

1 AN ACT concerning taxation.

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

4 Section 5. The Use Tax Act is amended by changing  
5 Section 9 as follows:

6 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

7 Sec. 9. Except as to motor vehicles, watercraft,  
8 aircraft, and trailers that are required to be registered  
9 with an agency of this State, each retailer required or  
10 authorized to collect the tax imposed by this Act shall pay  
11 to the Department the amount of such tax (except as otherwise  
12 provided) at the time when he is required to file his return  
13 for the period during which such tax was collected, less a  
14 discount of 2.1% prior to January 1, 1990, and 1.75% on and  
15 after January 1, 1990, or \$5 per calendar year, whichever is  
16 greater, which is allowed to reimburse the retailer for  
17 expenses incurred in collecting the tax, keeping records,  
18 preparing and filing returns, remitting the tax and supplying  
19 data to the Department on request. In the case of retailers  
20 who report and pay the tax on a transaction by transaction  
21 basis, as provided in this Section, such discount shall be  
22 taken with each such tax remittance instead of when such  
23 retailer files his periodic return. A retailer need not  
24 remit that part of any tax collected by him to the extent  
25 that he is required to remit and does remit the tax imposed  
26 by the Retailers' Occupation Tax Act, with respect to the  
27 sale of the same property. Beginning on January 1, 2003, a  
28 retailer or serviceman is allowed to take the 1.75% or \$5  
29 discount, as appropriate, for the first \$1,000,000 in taxes  
30 collected in the aggregate in a calendar year under the Use  
31 Tax Act, the Service Use Tax Act, the Service Occupation Tax

1 Act, and the Retailers' Occupation Tax Act. Beginning on  
2 January 1, 2003, no discount may be taken for taxes collected  
3 above \$1,000,000 in the aggregate in a calendar year under  
4 these Acts.

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

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

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.  
25 The taxpayer shall also file a return with the Department for  
26 each of the first two months of each calendar quarter, on or  
27 before the twentieth day of the following calendar month,  
28 stating:

- 29 1. The name of the seller;
- 30 2. The address of the principal place of business  
31 from which he engages in the business of selling tangible  
32 personal property at retail in this State;
- 33 3. The total amount of taxable receipts received by  
34 him during the preceding calendar month from sales of

1           tangible personal property by him during such preceding  
2           calendar month, including receipts from charge and time  
3           sales, but less all deductions allowed by law;

4           4. The amount of credit provided in Section 2d of  
5           this 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  
9           Department 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  
13          be 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  
19          make all payments required by rules of the Department by  
20          electronic funds transfer. Beginning October 1, 1995, a  
21          taxpayer who has an average monthly tax liability of \$50,000  
22          or more shall make all payments required by rules of the  
23          Department by electronic funds transfer. Beginning October 1,  
24          2000, a taxpayer who has an annual tax liability of \$200,000  
25          or more shall make all payments required by rules of the  
26          Department by electronic funds transfer. The term "annual  
27          tax liability" shall be the sum of the taxpayer's liabilities  
28          under this Act, and under all other State and local  
29          occupation and use tax laws administered by the Department,  
30          for the immediately preceding calendar year. The term  
31          "average monthly tax liability" means the sum of the  
32          taxpayer's liabilities under this Act, and under all other  
33          State and local occupation and use tax laws administered by  
34          the Department, for the immediately preceding calendar year

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

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

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

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

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

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

1 Service Use Tax Act was \$20,000 or more during the preceding  
2 4 complete calendar quarters, he shall file a return with the  
3 Department each month by the 20th day of the month next  
4 following the month during which such tax liability is  
5 incurred and shall make payment to the Department on or  
6 before the 7th, 15th, 22nd and last day of the month during  
7 which such liability is incurred. If the month during which  
8 such tax liability is incurred began prior to January 1,  
9 1985, each payment shall be in an amount equal to 1/4 of the  
10 taxpayer's actual liability for the month or an amount set by  
11 the Department not to exceed 1/4 of the average monthly  
12 liability of the taxpayer to the Department for the preceding  
13 4 complete calendar quarters (excluding the month of highest  
14 liability and the month of lowest liability in such 4 quarter  
15 period). If the month during which such tax liability is  
16 incurred begins on or after January 1, 1985, and prior to  
17 January 1, 1987, each payment shall be in an amount equal to  
18 22.5% of the taxpayer's actual liability for the month or  
19 27.5% of the taxpayer's liability for the same calendar month  
20 of the preceding year. If the month during which such tax  
21 liability is incurred begins on or after January 1, 1987, and  
22 prior to January 1, 1988, each payment shall be in an amount  
23 equal to 22.5% of the taxpayer's actual liability for the  
24 month or 26.25% of the taxpayer's liability for the same  
25 calendar month of the preceding year. If the month during  
26 which such tax liability is incurred begins on or after  
27 January 1, 1988, and prior to January 1, 1989, or begins on  
28 or after January 1, 1996, each payment shall be in an amount  
29 equal to 22.5% of the taxpayer's actual liability for the  
30 month or 25% of the taxpayer's liability for the same  
31 calendar month of the preceding year. If the month during  
32 which such tax liability is incurred begins on or after  
33 January 1, 1989, and prior to January 1, 1996, each payment  
34 shall be in an amount equal to 22.5% of the taxpayer's actual

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

1 foreseeable future will fall below the \$20,000 threshold  
2 stated above, then such taxpayer may petition the Department  
3 for a change in such taxpayer's reporting status. The  
4 Department shall change such taxpayer's reporting status  
5 unless it finds that such change is seasonal in nature and  
6 not likely to be long term. If any such quarter monthly  
7 payment is not paid at the time or in the amount required by  
8 this Section, then the taxpayer shall be liable for penalties  
9 and interest on the difference between the minimum amount due  
10 and the amount of such quarter monthly payment actually and  
11 timely paid, except insofar as the taxpayer has previously  
12 made payments for that month to the Department in excess of  
13 the minimum payments previously due as provided in this  
14 Section. The Department shall make reasonable rules and  
15 regulations to govern the quarter monthly payment amount and  
16 quarter monthly payment dates for taxpayers who file on other  
17 than a calendar monthly basis.

