

1 AN ACT concerning taxes.

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

4 Section 1. Short title. This Act may be cited as the
5 Automobile Leasing Occupation and Use Tax Act.

6 Section 5. Definitions. As used in this Act:

7 "Automobile" means any motor vehicle of the first
8 division, a motor vehicle of the second division which is a
9 self-contained motor vehicle designed or permanently
10 converted to provide living quarters for recreational,
11 camping or travel use, with direct walk through access to the
12 living quarters from the driver's seat, or a motor vehicle of
13 the second division which is of the van configuration
14 designed for the transportation of not less than 7 nor more
15 than 16 passengers, as defined in Section 1-146 of the
16 Illinois Vehicle Code.

17 "Department" means the Department of Revenue.

18 "Person" means any natural individual, firm, partnership,
19 association, joint stock company, joint venture, public or
20 private corporation, or a receiver, executor, trustee,
21 conservator, or other representatives appointed by order of
22 any court.

23 "Leasing" means any transfer of the possession or right
24 to possession of an automobile to a user for a valuable
25 consideration for a period of more than 1 year.

26 "Lessor" means any person, firm, corporation, or
27 association engaged in the business of leasing automobiles to
28 users. For this purpose, the objective of making a profit is
29 not necessary to make the leasing activity a business.

30 "Lessee" means any user to whom the possession, or the
31 right to possession, of an automobile is transferred for a

1 valuable consideration for a period more than one year which
2 is paid by such lessee or by someone else.

3 "Gross receipts" means the total leasing price for the
4 lease of an automobile. In the case of lease transactions in
5 which the consideration is paid to the lessor on an
6 installment basis, the amounts of such payments shall be
7 included by the lessor in gross receipts only as and when
8 payments are received by the lessor.

9 "Leasing price" means the consideration for leasing an
10 automobile valued in money, whether received in money or
11 otherwise, including cash, credits, property and services,
12 and shall be determined without any deduction on account of
13 the cost of the property leased, the cost of materials used,
14 labor or service cost or any other expense whatsoever, but
15 does not include charges that are added by lessors on account
16 of the lessor's tax liability under this Act, or on account
17 of the lessor's duty to collect, from the lessee, the tax
18 that is imposed by Section 20 of this Act. The phrase
19 "leasing price" does not include the residual value of the
20 automobile or any separately stated charge on the lessee's
21 bill for insurance.

22 "Maintaining a place of business in this State" means
23 having or maintaining within this State, directly or by a
24 subsidiary, an office, repair facilities, distribution house,
25 sales house, warehouse, or other place of business, or any
26 agent, or other representative, operating within this State,
27 irrespective of whether the place of business or agent or
28 other representative is located here permanently or
29 temporarily.

30 "Residual value" means the estimated value of the vehicle
31 at the end of the scheduled lease term, used by the lessor in
32 determining the base lease payment, as established by the
33 lessor at the time the lessor and lessee enter into the
34 lease.

1 Section 10. Imposition of occupation tax. A tax is
2 imposed upon persons engaged in this State in the business of
3 leasing automobiles in Illinois at the rate of 5% of the
4 gross receipts received from such business. The tax herein
5 imposed does not apply to the leasing of automobiles to any
6 governmental body, nor to any corporation, society,
7 association, foundation or institution organized and operated
8 exclusively for charitable, religious or educational
9 purposes, nor to any not for profit corporation, society,
10 association, foundation, institution or organization which
11 has no compensated officers or employees and which is
12 organized and operated primarily for the recreation of
13 persons 55 years of age or older. Beginning July 1, 2002
14 through June 30, 2003, each month the Department shall pay
15 into the Tax Compliance and Administration Fund 3% of the
16 revenue realized from the tax imposed by this Section, and
17 the remaining such revenue shall be paid as provided for in
18 Section 3 of the Retailers' Occupation Tax Act. Beginning
19 July 1, 2003 and each month thereafter, the Department shall
20 pay into the Tax Compliance and Administration Fund 1% of the
21 revenue realized from the tax imposed by this Section, and
22 the remaining such revenue shall be paid as provided for in
23 Section 3 of the Retailers' Occupation Tax Act.

