 Department on or before the 7th, 15th, 22nd and last day of the
24 month during which the liability is incurred. Each payment
25 shall be in an amount equal to 22.5% of the taxpayer's actual
26 liability for the month or 25% of the taxpayer's liability for

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

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

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

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

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

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

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

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

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

21 Beginning August 1, 2000, each month the Department shall
22 pay into the Local Government Tax Fund 80% of the net revenue
23 realized for the preceding month from the 1.25% rate on the
24 selling price of motor fuel and gasohol. Beginning September 1,
25 2010, each month the Department shall pay into the Local
26 Government Tax Fund 80% of the net revenue realized for the

1 preceding month from the 1.25% rate on the selling price of
2 sales tax holiday items.

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

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

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 Use Tax
22 Act, and the Service Occupation Tax Act an amount equal to the
23 average monthly deficit in the Underground Storage Tank Fund
24 during the prior year, as certified annually by the Illinois
25 Environmental Protection Agency, but the total payment into the
26 Underground Storage Tank Fund under this Act, the Use Tax Act,

1 the Service Use Tax Act, and the Service Occupation Tax Act
2 shall not exceed \$18,000,000 in any State fiscal year. As used
3 in this paragraph, the "average monthly deficit" shall be equal
4 to the difference between the average monthly claims for
5 payment by the fund and the average monthly revenues deposited
6 into the fund, excluding payments made pursuant to this
7 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 this Act,
16 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
17 Act, and Section 9 of the Service Occupation Tax Act, such Acts
18 being hereinafter called the "Tax Acts" and such aggregate of
19 2.2% or 3.8%, as the case may be, of moneys being hereinafter
20 called the "Tax Act Amount", and (2) the amount transferred to
21 the Build Illinois Fund from the State and Local Sales Tax
22 Reform Fund shall be less than the Annual Specified Amount (as
23 hereinafter defined), an amount equal to the difference shall
24 be immediately paid into the Build Illinois Fund from other
25 moneys received by the Department pursuant to the Tax Acts; the
26 "Annual Specified Amount" means the amounts specified below for

1 fiscal years 1986 through 1993:

2	Fiscal Year	Annual Specified Amount
3	1986	\$54,800,000
4	1987	\$76,650,000
5	1988	\$80,480,000
6	1989	\$88,510,000
7	1990	\$115,330,000
8	1991	\$145,470,000
9	1992	\$182,730,000
10	1993	\$206,520,000;

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

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

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

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

	Fiscal Year	Total Deposit
21	1993	\$0
22	1994	53,000,000
23	1995	58,000,000
24	1996	61,000,000
25	1997	64,000,000

1	1998	68,000,000
2	1999	71,000,000
3	2000	75,000,000
4	2001	80,000,000
5	2002	93,000,000
6	2003	99,000,000
7	2004	103,000,000
8	2005	108,000,000
9	2006	113,000,000
10	2007	119,000,000
11	2008	126,000,000
12	2009	132,000,000
13	2010	139,000,000
14	2011	146,000,000
15	2012	153,000,000
16	2013	161,000,000
17	2014	170,000,000
18	2015	179,000,000
19	2016	189,000,000
20	2017	199,000,000
21	2018	210,000,000
22	2019	221,000,000
23	2020	233,000,000
24	2021	246,000,000
25	2022	260,000,000
26	2023	275,000,000

1	2024	275,000,000
2	2025	275,000,000
3	2026	279,000,000
4	2027	292,000,000
5	2028	307,000,000
6	2029	322,000,000
7	2030	338,000,000
8	2031	350,000,000
9	2032	350,000,000

10 and

11 each fiscal year

12 thereafter that bonds

13 are outstanding under

14 Section 13.2 of the

15 Metropolitan Pier and

16 Exposition Authority Act,

17 but not after fiscal year 2060.

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

1 shall be deposited into the McCormick Place Expansion Project
2 Fund, until the full amount requested for the fiscal year, but
3 not in excess of the amount specified above as "Total Deposit",
4 has been deposited.