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

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

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

23 If the retailer is otherwise required to file a monthly  
24 or quarterly return and if the retailer's average monthly tax  
25 liability to the Department does not exceed \$50, the  
26 Department may authorize his returns to be filed on an annual  
27 basis, with the return for a given year being due by January  
28 20 of the following year.

29 Such quarter annual and annual returns, as to form and  
30 substance, shall be subject to the same requirements as  
31 monthly returns.

32 Notwithstanding any other provision in this Act  
33 concerning the time within which a retailer may file his  
34 return, in the case of any retailer who ceases to engage in a



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

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

28 The transaction reporting return in the case of motor  
29 vehicles or trailers that are required to be registered with  
30 an agency of this State, shall be the same document as the  
31 Uniform Invoice referred to in Section 5-402 of the Illinois  
32 Vehicle Code and must show the name and address of the  
33 seller; the name and address of the purchaser; the amount of  
34 the selling price including the amount allowed by the

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

15 The transaction reporting return in the case of  
16 watercraft and aircraft must show the name and address of the  
17 seller; the name and address of the purchaser; the amount of  
18 the selling price including the amount allowed by the  
19 retailer for traded-in property, if any; the amount allowed  
20 by the retailer for the traded-in tangible personal property,  
21 if any, to the extent to which Section 2 of this Act allows  
22 an exemption for the value of traded-in property; the balance  
23 payable after deducting such trade-in allowance from the  
24 total selling price; the amount of tax due from the retailer  
25 with respect to such transaction; the amount of tax collected  
26 from the purchaser by the retailer on such transaction (or  
27 satisfactory evidence that such tax is not due in that  
28 particular instance, if that is claimed to be the fact); the  
29 place and date of the sale, a sufficient identification of  
30 the property sold, and such other information as the  
31 Department may reasonably require.

32 Such transaction reporting return shall be filed not  
33 later than 20 days after the date of delivery of the item  
34 that is being sold, but may be filed by the retailer at any

1 time sooner than that if he chooses to do so. The  
2 transaction reporting return and tax remittance or proof of  
3 exemption from the tax that is imposed by this Act may be  
4 transmitted to the Department by way of the State agency with  
5 which, or State officer with whom, the tangible personal  
6 property must be titled or registered (if titling or  
7 registration is required) if the Department and such agency  
8 or State officer determine that this procedure will expedite  
9 the processing of applications for title or registration.

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

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

31 If the user who would otherwise pay tax to the retailer  
32 wants the transaction reporting return filed and the payment  
33 of tax or proof of exemption made to the Department before  
34 the retailer is willing to take these actions and such user

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

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

32 Any retailer filing a return under this Section shall  
33 also include (for the purpose of paying tax thereon) the  
34 total tax covered by such return upon the selling price of

1 tangible personal property purchased by him at retail from a  
2 retailer, but as to which the tax imposed by this Act was not  
3 collected from the retailer filing such return, and such  
4 retailer shall remit the amount of such tax to the Department  
5 when filing such return.

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

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

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

29 Beginning January 1, 1990, each month the Department  
30 shall pay into the County and Mass Transit District Fund 4%  
31 of the net revenue realized for the preceding month from the  
32 6.25% general rate on the selling price of tangible personal  
33 property which is purchased outside Illinois at retail from a  
34 retailer and which is titled or registered by an agency of

1 this State's government.

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

10 Beginning August 1, 2000, each month the Department shall  
11 pay into the State and Local Sales Tax Reform Fund 100% of  
12 the net revenue realized for the preceding month from the  
13 1.25% rate on the selling price of motor fuel and gasohol.

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

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

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

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

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

32	Fiscal Year	Total Deposit
33	1993	\$0
34	1994	53,000,000



1	1995	58,000,000
2	1996	61,000,000
3	1997	64,000,000
4	1998	68,000,000
5	1999	71,000,000
6	2000	75,000,000
7	2001	80,000,000
8	2002	93,000,000
9	2003	99,000,000
10	2004	103,000,000
11	2005	108,000,000
12	2006	113,000,000
13	2007	119,000,000
14	2008	126,000,000
15	2009	132,000,000
16	2010	139,000,000
17	2011	146,000,000
18	2012	153,000,000
19	2013	161,000,000
20	2014	170,000,000
21	2015	179,000,000
22	2016	189,000,000
23	2017	199,000,000
24	2018	210,000,000
25	2019	221,000,000
26	2020	233,000,000
27	2021	246,000,000
28	2022	260,000,000
29	2023 and	275,000,000

30 each fiscal year  
31 thereafter that bonds  
32 are outstanding under  
33 Section 13.2 of the  
34 Metropolitan Pier and