24 The Department shall have full power to administer and
25 enforce this Section, to collect all taxes and penalties due
26 hereunder, to dispose of taxes and penalties so collected in
27 the manner hereinafter provided, and to determine all rights
28 to credit memoranda, arising on account of the erroneous
29 payment of tax or penalty hereunder. In the administration
30 of, and compliance with, this Section, the Department and
31 persons who are subject to this Section shall have the same
32 rights, remedies, privileges, immunities, powers and duties,
33 and be subject to the same conditions, restrictions,
34 limitation, penalties and definitions of terms, and employ

1 the same modes of procedure, as are prescribed in Sections 1,
2 1a, 2 through 2-65 (in respect to all provisions therein
3 other than the State rate of tax), 2a, 2b, 2c, 3 (except
4 provisions relating to transaction returns and quarter
5 monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j,
6 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12 and 13 of the
7 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
8 Penalty and Interest Act as fully as if those provisions were
9 set forth herein. For purposes of this Section, references
10 in such incorporated Sections of the Retailers' Occupation
11 Tax Act to retailers, sellers or persons engaged in the
12 business of selling tangible personal property means persons
13 engaged in the leasing of automobiles under leases subject to
14 this Act.

15 Section 15. Registration. Every person engaged in this
16 State in the business of leasing automobiles shall apply to
17 the Department (upon a form prescribed and furnished by the
18 Department) for a certificate of registration under this Act.
19 The certificate of registration that is issued by the
20 Department to a retailer under the Retailers' Occupation Tax
21 Act shall permit such lessor to engage in a business that is
22 taxable under this Section without registering separately
23 with the Department.

24 Section 20. Imposition of use tax. A tax is imposed upon
25 the privilege of using in this State, an automobile which is
26 leased from a lessor. Such tax is at the rate of 5% of the
27 leasing price of such automobile paid to the lessor under any
28 lease agreement. The tax herein imposed shall not apply to
29 any governmental body, nor to any corporation, society,
30 association, foundation or institution, organized and
31 operated exclusively for charitable, religious or educational
32 purposes, nor to any not for profit corporation, society,

1 association, foundation, institution or organization which
2 has no compensated officers or employees and which is
3 organized and operated primarily for the recreation of
4 persons 55 years of age or older, when using tangible
5 personal property as a lessee. Beginning July 1, 2002
6 through June 30, 2003, each month the Department shall pay
7 into the Tax Compliance and Administration Fund 3% of the
8 revenue realized from the tax imposed by this Section, and
9 the remaining such revenue shall be paid as provided for in
10 Section 9 of the Use Tax Act. Beginning July 1, 2003 and
11 each month thereafter, the Department shall pay into the Tax
12 Compliance and Administration Fund 1% of the revenue realized
13 from the tax imposed by this Section, and the remaining such
14 revenue shall be paid as provided for in Section 9 of the Use
15 Tax Act.

16 The Department shall have full power to administer and
17 enforce this Section; to collect all taxes, penalties and
18 interest due hereunder; to dispose of taxes, penalties and
19 interest so collected in the manner hereinafter provided, and
20 to determine all rights to credit memoranda or refunds
21 arising on account of the erroneous payment of tax, penalty
22 or interest hereunder. In the administration of, and
23 compliance with, this Section, the Department and persons who
24 are subject to this Section shall have the same rights,
25 remedies, privileges, immunities, powers and duties, and be
26 subject to the same conditions, restrictions, limitations,
27 penalties and definitions of terms, and employ the same modes
28 of procedure, as are prescribed in Sections 2, 3 through
29 3-80, 4, 6, 7, 8, 9 (except provisions relating to
30 transaction returns and quarter monthly payments), 10, 11,
31 12, 12a, 12b, 13, 14, 15, 19, 20, 21 and 22 of the Use Tax
32 Act, and are not inconsistent with this Section, as fully as
33 if those provisions were set forth herein. For purposes of
34 this Section, references in such incorporated Sections of the

1 Use Tax Act to users or purchasers means lessees of
2 automobiles under leases subject to this Act.

3 Section 25. Use tax collected. The use tax imposed by
4 Section 20 shall be collected from the lessee and remitted to
5 the Department by a lessor maintaining a place of business in
6 this State or who titles or registers an automobile with an
7 agency of this State's government that is used for leasing in
8 this State.