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

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

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

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

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

1 and use taxes administered by the Department.

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

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

1 reasonable information which the Department deems would be
2 helpful in determining the accuracy of the monthly, quarterly
3 or annual returns filed by such retailer as provided for in
4 this Section.

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

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

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

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

26 The provisions of this Section concerning the filing of an

1 annual information return do not apply to a retailer who is not
2 required to file an income tax return with the United States
3 Government.

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

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

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

22 Any person who promotes, organizes, provides retail
23 selling space for concessionaires or other types of sellers at
24 the Illinois State Fair, DuQuoin State Fair, county fairs,
25 local fairs, art shows, flea markets and similar exhibitions or
26 events, including any transient merchant as defined by Section

1 2 of the Transient Merchant Act of 1987, is required to file a
2 report with the Department providing the name of the merchant's
3 business, the name of the person or persons engaged in
4 merchant's business, the permanent address and Illinois
5 Retailers Occupation Tax Registration Number of the merchant,
6 the dates and location of the event and other reasonable
7 information that the Department may require. The report must be
8 filed not later than the 20th day of the month next following
9 the month during which the event with retail sales was held.
10 Any person who fails to file a report required by this Section
11 commits a business offense and is subject to a fine not to
12 exceed \$250.

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

1 exhibition or event, or other evidence of a significant risk of
2 loss of revenue to the State. The Department shall notify
3 concessionaires and other sellers affected by the imposition of
4 this requirement. In the absence of notification by the
5 Department, the concessionaires and other sellers shall file
6 their returns as otherwise required in this Section.

7 (Source: P.A. 97-95, eff. 7-12-11; 97-333, eff. 8-12-11; 98-24,
8 eff. 6-19-13; 98-109, eff. 7-25-13; 98-496, eff. 1-1-14;
9 98-756, eff. 7-16-14; 98-1098, eff. 8-26-14.)

10 (35 ILCS 120/6) (from Ch. 120, par. 445)

11 Sec. 6. Credit memorandum or refund. If it appears, after
12 claim therefor filed with the Department, that an amount of tax
13 or penalty or interest has been paid which was not due under
14 this Act, whether as the result of a mistake of fact or an
15 error of law, except as hereinafter provided, then the
16 Department shall issue a credit memorandum or refund to the
17 person who made the erroneous payment or, if that person died
18 or became a person under legal disability, to his or her legal
19 representative, as such. For purposes of this Section, the tax
20 is deemed to be erroneously paid by a retailer when the
21 manufacturer of a motor vehicle sold by the retailer accepts
22 the return of that automobile and refunds to the purchaser the
23 selling price of that vehicle as provided in the New Vehicle
24 Buyer Protection Act. When a motor vehicle is returned for a
25 refund of the purchase price under the New Vehicle Buyer

1 Protection Act, the Department shall issue a credit memorandum
2 or a refund for the amount of tax paid by the retailer under
3 this Act attributable to the initial sale of that vehicle.
4 Claims submitted by the retailer are subject to the same
5 restrictions and procedures provided for in this Act. If it is
6 determined that the Department should issue a credit memorandum
7 or refund, the Department may first apply the amount thereof
8 against any tax or penalty or interest due or to become due
9 under this Act or under the Use Tax Act, the Service Occupation
10 Tax Act, the Service Use Tax Act, any local occupation or use
11 tax administered by the Department, Section 4 of the Water
12 Commission Act of 1985, subsections (b), (c) and (d) of Section
13 5.01 of the Local Mass Transit District Act, or subsections
14 (e), (f) and (g) of Section 4.03 of the Regional Transportation
15 Authority Act, from the person who made the erroneous payment.
16 If no tax or penalty or interest is due and no proceeding is
17 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, the Use Tax Act, the Service Occupation
24 Tax Act, the Service Use Tax Act, any local occupation or use
25 tax administered by the Department, Section 4 of the Water
26 Commission Act of 1985, subsections (b), (c) and (d) of Section

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

22 No claim may be allowed for any amount paid to the
23 Department, whether paid voluntarily or involuntarily, if paid
24 in total or partial liquidation of an assessment which had
25 become final before the claim for credit or refund to recover
26 the amount so paid is filed with the Department, or if paid in

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

26 Any credit or refund that is allowed under this Section

1 shall bear interest at the rate and in the manner specified in
2 the Uniform Penalty and Interest Act.