1 Exposition Authority  
2 Act, but not after fiscal year 2042.

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

16 Subject to payment of amounts into the Build Illinois  
17 Fund and the McCormick Place Expansion Project Fund pursuant  
18 to the preceding paragraphs or in any amendment thereto  
19 hereafter enacted, each month the Department shall pay into  
20 the Local Government Distributive Fund .4% of the net revenue  
21 realized for the preceding month from the 5% general rate, or  
22 .4% of 80% of the net revenue realized for the preceding  
23 month from the 6.25% general rate, as the case may be, on the  
24 selling price of tangible personal property which amount  
25 shall, subject to appropriation, be distributed as provided  
26 in Section 2 of the State Revenue Sharing Act. No payments or  
27 distributions pursuant to this paragraph shall be made if the  
28 tax imposed by this Act on photoprocessing products is  
29 declared unconstitutional, or if the proceeds from such tax  
30 are unavailable for distribution because of litigation.

31 Subject to payment of amounts into the Build Illinois  
32 Fund, the McCormick Place Expansion Project Fund, and the  
33 Local Government Distributive Fund pursuant to the preceding  
34 paragraphs or in any amendments thereto hereafter enacted,

1 beginning July 1, 1993, the Department shall each month pay  
2 into the Illinois Tax Increment Fund 0.27% of 80% of the net  
3 revenue realized for the preceding month from the 6.25%  
4 general rate on the selling price of tangible personal  
5 property.

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

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

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

34 Net revenue realized for a month shall be the revenue

1 collected by the State pursuant to this Act, less the amount  
2 paid out during that month as refunds to taxpayers for  
3 overpayment of liability.

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

11 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;  
12 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.  
13 7-1-00; 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff.  
14 6-28-01; 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; revised  
15 9-14-01.)

16 Section 10. The Service Use Tax Act is amended by  
17 changing Section 9 as follows:

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

19 Sec. 9. Each serviceman required or authorized to  
20 collect the tax herein imposed shall pay to the Department  
21 the amount of such tax (except as otherwise provided) at the  
22 time when he is required to file his return for the period  
23 during which such tax was collected, less a discount of 2.1%  
24 prior to January 1, 1990 and 1.75% on and after January 1,  
25 1990, or \$5 per calendar year, whichever is greater, which is  
26 allowed to reimburse the serviceman for expenses incurred in  
27 collecting the tax, keeping records, preparing and filing  
28 returns, remitting the tax and supplying data to the  
29 Department on request. A serviceman need not remit that part  
30 of any tax collected by him to the extent that he is required  
31 to pay and does pay the tax imposed by the Service Occupation  
32 Tax Act with respect to his sale of service involving the

1 incidental transfer by him of the same property. Beginning on  
 2 January 1, 2003, a retailer or serviceman is allowed to take  
 3 the 1.75% or \$5 discount, as appropriate, for the first  
 4 \$1,000,000 in taxes collected in the aggregate in a calendar  
 5 year under the Use Tax Act, the Service Use Tax Act, the  
 6 Service Occupation Tax Act, and the Retailers' Occupation Tax  
 7 Act. Beginning on January 1, 2003, no discount may be taken  
 8 for taxes collected above \$1,000,000 in the aggregate in a  
 9 calendar year under these Acts.

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

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

- 25 1. The name of the seller;
- 26 2. The address of the principal place of business  
 27 from which he engages in business as a serviceman in this  
 28 State;
- 29 3. The total amount of taxable receipts received by  
 30 him during the preceding calendar month, including  
 31 receipts from charge and time sales, but less all  
 32 deductions allowed by law;
- 33 4. The amount of credit provided in Section 2d of  
 34 this 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
- 4           Department 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  
8           be due on the return shall be deemed assessed.

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

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

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

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

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

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

28 If the serviceman is otherwise required to file a monthly  
29 or quarterly return and if the serviceman's average monthly  
30 tax liability to the Department does not exceed \$50, the  
31 Department may authorize his returns to be filed on an annual  
32 basis, with the return for a given year being due by January  
33 20 of the following year.

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

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

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

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

27 Any serviceman filing a return hereunder shall also  
28 include the total tax upon the selling price of tangible  
29 personal property purchased for use by him as an incident to  
30 a sale of service, and such serviceman shall remit the amount  
31 of such tax to the Department when filing such return.

32 If experience indicates such action to be practicable,  
33 the Department may prescribe and furnish a combination or  
34 joint return which will enable servicemen, who are required



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

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

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

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

28 Beginning August 1, 2000, each month the Department shall  
29 pay into the State and Local Sales Tax Reform Fund 100% of  
30 the net revenue realized for the preceding month from the  
31 1.25% rate on the selling price of motor fuel and gasohol.

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

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

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

30 Subject to payment of amounts into the Build Illinois  
31 Fund as provided in the preceding paragraph or in any  
32 amendment thereto hereafter enacted, the following specified  
33 monthly installment of the amount requested in the  
34 certificate of the Chairman of the Metropolitan Pier and

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

9	Fiscal Year	Total Deposit
10	1993	\$0
11	1994	53,000,000
12	1995	58,000,000
13	1996	61,000,000
14	1997	64,000,000
15	1998	68,000,000
16	1999	71,000,000
17	2000	75,000,000
18	2001	80,000,000
19	2002	93,000,000
20	2003	99,000,000
21	2004	103,000,000
22	2005	108,000,000
23	2006	113,000,000
24	2007	119,000,000
25	2008	126,000,000
26	2009	132,000,000
27	2010	139,000,000
28	2011	146,000,000
29	2012	153,000,000
30	2013	161,000,000
31	2014	170,000,000
32	2015	179,000,000
33	2016	189,000,000
34	2017	199,000,000

1	2018	210,000,000
2	2019	221,000,000
3	2020	233,000,000
4	2021	246,000,000
5	2022	260,000,000
6	2023 and	275,000,000

7 each fiscal year  
8 thereafter that bonds  
9 are outstanding under  
10 Section 13.2 of the  
11 Metropolitan Pier and  
12 Exposition Authority Act,  
13 but not after fiscal year 2042.