9 The use tax imposed by Section 20 and not paid to a
10 lessor pursuant to the preceding paragraph of this Section
11 shall be paid to the Department directly by any person using
12 such automobile within this State.

13 Lessors shall collect the tax from lessees by adding the
14 tax to the leasing price of the automobile, when leased for
15 use, in the manner prescribed by the Department. The
16 Department shall have the power to adopt and promulgate
17 reasonable rules and regulations for the adding of such tax
18 by lessors to leasing prices by prescribing bracket systems
19 for the purpose of enabling such lessors to add and collect,
20 as far as practicable, the amount of such tax.

21 The tax imposed by this Section shall, when collected, be
22 stated as a distinct item on the customer's bill, separate
23 and apart from the leasing price of the automobile.

24 Section 30. Severability clause. If any clause,
25 sentence, Section, provision or part thereof of this Act or
26 the application thereof to any person or circumstance shall
27 be adjudged to be unconstitutional, the remainder of this Act
28 or its application to persons or circumstances other than
29 those to which it is held invalid, shall not be affected
30 thereby. In particular, if any provision which exempts or
31 has the effect of exempting some class of users or some kind
32 of use from the tax imposed by this Act should be held to

1 constitute or to result in an invalid classification or to be
2 unconstitutional for some other reason, such provision shall
3 be deemed to be severable with the remainder of this Act
4 without said provision being held constitutional.

5 Section 80. The State Finance Act is amended by changing
6 Sections 6z-18 and 6z-20 as follows:

7 (30 ILCS 105/6z-18) (from Ch. 127, par. 142z-18)

8 Sec. 6z-18. A portion of the money paid into the Local
9 Government Tax Fund from sales of food for human consumption
10 which is to be consumed off the premises where it is sold
11 (other than alcoholic beverages, soft drinks and food which
12 has been prepared for immediate consumption) and prescription
13 and nonprescription medicines, drugs, medical appliances and
14 insulin, urine testing materials, syringes and needles used
15 by diabetics, which occurred in municipalities, shall be
16 distributed to each municipality based upon the sales which
17 occurred in that municipality. The remainder shall be
18 distributed to each county based upon the sales which
19 occurred in the unincorporated area of that county.

20 A portion of the money paid into the Local Government Tax
21 Fund from the 6.25% general use tax rate on the selling price
22 of tangible personal property which is purchased outside
23 Illinois at retail from a retailer and which is titled or
24 registered by any agency of this State's government shall be
25 distributed to municipalities as provided in this paragraph.
26 Each municipality shall receive the amount attributable to
27 sales for which Illinois addresses for titling or
28 registration purposes are given as being in such
29 municipality. The remainder of the money paid into the Local
30 Government Tax Fund from such sales shall be distributed to
31 counties. Each county shall receive the amount attributable
32 to sales for which Illinois addresses for titling or

1 registration purposes are given as being located in the
2 unincorporated area of such county.

3 A portion of the money paid into the Local Government Tax
4 Fund from the 1.25% rate imposed under the Use Tax Act upon
5 the selling price of any motor vehicle that is purchased
6 outside of Illinois at retail by a lessor for purposes of
7 leasing under a lease subject to the Automobile Leasing
8 Occupation and Use Tax Act which is titled or registered by
9 any agency of this State's government shall be distributed as
10 provided in this paragraph, less 3% for the first 12 monthly
11 distributions and 1% for each monthly distribution
12 thereafter, which sum shall be paid into the Tax Compliance
13 and Administration Fund. Each municipality shall receive the
14 amount attributable to sales for which Illinois addresses for
15 titling or registration purposes are given as being in such
16 municipality. The remainder of the money paid into the Local
17 Government Tax Fund from such sales shall be distributed to
18 counties. Each county shall receive the amount attributable
19 to sales for which Illinois addresses for titling or
20 registration purposes are given as being located in the
21 unincorporated area of such county.