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

13 If a retailer who has failed to pay retailers' occupation
14 tax on gross receipts from retail sales is required by the
15 Department to pay such tax, such retailer, without filing any
16 formal claim with the Department, shall be allowed to take
17 credit against such retailers' occupation tax liability to the
18 extent, if any, to which such retailer has paid an amount
19 equivalent to retailers' occupation tax or has paid use tax in
20 error to his or her vendor or vendors of the same tangible
21 personal property which such retailer bought for resale and did
22 not first use before selling it, and no penalty or interest
23 shall be charged to such retailer on the amount of such credit.
24 However, when such credit is allowed to the retailer by the
25 Department, the vendor is precluded from refunding any of that
26 tax to the retailer and filing a claim for credit or refund

1 with respect thereto with the Department. The provisions of
2 this amendatory Act shall be applied retroactively, regardless
3 of the date of the transaction.

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

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

7 (35 ILCS 128/1-55)

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

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, the Cigarette Tax Act, the Cigarette Use Tax
21 Act, or the Tobacco Products Act of 1995 from the person
22 entitled to that credit or refund. For this purpose, if
23 proceedings are pending to determine whether or not any tax or
24 penalty is due under this Act or under the Cigarette Tax Act,

1 Cigarette Use Tax Act, or the Tobacco Products Act of 1995 from
2 the person, the Department may withhold issuance of the credit
3 or refund pending the final disposition of such proceedings and
4 may apply such credit or refund against any amount found to be
5 due to the Department under this Act, the Cigarette Tax Act,
6 the Cigarette Use Tax Act, or the Tobacco Products Act of 1995
7 as a result of such proceedings. The balance, if any, of the
8 credit or refund shall be issued to the person entitled
9 thereto.

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

23 As to any claim filed hereunder with the Department on and
24 after each January 1 and July 1, no amount of tax or penalty
25 erroneously paid (either in total or partial liquidation of a
26 tax or penalty under this Act) more than 3 years prior to such

1 January 1 and July 1, respectively, shall be credited or
2 refunded, except that, if both the Department and the taxpayer
3 have agreed to an extension of time to issue a notice of tax
4 liability under this Act, the claim may be filed at any time
5 prior to the expiration of the period agreed upon.

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

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

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

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

25 Section 35. The Cigarette Tax Act is amended by changing

1 Section 9d as follows:

2 (35 ILCS 130/9d) (from Ch. 120, par. 453.9d)

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

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

25 If no tax or penalty is due and no proceeding is pending to

1 determine whether such taxpayer is indebted to the Department
2 for tax or penalty, the credit memorandum or refund shall be
3 issued to the claimant; or (in the case of a credit memorandum)
4 the credit memorandum may be assigned and set over by the
5 lawful holder thereof, subject to reasonable rules of the
6 Department, to any other person who is subject to this Act or
7 the Cigarette Use Tax Act, and the amount thereof shall be
8 applied by the Department against any tax or penalty due or to
9 become due under this Act or under the Cigarette Use Tax Act
10 from such assignee.

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

20 If the Department approves a claim for stamps affixed to a
21 product returned to a manufacturer or for replacement of
22 stamps, the credit memorandum shall not exceed the face value
23 of stamps originally affixed, and replacement stamps shall be
24 issued only in an amount equal to the value of the stamps
25 previously affixed. Higher denomination stamps shall not be
26 issued as replacements for lower value stamps. Distributors

1 must prove the face value of the stamps which have been
2 destroyed or returned to manufacturers when filing claims.

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

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

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

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

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

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

3 (35 ILCS 135/14a) (from Ch. 120, par. 453.44a)

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

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

1 the person entitled thereto.