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

27 Subject to payment of amounts into the Build Illinois  
28 Fund and the McCormick Place Expansion Project Fund pursuant  
29 to the preceding paragraphs or in any amendment thereto  
30 hereafter enacted, each month the Department shall pay into  
31 the Local Government Distributive Fund 0.4% of the net  
32 revenue realized for the preceding month from the 5% general  
33 rate or 0.4% of 80% of the net revenue realized for the  
34 preceding month from the 6.25% general rate, as the case may

1 be, on the selling price of tangible personal property which  
2 amount shall, subject to appropriation, be distributed as  
3 provided in Section 2 of the State Revenue Sharing Act. No  
4 payments or distributions pursuant to this paragraph shall be  
5 made if the tax imposed by this Act on photo processing  
6 products is declared unconstitutional, or if the proceeds  
7 from such tax are unavailable for distribution because of  
8 litigation.

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

18 Subject to payment of amounts into the Build Illinois  
19 Fund, the McCormick Place Expansion Project Fund, and the  
20 Local Government Distributive Fund pursuant to the preceding  
21 paragraphs or in any amendments thereto hereafter enacted,  
22 beginning with the receipt of the first report of taxes paid  
23 by an eligible business and continuing for a 25-year period,  
24 the Department shall each month pay into the Energy  
25 Infrastructure Fund 80% of the net revenue realized from the  
26 6.25% general rate on the selling price of Illinois-mined  
27 coal that was sold to an eligible business. For purposes of  
28 this paragraph, the term "eligible business" means a new  
29 electric generating facility certified pursuant to Section  
30 605-332 of the Department of Commerce and Community Affairs  
31 Law of the Civil Administrative Code of Illinois.

32 All remaining moneys received by the Department pursuant  
33 to this Act shall be paid into the General Revenue Fund of  
34 the State Treasury.

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

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

13           (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;  
 14 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.  
 15 7-1-00; 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492, eff.  
 16 1-1-02; revised 9-14-01.)

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

19           (35 ILCS 115/9) (from Ch. 120, par. 439.109)

20           Sec. 9. Each serviceman required or authorized to  
 21 collect the tax herein imposed shall pay to the Department  
 22 the amount of such tax at the time when he is required to  
 23 file his return for the period during which such tax was  
 24 collectible, less a discount of 2.1% prior to January 1,  
 25 1990, and 1.75% on and after January 1, 1990, or \$5 per  
 26 calendar year, whichever is greater, which is allowed to  
 27 reimburse the serviceman for expenses incurred in collecting  
 28 the tax, keeping records, preparing and filing returns,  
 29 remitting the tax and supplying data to the Department on  
 30 request. Beginning on January 1, 2003, a retailer or  
 31 serviceman is allowed to take the 1.75% or \$5 discount, as  
 32 appropriate, for the first \$1,000,000 in taxes collected in

1 the aggregate in a calendar year under the Use Tax Act, the  
 2 Service Use Tax Act, the Service Occupation Tax Act, and the  
 3 Retailers' Occupation Tax Act. Beginning on January 1, 2003,  
 4 no discount may be taken for taxes collected above \$1,000,000  
 5 in the aggregate in a calendar year under these Acts.

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

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

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

- 30 1. The name of the seller;
- 31 2. The address of the principal place of business  
 32 from which he engages in business as a serviceman in this  
 33 State;
- 34 3. The total amount of taxable receipts received by



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

4 4. The amount of credit provided in Section 2d of  
5 this 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  
9 Department 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  
13 be due on the return shall be deemed assessed.

14 A serviceman may accept a Manufacturer's Purchase Credit  
15 certification from a purchaser in satisfaction of Service Use  
16 Tax as provided in Section 3-70 of the Service Use Tax Act if  
17 the purchaser provides the appropriate documentation as  
18 required by Section 3-70 of the Service Use Tax Act. A  
19 Manufacturer's Purchase Credit certification, accepted by a  
20 serviceman as provided in Section 3-70 of the Service Use Tax  
21 Act, may be used by that serviceman to satisfy Service  
22 Occupation Tax liability in the amount claimed in the  
23 certification, not to exceed 6.25% of the receipts subject to  
24 tax from a qualifying purchase.

25 If the serviceman's average monthly tax liability to the  
26 Department does not exceed \$200, the Department may authorize  
27 his returns to be filed on a quarter annual basis, with the  
28 return for January, February and March of a given year being  
29 due by April 20 of such year; with the return for April, May  
30 and June of a given year being due by July 20 of such year;  
31 with the return for July, August and September of a given  
32 year being due by October 20 of such year, and with the  
33 return for October, November and December of a given year  
34 being due by January 20 of the following year.