22 A portion of the money paid into the Local Government Tax
23 Fund from the 6.25% general rate (and, beginning July 1, 2000
24 and through December 31, 2000, the 1.25% rate on motor fuel
25 and gasohol) on sales subject to taxation under the
26 Retailers' Occupation Tax Act and the Service Occupation Tax
27 Act, which occurred in municipalities, shall be distributed
28 to each municipality, based upon the sales which occurred in
29 that municipality. The remainder shall be distributed to each
30 county, based upon the sales which occurred in the
31 unincorporated area of such county.

32 A portion of the money paid into the Local Government Tax
33 Fund from the 1.25% rate imposed by the Retailers' Occupation
34 Tax Act upon the sale of any motor vehicle that is sold at

1 retail to a lessor for purposes of leasing under a lease
2 subject to the Automobile Leasing Occupation and Use Tax Act
3 shall be distributed as provided in this paragraph, less 3%
4 for the first 12 monthly distributions and 1% for each
5 monthly distribution thereafter, which sum shall be paid into
6 the Tax Compliance and Administration Fund. The funds shall
7 be distributed to each municipality, based upon the sales
8 which occurred in that municipality. The remainder shall be
9 distributed to each county, based upon the sales which
10 occurred in the unincorporated area of such county.

11 For the purpose of determining allocation to the local
12 government unit, a retail sale by a producer of coal or other
13 mineral mined in Illinois is a sale at retail at the place
14 where the coal or other mineral mined in Illinois is
15 extracted from the earth. This paragraph does not apply to
16 coal or other mineral when it is delivered or shipped by the
17 seller to the purchaser at a point outside Illinois so that
18 the sale is exempt under the United States Constitution as a
19 sale in interstate or foreign commerce.

20 Whenever the Department determines that a refund of money
21 paid into the Local Government Tax Fund should be made to a
22 claimant instead of issuing a credit memorandum, the
23 Department shall notify the State Comptroller, who shall
24 cause the order to be drawn for the amount specified, and to
25 the person named, in such notification from the Department.
26 Such refund shall be paid by the State Treasurer out of the
27 Local Government Tax Fund.

28 On or before the 25th day of each calendar month, the
29 Department shall prepare and certify to the Comptroller the
30 disbursement of stated sums of money to named municipalities
31 and counties, the municipalities and counties to be those
32 entitled to distribution of taxes or penalties paid to the
33 Department during the second preceding calendar month. The
34 amount to be paid to each municipality or county shall be the

1 amount (not including credit memoranda) collected during the
2 second preceding calendar month by the Department and paid
3 into the Local Government Tax Fund, plus an amount the
4 Department determines is necessary to offset any amounts
5 which were erroneously paid to a different taxing body, and
6 not including an amount equal to the amount of refunds made
7 during the second preceding calendar month by the Department,
8 and not including any amount which the Department determines
9 is necessary to offset any amounts which are payable to a
10 different taxing body but were erroneously paid to the
11 municipality or county. Within 10 days after receipt, by the
12 Comptroller, of the disbursement certification to the
13 municipalities and counties, provided for in this Section to
14 be given to the Comptroller by the Department, the
15 Comptroller shall cause the orders to be drawn for the
16 respective amounts in accordance with the directions
17 contained in such certification.

18 When certifying the amount of monthly disbursement to a
19 municipality or county under this Section, the Department
20 shall increase or decrease that amount by an amount necessary
21 to offset any misallocation of previous disbursements. The
22 offset amount shall be the amount erroneously disbursed
23 within the 6 months preceding the time a misallocation is
24 discovered.

25 The provisions directing the distributions from the
26 special fund in the State Treasury provided for in this
27 Section shall constitute an irrevocable and continuing
28 appropriation of all amounts as provided herein. The State
29 Treasurer and State Comptroller are hereby authorized to make
30 distributions as provided in this Section.