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

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

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

1 to elect to receive a cash refund, the Department, by rule or
2 regulation, shall provide for the payment of refunds in
3 hardship cases and shall define what types of cases qualify as
4 hardship cases.

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

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 The provisions of Sections 6a, 6b and 6c of the "Retailers'
14 Occupation Tax Act", approved June 28, 1933, as amended, in
15 effect on the effective date of this amendatory Act, as
16 subsequently amended, which are not inconsistent with this Act,
17 shall apply, as far as practicable, to the subject matter of
18 this Act to the same extent as if such provisions were included
19 herein.

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

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

24 (35 ILCS 510/2) (from Ch. 120, par. 481b.2)

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

23 (b) If an amount of tax, penalty, or interest has been paid
24 in error to the Department, the taxpayer may file a claim for
25 credit or refund with the Department. If it is determined that
26 the Department must issue a credit or refund under this Act,

1 the Department may first apply the amount of the credit or
2 refund due against any amount of tax, penalty, or interest due
3 under this Act from the taxpayer entitled to the credit or
4 refund. If proceedings are pending to determine if any tax,
5 penalty, or interest is due under this Act from the taxpayer,
6 the Department may withhold issuance of the credit or refund
7 pending the final disposition of those proceedings and may
8 apply that credit or refund against any amount determined to be
9 due to the Department as a result of those proceedings. The
10 balance, if any, of the credit or refund shall be paid to the
11 taxpayer.

12 If no tax, penalty, or interest is due and no proceedings
13 are pending to determine whether the taxpayer is indebted to
14 the Department for tax, penalty, or interest, the credit
15 memorandum or refund shall be issued to the taxpayer; or, the
16 credit memorandum may be assigned by the taxpayer, subject to
17 reasonable rules of the Department, to any other person who is
18 subject to this Act, and the amount of the credit memorandum by
19 the Department against any tax, penalty, or interest due or to
20 become due under this Act from the assignee.

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

25 A claim for credit or refund shall be filed on a form
26 provided by the Department. As soon as practicable after any

1 claim for credit or refund is filed, the Department shall
2 determine the amount of credit or refund to which the claimant
3 is entitled and shall notify the claimant of that
4 determination.

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

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

1 If the Department determines that the claimant is entitled
2 to a refund, the refund shall be made only from the Sales and
3 Excise Tax Refund Fund ~~an appropriation to the Department~~ for
4 that purpose. If the amount available ~~appropriated~~ is
5 insufficient to pay claimants electing to receive a cash
6 refund, the Department by rule or regulation shall first
7 provide for the payment of refunds in hardship cases as defined
8 by the Department.

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

10 Section 50. The Messages Tax Act is amended by changing
11 Section 6 as follows:

12 (35 ILCS 610/6) (from Ch. 120, par. 467.6)

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

21 If it is determined that the Department should issue a
22 credit or refund under this Act, the Department may first apply
23 the amount thereof against any amount of tax or penalty or
24 interest due hereunder from the person entitled to such credit

1 or refund. For this purpose, if proceedings are pending to
2 determine whether or not any tax or penalty or interest is due
3 under this Act from such person, the Department may withhold
4 issuance of the credit or refund pending the final disposition
5 of such proceedings and may apply such credit or refund against
6 any amount found to be due to the Department as a result of
7 such proceedings. The balance, if any, of the credit or refund
8 shall be issued to the person entitled thereto.

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

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

1 Claims for credit or refund shall be filed upon forms
2 provided by the Department. As soon as practicable after any
3 claim for credit or refund is filed, the Department shall
4 examine the same and determine the amount of credit or refund
5 to which the claimant is entitled and shall notify the claimant
6 of such determination, which amount shall be prima facie
7 correct.