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

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

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

16           Beginning October 1, 1993, a taxpayer who has an average  
17 monthly tax liability of \$150,000 or more shall make all  
18 payments required by rules of the Department by electronic  
19 funds transfer. Beginning October 1, 1994, a taxpayer who  
20 has an average monthly tax liability of \$100,000 or more  
21 shall make all payments required by rules of the Department  
22 by electronic funds transfer. Beginning October 1, 1995, a  
23 taxpayer who has an average monthly tax liability of \$50,000  
24 or more shall make all payments required by rules of the  
25 Department by electronic funds transfer. Beginning October  
26 1, 2000, a taxpayer who has an annual tax liability of  
27 \$200,000 or more shall make all payments required by rules of  
28 the Department by electronic funds transfer. The term  
29 "annual tax liability" shall be the sum of the taxpayer's  
30 liabilities under this Act, and under all other State and  
31 local occupation and use tax laws administered by the  
32 Department, for the immediately preceding calendar year. The  
33 term "average monthly tax liability" means the sum of the  
34 taxpayer's liabilities under this Act, and under all other

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

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

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

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

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

24 Where a serviceman collects the tax with respect to the  
25 selling price of tangible personal property which he sells  
26 and the purchaser thereafter returns such tangible personal  
27 property and the serviceman refunds the selling price thereof  
28 to the purchaser, such serviceman shall also refund, to the  
29 purchaser, the tax so collected from the purchaser. When  
30 filing his return for the period in which he refunds such tax  
31 to the purchaser, the serviceman may deduct the amount of the  
32 tax so refunded by him to the purchaser from any other  
33 Service Occupation Tax, Service Use Tax, Retailers'  
34 Occupation Tax or Use Tax which such serviceman may be

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

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

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

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

28 Beginning January 1, 1990, each month the Department  
29 shall pay into the County and Mass Transit District Fund 4%  
30 of the revenue realized for the preceding month from the  
31 6.25% general rate.

32 Beginning August 1, 2000, each month the Department shall  
33 pay into the County and Mass Transit District Fund 20% of the  
34 net revenue realized for the preceding month from the 1.25%

1 rate on the selling price of motor fuel and gasohol.

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

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

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

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

1 of the preceding sentence and shall reduce the amount  
 2 otherwise payable for such fiscal year pursuant to clause (b)  
 3 of the preceding sentence. 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  
 9 Fund as provided in the preceding paragraph or in any  
 10 amendment thereto hereafter enacted, the following specified  
 11 monthly installment of the amount requested in the  
 12 certificate of the Chairman of the Metropolitan Pier and  
 13 Exposition Authority provided under Section 8.25f of the  
 14 State Finance Act, but not in excess of the sums designated  
 15 as "Total Deposit", shall be deposited in the aggregate from  
 16 collections under Section 9 of the Use Tax Act, Section 9 of  
 17 the Service Use Tax Act, Section 9 of the Service Occupation  
 18 Tax Act, and Section 3 of the Retailers' Occupation Tax Act  
 19 into the McCormick Place Expansion Project Fund in the  
 20 specified fiscal years.

21	Fiscal Year	Total Deposit
22	1993	\$0
23	1994	53,000,000
24	1995	58,000,000
25	1996	61,000,000
26	1997	64,000,000
27	1998	68,000,000
28	1999	71,000,000
29	2000	75,000,000
30	2001	80,000,000
31	2002	93,000,000
32	2003	99,000,000
33	2004	103,000,000
34	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 and	275,000,000

19 each fiscal year  
20 thereafter that bonds  
21 are outstanding under  
22 Section 13.2 of the  
23 Metropolitan Pier and  
24 Exposition Authority  
25 Act, but not after fiscal year 2042.

26 Beginning July 20, 1993 and in each month of each fiscal  
27 year thereafter, one-eighth of the amount requested in the  
28 certificate of the Chairman of the Metropolitan Pier and  
29 Exposition Authority for that fiscal year, less the amount  
30 deposited into the McCormick Place Expansion Project Fund by  
31 the State Treasurer in the respective month under subsection  
32 (g) of Section 13 of the Metropolitan Pier and Exposition  
33 Authority Act, plus cumulative deficiencies in the deposits  
34 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,  
3 but not in excess of the amount specified above as "Total  
4 Deposit", has been deposited.

5 Subject to payment of amounts into the Build Illinois  
6 Fund and the McCormick Place Expansion Project Fund pursuant  
7 to the preceding paragraphs or in any amendment thereto  
8 hereafter enacted, each month the Department shall pay into  
9 the Local Government Distributive Fund 0.4% of the net  
10 revenue realized for the preceding month from the 5% general  
11 rate or 0.4% of 80% of the net revenue realized for the  
12 preceding month from the 6.25% general rate, as the case may  
13 be, on the selling price of tangible personal property which  
14 amount shall, subject to appropriation, be distributed as  
15 provided in Section 2 of the State Revenue Sharing Act. No  
16 payments or distributions pursuant to this paragraph shall be  
17 made if the tax imposed by this Act on photoprocessing  
18 products is declared unconstitutional, or if the proceeds  
19 from such tax are unavailable for distribution because of  
20 litigation.

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

30 Subject to payment of amounts into the Build Illinois  
31 Fund, the McCormick Place Expansion Project Fund, and the  
32 Local Government Distributive Fund pursuant to the preceding  
33 paragraphs or in any amendments thereto hereafter enacted,  
34 beginning with the receipt of the first report of taxes paid

1 by an eligible business and continuing for a 25-year period,  
2 the Department shall each month pay into the Energy  
3 Infrastructure Fund 80% of the net revenue realized from the  
4 6.25% general rate on the selling price of Illinois-mined  
5 coal that was sold to an eligible business. For purposes of  
6 this paragraph, the term "eligible business" means a new  
7 electric generating facility certified pursuant to Section  
8 605-332 of the Department of Commerce and Community Affairs  
9 Law of the Civil Administrative Code of Illinois.