31 In construing any development, redevelopment, annexation,
32 preannexation or other lawful agreement in effect prior to
33 September 1, 1990, which describes or refers to receipts from
34 a county or municipal retailers' occupation tax, use tax or

1 service occupation tax which now cannot be imposed, such
2 description or reference shall be deemed to include the
3 replacement revenue for such abolished taxes, distributed
4 from the Local Government Tax Fund.

5 (Source: P.A. 90-491, eff. 1-1-98; 91-51, eff. 6-30-99;
6 91-872, eff. 7-1-00.)

7 (30 ILCS 105/6z-20) (from Ch. 127, par. 142z-20)

8 Sec. 6z-20. Of the money received from the 6.25% general
9 rate (and, beginning July 1, 2000 and through December 31,
10 2000, the 1.25% rate on motor fuel and gasohol) on sales
11 subject to taxation under the Retailers' Occupation Tax Act
12 and Service Occupation Tax Act and paid into the County and
13 Mass Transit District Fund, distribution to the Regional
14 Transportation Authority tax fund, created pursuant to
15 Section 4.03 of the Regional Transportation Authority Act,
16 for deposit therein shall be made based upon the retail sales
17 occurring in a county having more than 3,000,000 inhabitants.
18 The remainder shall be distributed to each county having
19 3,000,000 or fewer inhabitants based upon the retail sales
20 occurring in each such county.

21 Of the money received from the 1.25% rate imposed by the
22 Retailers' Occupation Tax Act upon the sale of any motor
23 vehicle that is sold at retail to a lessor for purposes of
24 leasing under a lease subject to the Automobile Leasing
25 Occupation and Use Tax Act, and paid into the County and Mass
26 Transit District Fund shall be distributed as provided in
27 this paragraph, less 3% for the first 12 monthly
28 distributions and 1% for each monthly distribution
29 thereafter, which sum shall be paid into the Tax Compliance
30 and Administration Fund. Distribution to the Regional
31 Transportation Authority Tax Fund, created pursuant to
32 Section 4.03 of the Regional Transportation Authority Act,
33 for deposit therein shall be made based upon the retail sales

1 occurring in a county having more than 3,000,000 inhabitants.
2 The remainder shall be distributed to each county having
3 3,000,000 or fewer inhabitants based upon the retail sales
4 occurring in each such county.

5 For the purpose of determining allocation to the local
6 government unit, a retail sale by a producer of coal or other
7 mineral mined in Illinois is a sale at retail at the place
8 where the coal or other mineral mined in Illinois is
9 extracted from the earth. This paragraph does not apply to
10 coal or other mineral when it is delivered or shipped by the
11 seller to the purchaser at a point outside Illinois so that
12 the sale is exempt under the United States Constitution as a
13 sale in interstate or foreign commerce.

14 Of the money received from the 6.25% general use tax rate
15 on tangible personal property which is purchased outside
16 Illinois at retail from a retailer and which is titled or
17 registered by any agency of this State's government and paid
18 into the County and Mass Transit District Fund, the amount
19 for which Illinois addresses for titling or registration
20 purposes are given as being in each county having more than
21 3,000,000 inhabitants shall be distributed into the Regional
22 Transportation Authority tax fund, created pursuant to
23 Section 4.03 of the Regional Transportation Authority Act.
24 The remainder of the money paid from such sales shall be
25 distributed to each county based on sales for which Illinois
26 addresses for titling or registration purposes are given as
27 being located in the county. Any money paid into the
28 Regional Transportation Authority Occupation and Use Tax
29 Replacement Fund from the County and Mass Transit District
30 Fund prior to January 14, 1991, which has not been paid to
31 the Authority prior to that date, shall be transferred to the
32 Regional Transportation Authority tax fund.

33 Of the money received from the 1.25% rate imposed under
34 the Use Tax Act upon the selling price of any motor vehicle

1 that is purchased outside of Illinois at retail by a lessor
2 for purposes of leasing under a lease subject to the
3 Automobile Leasing Occupation and Use Tax Act which is titled
4 or registered by any agency of this State's government and is
5 paid into the County and Mass Transit District Fund, shall be
6 distributed as provided in this paragraph, less 3% for the
7 first 12 monthly distributions and 1% for each monthly
8 distribution thereafter, which sum shall be paid into the Tax
9 Compliance and Administration Fund. The amount for which
10 Illinois addresses for titling or registration purposes are
11 given as being in each county having more than 3,000,000
12 inhabitants shall be distributed into the Regional
13 Transportation Authority Tax Fund, created pursuant to
14 Section 4.03 of the Regional Transportation Authority Act.
15 The remainder of the moneys paid from such sales shall be
16 distributed to each county based on sales for which Illinois
17 addresses for titling or registration purposes are given as
18 being located in that county.