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

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

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

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

24 (35 ILCS 615/6) (from Ch. 120, par. 467.21)

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

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

21 If no tax or penalty or interest is due and no proceeding
22 is pending to determine whether such person is indebted to the
23 Department for tax or penalty or interest, the credit
24 memorandum or refund shall be issued to the claimant; or (in
25 the case of a credit memorandum) the credit memorandum may be
26 assigned and set over by the lawful holder thereof, subject to

1 reasonable rules of the Department, to any other person who is
2 subject to this Act, and the amount thereof shall be applied by
3 the Department against any tax or penalty or interest due or to
4 become due under this Act from such assignee.

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

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

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

23 In case the Department determines that the claimant is
24 entitled to a refund, such refund shall be made only from the
25 Sales and Excise Tax Refund Fund ~~such appropriation~~ as may be
26 available for that purpose. If it appears unlikely that the

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

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

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

10 (35 ILCS 620/6) (from Ch. 120, par. 473)

11 Sec. 6. If it appears, after claim therefor filed with the
12 Department, that an amount of tax or penalty or interest has
13 been paid which was not due under this Act, whether as the
14 result of a mistake of fact or an error of law, except as
15 hereinafter provided, then the Department shall issue a credit
16 memorandum or refund to the person who made the erroneous
17 payment or, if that person has died or become a person under
18 legal disability, 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 or
22 interest due hereunder from the person entitled to such credit
23 or refund. Any credit memorandum issued under the Electricity
24 Excise Tax Law may be applied against any liability incurred

1 under the tax previously imposed by Section 2 of this Act. For
2 this purpose, if proceedings are pending to determine whether
3 or not any tax or penalty or interest is due under this Act
4 from such person, the Department may withhold issuance of the
5 credit or refund pending the final disposition of such
6 proceedings and may apply such credit or refund against any
7 amount found to be due to the Department as a result of such
8 proceedings. The balance, if any, of the credit or refund shall
9 be issued to the person entitled thereto.

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

20 As to any claim for credit or refund filed with the
21 Department on or after each January 1 and July 1, no amounts
22 erroneously paid more than 3 years prior to such January 1 and
23 July 1, respectively, shall be credited or refunded, except
24 that if both the Department and the taxpayer have agreed to an
25 extension of time to issue a notice of tax liability under this
26 Act, the claim may be filed at any time prior to the expiration

1 of the period agreed upon.

2 Claims for credit or refund shall be filed upon forms
3 provided by the Department. As soon as practicable after any
4 claim for credit or refund is filed, the Department shall
5 examine the same and determine the amount of credit or refund
6 to which the claimant is entitled and shall notify the claimant
7 of such determination, which amount shall be prima facie
8 correct.

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

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

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

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

1 (35 ILCS 625/6) (from Ch. 120, par. 1416)

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

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

22 If no tax or penalty or interest is due and no proceeding
23 is pending to determine whether such person is indebted to the
24 Department for tax or penalty or interest, the credit
25 memorandum or refund shall be issued to the claimant; or (in
26 the case of a credit memorandum) the credit memorandum may be

1 assigned and set over by the lawful holder thereof, subject to
2 reasonable rules of the Department, to any other person who is
3 subject to this Act, and the amount thereof shall be applied by
4 the Department against any tax or penalty or interest due or to
5 become due under this Act from such assignee.

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

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

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

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. 90-491, eff. 1-1-98.)

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

11 (35 ILCS 630/10) (from Ch. 120, par. 2010)

12 Sec. 10. If it shall appear that an amount of tax or
13 penalty or interest has been paid in error hereunder to the
14 Department by a taxpayer, as distinguished from the retailer,
15 whether such amount be paid through a mistake of fact or an
16 error of law, such taxpayer may file a claim for credit or
17 refund with the Department. If it shall appear that an amount
18 of tax or penalty or interest has been paid in error to the
19 Department hereunder by a retailer who is required or
20 authorized to collect and remit the tax imposed by this
21 Article, whether such amount be paid through a mistake of fact
22 or an error of law, such retailer may file a claim for credit
23 or refund with the Department, provided that no credit or
24 refund shall be allowed for any amount paid by any such

1 retailer unless it shall appear that he bore the burden of such
2 amount and did not shift the burden thereof to anyone else, or
3 unless it shall appear that he or she or his or her legal
4 representative has unconditionally repaid such amount to his
5 customer (1) who bore the burden thereof and has not shifted
6 such burden directly or indirectly in any manner whatsoever; or
7 (2) who, if he or she shifted such burden, has repaid
8 unconditionally such amount to his or her own customer; and (3)
9 who is not entitled to receive any reimbursement therefor from
10 any other source than from his retailer, nor to be relieved of
11 such burden in any other manner whatsoever.