10 Remaining moneys received by the Department pursuant to  
11 this Act shall be paid into the General Revenue Fund of the  
12 State Treasury.

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

1 as hereinbefore provided for in this Section.

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

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

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

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

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

27 As soon as possible after the first day of each month,  
28 upon certification of the Department of Revenue, the  
29 Comptroller shall order transferred and the Treasurer shall  
30 transfer from the General Revenue Fund to the Motor Fuel Tax  
31 Fund an amount equal to 1.7% of 80% of the net revenue  
32 realized under this Act for the second preceding month.  
33 Beginning April 1, 2000, this transfer is no longer required  
34 and shall not be made.

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

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

13 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;  
14 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.  
15 7-1-00; 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492, eff.  
16 1-1-02; revised 9-14-01.)

17 Section 20. The Retailers' Occupation Tax Act is amended  
18 by changing Section 3 as follows:

19 (35 ILCS 120/3) (from Ch. 120, par. 442)

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

- 25 1. The name of the seller;
- 26 2. His residence address and the address of his  
27 principal place of business and the address of the  
28 principal place of business (if that is a different  
29 address) from which he engages in the business of selling  
30 tangible personal property at retail in this State;
- 31 3. Total amount of receipts received by him during  
32 the preceding calendar month or quarter, as the case may

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

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

9 5. Deductions allowed by law;

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

13 7. The amount of credit provided in Section 2d of  
14 this 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  
22 be 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 A retailer may accept a Manufacturer's Purchase Credit  
27 certification from a purchaser in satisfaction of Use Tax as  
28 provided in Section 3-85 of the Use Tax Act if the purchaser  
29 provides the appropriate documentation as required by Section  
30 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit  
31 certification, accepted by a retailer as provided in Section  
32 3-85 of the Use Tax Act, may be used by that retailer to  
33 satisfy Retailers' Occupation Tax liability in the amount  
34 claimed in the certification, not to exceed 6.25% of the

1 receipts subject to tax from a qualifying purchase.

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

- 10 1. The name of the seller;
- 11 2. The address of the principal place of business  
12 from which he engages in the business of selling tangible  
13 personal property at retail in this State;
- 14 3. The total amount of taxable receipts received by  
15 him during the preceding calendar month from sales of  
16 tangible personal property by him during such preceding  
17 calendar month, including receipts from charge and time  
18 sales, but less all deductions allowed by law;
- 19 4. The amount of credit provided in Section 2d of  
20 this Act;
- 21 5. The amount of tax due; and
- 22 6. Such other reasonable information as the  
23 Department may require.

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

28 Beginning October 1, 1993, a taxpayer who has an average  
29 monthly tax liability of \$150,000 or more shall make all  
30 payments required by rules of the Department by electronic  
31 funds transfer. Beginning October 1, 1994, a taxpayer who  
32 has an average monthly tax liability of \$100,000 or more  
33 shall make all payments required by rules of the Department  
34 by electronic funds transfer. Beginning October 1, 1995, a

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

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

26 Any taxpayer not required to make payments by electronic  
27 funds transfer may make payments by electronic funds transfer  
28 with the permission of the Department.

29 All taxpayers required to make payment by electronic  
30 funds transfer and any taxpayers authorized to voluntarily  
31 make payments by electronic funds transfer shall make those  
32 payments in the manner authorized by the Department.

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

1 requirements of this Section.

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

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

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

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

29 Notwithstanding any other provision in this Act  
30 concerning the time within which a retailer may file his  
31 return, in the case of any retailer who ceases to engage in a  
32 kind of business which makes him responsible for filing  
33 returns under this Act, such retailer shall file a final  
34 return under this Act with the Department not more than one



1 month after discontinuing such business.

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

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

32 Any retailer who sells only motor vehicles, watercraft,  
33 aircraft, or trailers that are required to be registered with  
34 an agency of this State, so that all retailers' occupation

1 tax liability is required to be reported, and is reported, on  
2 such transaction reporting returns and who is not otherwise  
3 required to file monthly or quarterly returns, need not file  
4 monthly or quarterly returns. However, those retailers shall  
5 be required to file returns on an annual basis.

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

27 The transaction reporting return in the case of  
28 watercraft or aircraft must show the name and address of the  
29 seller; the name and address of the purchaser; the amount of  
30 the selling price including the amount allowed by the  
31 retailer for traded-in property, if any; the amount allowed  
32 by the retailer for the traded-in tangible personal property,  
33 if any, to the extent to which Section 1 of this Act allows  
34 an exemption for the value of traded-in property; the balance

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

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

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

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

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

28           Refunds made by the seller during the preceding return  
29 period to purchasers, on account of tangible personal  
30 property returned to the seller, shall be allowed as a  
31 deduction under subdivision 5 of his monthly or quarterly  
32 return, as the case may be, in case the seller had  
33 theretofore included the receipts from the sale of such  
34 tangible personal property in a return filed by him and had

1 paid the tax imposed by this Act with respect to such  
2 receipts.

3 Where the seller is a corporation, the return filed on  
4 behalf of such corporation shall be signed by the president,  
5 vice-president, secretary or treasurer or by the properly  
6 accredited agent of such corporation.