19 Whenever the Department determines that a refund of money
20 paid into the County and Mass Transit District Fund should be
21 made to a claimant instead of issuing a credit memorandum,
22 the Department shall notify the State Comptroller, who shall
23 cause the order to be drawn for the amount specified, and to
24 the person named, in such notification from the Department.
25 Such refund shall be paid by the State Treasurer out of the
26 County and Mass Transit District Fund.

27 On or before the 25th day of each calendar month, the
28 Department shall prepare and certify to the Comptroller the
29 disbursement of stated sums of money to the Regional
30 Transportation Authority and to named counties, the counties
31 to be those entitled to distribution, as hereinabove
32 provided, of taxes or penalties paid to the Department during
33 the second preceding calendar month. The amount to be paid
34 to the Regional Transportation Authority and each county

1 having 3,000,000 or fewer inhabitants shall be the amount
2 (not including credit memoranda) collected during the second
3 preceding calendar month by the Department and paid into the
4 County and Mass Transit District Fund, plus an amount the
5 Department determines is necessary to offset any amounts
6 which were erroneously paid to a different taxing body, and
7 not including an amount equal to the amount of refunds made
8 during the second preceding calendar month by the Department,
9 and not including any amount which the Department determines
10 is necessary to offset any amounts which were payable to a
11 different taxing body but were erroneously paid to the
12 Regional Transportation Authority or county. Within 10 days
13 after receipt, by the Comptroller, of the disbursement
14 certification to the Regional Transportation Authority and
15 counties, provided for in this Section to be given to the
16 Comptroller by the Department, the Comptroller shall cause
17 the orders to be drawn for the respective amounts in
18 accordance with the directions contained in such
19 certification.

20 When certifying the amount of a monthly disbursement to
21 the Regional Transportation Authority or to a county under
22 this Section, the Department shall increase or decrease that
23 amount by an amount necessary to offset any misallocation of
24 previous disbursements. The offset amount shall be the
25 amount erroneously disbursed within the 6 months preceding
26 the time a misallocation is discovered.

27 The provisions directing the distributions from the
28 special fund in the State Treasury provided for in this
29 Section and from the Regional Transportation Authority tax
30 fund created by Section 4.03 of the Regional Transportation
31 Authority Act shall constitute an irrevocable and continuing
32 appropriation of all amounts as provided herein. The State
33 Treasurer and State Comptroller are hereby authorized to make
34 distributions as provided in this Section.

1 In construing any development, redevelopment, annexation,
 2 preannexation or other lawful agreement in effect prior to
 3 September 1, 1990, which describes or refers to receipts from
 4 a county or municipal retailers' occupation tax, use tax or
 5 service occupation tax which now cannot be imposed, such
 6 description or reference shall be deemed to include the
 7 replacement revenue for such abolished taxes, distributed
 8 from the County and Mass Transit District Fund or Local
 9 Government Distributive Fund, as the case may be.
 10 (Source: P.A. 90-491, eff. 1-1-98; 91-872, eff. 7-1-00.)