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

25 If no tax or penalty or interest is due and no proceeding
26 is pending to determine whether such person is indebted to the

1 Department for tax or penalty or interest, the credit
2 memorandum or refund shall be issued to the claimant; or (in
3 the case of a credit memorandum) the credit memorandum may be
4 assigned and set over by the lawful holder thereof, subject to
5 reasonable rules of the Department, to any other person who is
6 subject to this Article, and the amount thereof shall be
7 applied by the Department against any tax or penalty or
8 interest due or to become due under this Article from such
9 assignee.

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

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

25 A claim for credit or refund shall be considered to have
26 been filed with the Department on the date upon which it is

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

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

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 hardship
6 cases and shall define what types of cases qualify as hardship
7 cases.

8 If a retailer who has failed to pay tax on gross charges
9 for telecommunications is required by the Department to pay
10 such tax, such retailer, without filing any formal claim with
11 the Department, shall be allowed to take credit against such
12 tax liability to the extent, if any, to which such retailer has
13 paid the tax to its vendor of the telecommunications which such
14 retailer purchased and used for resale, and no penalty or
15 interest shall be charged to such retailer on the amount of
16 such credit. However, when such credit is allowed to the
17 retailer by the Department, the vendor is precluded from
18 refunding any of the tax to the retailer and filing a claim for
19 credit or refund with respect thereto with the Department. The
20 provisions of this Section added by this amendatory Act of 1988
21 shall be applied retroactively, regardless of the date of the
22 transaction.

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

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

1 (235 ILCS 5/8-3) (from Ch. 43, par. 159a)

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

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

23 If no tax or penalty or interest is due and no proceeding
24 is pending to determine whether such taxpayer is indebted to
25 the Department for tax or penalty or interest the credit

1 memorandum or refund shall be issued to the claimant; or (in
2 the case of a credit memorandum) the credit memorandum may be
3 assigned and set over by the lawful holder thereof, subject to
4 reasonable rules of the Department, to any other person who is
5 subject to this Article, and the amount thereof shall be
6 applied by the Department against any tax or penalty or
7 interest due or to become due under this Article from such
8 assignee.

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

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. 87-205.)

3 Section 99. Effective date. This Act takes effect on July
4 1, 2015.

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2	Statutes amended in order of appearance	
3	30 ILCS 105/5.866 new	
4	30 ILCS 105/6z-101 new	
5	35 ILCS 105/9	from Ch. 120, par. 439.9
6	35 ILCS 105/19	from Ch. 120, par. 439.19
7	35 ILCS 110/9	from Ch. 120, par. 439.39
8	35 ILCS 110/17	from Ch. 120, par. 439.47
9	35 ILCS 115/9	from Ch. 120, par. 439.109
10	35 ILCS 115/17	from Ch. 120, par. 439.117
11	35 ILCS 120/3	from Ch. 120, par. 442
12	35 ILCS 120/6	from Ch. 120, par. 445
13	35 ILCS 128/1-55	
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15	35 ILCS 135/14a	from Ch. 120, par. 453.44a
16	35 ILCS 510/2	from Ch. 120, par. 481b.2
17	35 ILCS 610/6	from Ch. 120, par. 467.6
18	35 ILCS 615/6	from Ch. 120, par. 467.21
19	35 ILCS 620/6	from Ch. 120, par. 473
20	35 ILCS 625/6	from Ch. 120, par. 1416
21	35 ILCS 630/10	from Ch. 120, par. 2010
22	235 ILCS 5/8-3	from Ch. 43, par. 159a