7 Where the seller is a limited liability company, the  
8 return filed on behalf of the limited liability company shall  
9 be signed by a manager, member, or properly accredited agent  
10 of the limited liability company.

11 Except as provided in this Section, the retailer filing  
12 the return under this Section shall, at the time of filing  
13 such return, pay to the Department the amount of tax imposed  
14 by this Act less a discount of 2.1% prior to January 1, 1990  
15 and 1.75% on and after January 1, 1990, or \$5 per calendar  
16 year, whichever is greater, which is allowed to reimburse the  
17 retailer for the expenses incurred in keeping records,  
18 preparing and filing returns, remitting the tax and supplying  
19 data to the Department on request. Any prepayment made  
20 pursuant to Section 2d of this Act shall be included in the  
21 amount on which such 2.1% or 1.75% discount is computed. In  
22 the case of retailers who report and pay the tax on a  
23 transaction by transaction basis, as provided in this  
24 Section, such discount shall be taken with each such tax  
25 remittance instead of when such retailer files his periodic  
26 return. Beginning on January 1, 2003, a retailer or  
27 serviceman is allowed to take the 1.75% or \$5 discount, as  
28 appropriate, for the first \$1,000,000 in taxes collected in  
29 the aggregate in a calendar year under the Use Tax Act, the  
30 Service Use Tax Act, the Service Occupation Tax Act, and the  
31 Retailers' Occupation Tax Act. Beginning on January 1, 2003,  
32 no discount may be taken for taxes collected above \$1,000,000  
33 in the aggregate in a calendar year under these Acts.

34 Before October 1, 2000, if the taxpayer's average monthly

1 tax liability to the Department under this Act, the Use Tax  
2 Act, the Service Occupation Tax Act, and the Service Use Tax  
3 Act, excluding any liability for prepaid sales tax to be  
4 remitted in accordance with Section 2d of this Act, was  
5 \$10,000 or more during the preceding 4 complete calendar  
6 quarters, he shall file a return with the Department each  
7 month by the 20th day of the month next following the month  
8 during which such tax liability is incurred and shall make  
9 payments to the Department on or before the 7th, 15th, 22nd  
10 and last day of the month during which such liability is  
11 incurred. On and after October 1, 2000, if the taxpayer's  
12 average monthly tax liability to the Department under this  
13 Act, the Use Tax Act, the Service Occupation Tax Act, and the  
14 Service Use Tax Act, excluding any liability for prepaid  
15 sales tax to be remitted in accordance with Section 2d of  
16 this Act, was \$20,000 or more during the preceding 4 complete  
17 calendar quarters, he shall file a return with the Department  
18 each month by the 20th day of the month next following the  
19 month during which such tax liability is incurred and shall  
20 make payment to the Department on or before the 7th, 15th,  
21 22nd and last day of the month during which such liability is  
22 incurred. If the month during which such tax liability is  
23 incurred began prior to January 1, 1985, each payment shall  
24 be in an amount equal to 1/4 of the taxpayer's actual  
25 liability for the month or an amount set by the Department  
26 not to exceed 1/4 of the average monthly liability of the  
27 taxpayer to the Department for the preceding 4 complete  
28 calendar quarters (excluding the month of highest liability  
29 and the month of lowest liability in such 4 quarter period).  
30 If the month during which such tax liability is incurred  
31 begins on or after January 1, 1985 and prior to January 1,  
32 1987, each payment shall be in an amount equal to 22.5% of  
33 the taxpayer's actual liability for the month or 27.5% of the  
34 taxpayer's liability for the same calendar month of the

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

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



1 than a calendar monthly basis.

2 The provisions of this paragraph apply before October 1,  
3 2001. Without regard to whether a taxpayer is required to  
4 make quarter monthly payments as specified above, any  
5 taxpayer who is required by Section 2d of this Act to collect  
6 and remit prepaid taxes and has collected prepaid taxes which  
7 average in excess of \$25,000 per month during the preceding 2  
8 complete calendar quarters, shall file a return with the  
9 Department as required by Section 2f and shall make payments  
10 to the Department on or before the 7th, 15th, 22nd and last  
11 day of the month during which such liability is incurred. If  
12 the month during which such tax liability is incurred began  
13 prior to the effective date of this amendatory Act of 1985,  
14 each payment shall be in an amount not less than 22.5% of the  
15 taxpayer's actual liability under Section 2d. If the month  
16 during which such tax liability is incurred begins on or  
17 after January 1, 1986, each payment shall be in an amount  
18 equal to 22.5% of the taxpayer's actual liability for the  
19 month or 27.5% of the taxpayer's liability for the same  
20 calendar month of the preceding calendar year. If the month  
21 during which such tax liability is incurred begins on or  
22 after January 1, 1987, each payment shall be in an amount  
23 equal to 22.5% of the taxpayer's actual liability for the  
24 month or 26.25% of the taxpayer's liability for the same  
25 calendar month of the preceding year. The amount of such  
26 quarter monthly payments shall be credited against the final  
27 tax liability of the taxpayer's return for that month filed  
28 under this Section or Section 2f, as the case may be. Once  
29 applicable, the requirement of the making of quarter monthly  
30 payments to the Department pursuant to this paragraph shall  
31 continue until such taxpayer's average monthly prepaid tax  
32 collections during the preceding 2 complete calendar quarters  
33 is \$25,000 or less. If any such quarter monthly payment is  
34 not paid at the time or in the amount required, the taxpayer

1 shall be liable for penalties and interest on such  
2 difference, except insofar as the taxpayer has previously  
3 made payments for that month in excess of the minimum  
4 payments previously due.