11 Section 85. The Use Tax Act is amended by changing
 12 Sections 1a, 3-10, and 9 as follows:

13 (35 ILCS 105/1a) (from Ch. 120, par. 439.1a)

14 Sec. 1a. A person who is engaged in the business of
 15 leasing or renting motor vehicles to others and who, in
 16 connection with such business sells any used motor vehicle to
 17 a purchaser for his use and not for the purpose of resale, is
 18 a retailer engaged in the business of selling tangible
 19 personal property at retail under this Act to the extent of
 20 the value of the vehicle sold. For the purpose of this
 21 Section, "motor vehicle" means any motor vehicle of the first
 22 division, a motor vehicle of the second division which is a
 23 self-contained motor vehicle designed or permanently
 24 converted to provide living quarters for recreational,
 25 camping or travel use, with direct walk through access to the
 26 living quarters from the driver's seat, or a motor vehicle of
 27 a second division which is of the van configuration designed
 28 for the transportation of not less than 7 nor more than 16
 29 passengers, as defined in Section 1-146 of the Illinois
 30 Vehicle Code. For--the--purpose--of--this--Section,--"motor
 31 vehicle"--has--the-meaning-prescribed-in-Section-1-157-of-The
 32 Illinois-Vehicle-Code, as now or hereafter amended.--(Nothing

1 ~~provided-herein-shall-affect-liability--incurred--under--this~~
2 ~~Act-because-of-the-use-of-such-motor-vehicles-as-a-lessor.}~~
3 (Source: P.A. 80-598.)

4 (35 ILCS 105/3-10) (from Ch. 120, par. 439.3-10)
5 Sec. 3-10. Rate of tax. Unless otherwise provided in
6 this Section, the tax imposed by this Act is at the rate of
7 6.25% of either the selling price or the fair market value,
8 if any, of the tangible personal property. In all cases
9 where property functionally used or consumed is the same as
10 the property that was purchased at retail, then the tax is
11 imposed on the selling price of the property. In all cases
12 where property functionally used or consumed is a by-product
13 or waste product that has been refined, manufactured, or
14 produced from property purchased at retail, then the tax is
15 imposed on the lower of the fair market value, if any, of the
16 specific property so used in this State or on the selling
17 price of the property purchased at retail. For purposes of
18 this Section "fair market value" means the price at which
19 property would change hands between a willing buyer and a
20 willing seller, neither being under any compulsion to buy or
21 sell and both having reasonable knowledge of the relevant
22 facts. The fair market value shall be established by Illinois
23 sales by the taxpayer of the same property as that
24 functionally used or consumed, or if there are no such sales
25 by the taxpayer, then comparable sales or purchases of
26 property of like kind and character in Illinois.

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

31 With respect to gasohol, the tax imposed by this Act
32 applies to 70% of the proceeds of sales made on or after
33 January 1, 1990, and before July 1, 2003, and to 100% of the

1 proceeds of sales made thereafter.

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

22 Notwithstanding any other provisions of this Act, "food
23 for human consumption that is to be consumed off the premises
24 where it is sold" includes all food sold through a vending
25 machine, except soft drinks and food products that are
26 dispensed hot from a vending machine, regardless of the
27 location of the vending machine.

28 With respect to any motor vehicle (as the term "motor
29 vehicle" is defined in Section 1a of this Act) that is
30 purchased by a lessor for purposes of leasing under a lease
31 subject to the Automobile Leasing Occupation and Use Tax Act,
32 the tax is imposed at the rate of 1.25%.

33 With respect to any motor vehicle (as the term "motor
34 vehicle" is defined in Section 1a of this Act) that has been

1 leased by a lessor to a lessee under a lease that is subject
2 to the Automobile Leasing Occupation and Use Tax Act, and is
3 subsequently purchased by the lessee of such vehicle, the tax
4 is imposed at the rate of 5%.

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

12 (Source: P.A. 90-605, eff. 6-30-98; 90-606, eff. 6-30-98;
13 91-51, eff. 6-30-99; 91-872, eff. 7-1-00.)

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

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

1 by the Retailers' Occupation Tax Act, with respect to the
2 sale of the same property.

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

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

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

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

1 sales, but less all deductions allowed by law;

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

4 5. The amount of tax due;

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

6 6. Such other reasonable information as the
7 Department may require.

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

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

1 of Section 2505-210 of the Department of Revenue Law shall
2 make all payments required by rules of the Department by
3 electronic funds transfer.