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

1 payments previously due.

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

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

30 Beginning January 1, 1990, each month the Department  
31 shall pay into the Local Government Tax Fund, a special fund  
32 in the State treasury which is hereby created, the net  
33 revenue realized for the preceding month from the 1% tax on  
34 sales of food for human consumption which is to be consumed

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

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

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

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

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

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

1 and such aggregate of 2.2% or 3.8%, as the case may be, of  
 2 moneys being hereinafter called the "Tax Act Amount", and (2)  
 3 the amount transferred to the Build Illinois Fund from the  
 4 State and Local Sales Tax Reform Fund shall be less than the  
 5 Annual Specified Amount (as hereinafter defined), an amount  
 6 equal to the difference shall be immediately paid into the  
 7 Build Illinois Fund from other moneys received by the  
 8 Department pursuant to the Tax Acts; the "Annual Specified  
 9 Amount" means the amounts specified below for fiscal years  
 10 1986 through 1993:

Fiscal Year	Annual Specified Amount
1986	\$54,800,000
1987	\$76,650,000
1988	\$80,480,000
1989	\$88,510,000
1990	\$115,330,000
1991	\$145,470,000
1992	\$182,730,000
1993	\$206,520,000;

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

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

1 Act.

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

15	Fiscal Year	Total Deposit
16	1993	\$0
17	1994	53,000,000
18	1995	58,000,000
19	1996	61,000,000
20	1997	64,000,000
21	1998	68,000,000
22	1999	71,000,000
23	2000	75,000,000
24	2001	80,000,000
25	2002	93,000,000
26	2003	99,000,000
27	2004	103,000,000
28	2005	108,000,000
29	2006	113,000,000
30	2007	119,000,000
31	2008	126,000,000
32	2009	132,000,000
33	2010	139,000,000
34	2011	146,000,000

1	2012	153,000,000
2	2013	161,000,000
3	2014	170,000,000
4	2015	179,000,000
5	2016	189,000,000
6	2017	199,000,000
7	2018	210,000,000
8	2019	221,000,000
9	2020	233,000,000
10	2021	246,000,000
11	2022	260,000,000
12	2023 and	275,000,000

13 each fiscal year  
14 thereafter that bonds  
15 are outstanding under  
16 Section 13.2 of the  
17 Metropolitan Pier and  
18 Exposition Authority  
19 Act, but not after fiscal year 2042.

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

33 Subject to payment of amounts into the Build Illinois  
34 Fund and the McCormick Place Expansion Project Fund pursuant



1 to the preceding paragraphs or in any amendment thereto  
2 hereafter enacted, each month the Department shall pay into  
3 the Local Government Distributive Fund 0.4% of the net  
4 revenue realized for the preceding month from the 5% general  
5 rate or 0.4% of 80% of the net revenue realized for the  
6 preceding month from the 6.25% general rate, as the case may  
7 be, on the selling price of tangible personal property which  
8 amount shall, subject to appropriation, be distributed as  
9 provided in Section 2 of the State Revenue Sharing Act. No  
10 payments or distributions pursuant to this paragraph shall be  
11 made if the tax imposed by this Act on photoprocessing  
12 products is declared unconstitutional, or if the proceeds  
13 from such tax are unavailable for distribution because of  
14 litigation.

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

24 Subject to payment of amounts into the Build Illinois  
25 Fund, the McCormick Place Expansion Project Fund, and the  
26 Local Government Distributive Fund pursuant to the preceding  
27 paragraphs or in any amendments thereto hereafter enacted,  
28 beginning with the receipt of the first report of taxes paid  
29 by an eligible business and continuing for a 25-year period,  
30 the Department shall each month pay into the Energy  
31 Infrastructure Fund 80% of the net revenue realized from the  
32 6.25% general rate on the selling price of Illinois-mined  
33 coal that was sold to an eligible business. For purposes of  
34 this paragraph, the term "eligible business" means a new

1 electric generating facility certified pursuant to Section  
2 605-332 of the Department of Commerce and Community Affairs  
3 Law of the Civil Administrative Code of Illinois.

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

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

33 If the annual information return required by this Section  
34 is not filed when and as required, the taxpayer shall be

1 liable as follows:

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

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

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

20 The provisions of this Section concerning the filing of  
21 an annual information return do not apply to a retailer who  
22 is not required to file an income tax return with the United  
23 States Government.

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

32 Net revenue realized for a month shall be the revenue  
33 collected by the State pursuant to this Act, less the amount  
34 paid out during that month as refunds to taxpayers for

1 overpayment of liability.

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

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

26 Any person engaged in the business of selling tangible  
27 personal property at retail as a concessionaire or other type  
28 of seller at the Illinois State Fair, county fairs, art  
29 shows, flea markets and similar exhibitions or events, or any  
30 transient merchants, as defined by Section 2 of the Transient  
31 Merchant Act of 1987, may be required to make a daily report  
32 of the amount of such sales to the Department and to make a  
33 daily payment of the full amount of tax due. The Department  
34 shall impose this requirement when it finds that there is a

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

13 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;  
14 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.  
15 7-1-00; 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff.  
16 6-28-01; 92-208, eff. 8-2-01; 92-484, eff. 8-23-01; 92-492,  
17 eff. 1-1-02; revised 9-14-01.)

18 Section 99. Effective date. This Act takes effect on  
19 January 1, 2003.