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

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

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

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

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

1 Department each month by the 20th day of the month next
2 following the month during which such tax liability is
3 incurred and shall make payment to the Department on or
4 before the 7th, 15th, 22nd and last day of the month during
5 which such liability is incurred. If the month during which
6 such tax liability is incurred began prior to January 1,
7 1985, each payment shall be in an amount equal to 1/4 of the
8 taxpayer's actual liability for the month or an amount set by
9 the Department not to exceed 1/4 of the average monthly
10 liability of the taxpayer to the Department for the preceding
11 4 complete calendar quarters (excluding the month of highest
12 liability and the month of lowest liability in such 4 quarter
13 period). If the month during which such tax liability is
14 incurred begins on or after January 1, 1985, and prior to
15 January 1, 1987, each payment shall be in an amount equal to
16 22.5% of the taxpayer's actual liability for the month or
17 27.5% of the taxpayer's liability for the same calendar month
18 of the preceding year. If the month during which such tax
19 liability is incurred begins on or after January 1, 1987, and
20 prior to January 1, 1988, each payment shall be in an amount
21 equal to 22.5% of the taxpayer's actual liability for the
22 month or 26.25% of the taxpayer's liability for the same
23 calendar month of the preceding year. If the month during
24 which such tax liability is incurred begins on or after
25 January 1, 1988, and prior to January 1, 1989, or begins on
26 or after January 1, 1996, each payment shall be in an amount
27 equal to 22.5% of the taxpayer's actual liability for the
28 month or 25% of the taxpayer's liability for the same
29 calendar month of the preceding year. If the month during
30 which such tax liability is incurred begins on or after
31 January 1, 1989, and prior to January 1, 1996, each payment
32 shall be in an amount equal to 22.5% of the taxpayer's actual
33 liability for the month or 25% of the taxpayer's liability
34 for the same calendar month of the preceding year or 100% of

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

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

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

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

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

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

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

30 Notwithstanding any other provision in this Act
31 concerning the time within which a retailer may file his
32 return, in the case of any retailer who ceases to engage in a
33 kind of business which makes him responsible for filing
34 returns under this Act, such retailer shall file a final

1 return under this Act with the Department not more than one
2 month after discontinuing such business.

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

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

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

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

30 Such transaction reporting return shall be filed not
31 later than 20 days after the date of delivery of the item
32 that is being sold, but may be filed by the retailer at any
33 time sooner than that if he chooses to do so. The
34 transaction reporting return and tax remittance or proof of

1 exemption from the tax that is imposed by this Act may be
2 transmitted to the Department by way of the State agency with
3 which, or State officer with whom, the tangible personal
4 property must be titled or registered (if titling or
5 registration is required) if the Department and such agency
6 or State officer determine that this procedure will expedite
7 the processing of applications for title or registration.

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

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

29 If the user who would otherwise pay tax to the retailer
30 wants the transaction reporting return filed and the payment
31 of tax or proof of exemption made to the Department before
32 the retailer is willing to take these actions and such user
33 has not paid the tax to the retailer, such user may certify
34 to the fact of such delay by the retailer, and may (upon the

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

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

30 Any retailer filing a return under this Section shall
31 also include (for the purpose of paying tax thereon) the
32 total tax covered by such return upon the selling price of
33 tangible personal property purchased by him at retail from a
34 retailer, but as to which the tax imposed by this Act was not

1 collected from the retailer filing such return, and such
2 retailer shall remit the amount of such tax to the Department
3 when filing such return.

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

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

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

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

34 Beginning January 1, 1990, each month the Department

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

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

12 Each month the Department shall pay into the County and
13 Mass Transit District Fund 20% the net revenue realized for
14 the preceding month from the 1.25% rate imposed upon the
15 selling price of any motor vehicle that is purchased outside
16 Illinois at retail by a lessor for purposes of leasing under
17 a lease subject to the Automobile Leasing Occupation and Use
18 Tax Act and which is titled or registered by an agency of
19 this State's government.

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

27 Each month the Department shall pay into the Local
28 Government Tax Fund 80% of the net revenue realized for the
29 preceding month from the 1.25% rate imposed upon the selling
30 price of any motor vehicle that is purchased outside Illinois
31 at retail by a lessor for purposes of leasing under a lease
32 subject to the Automobile Leasing Occupation and Use Tax Act
33 and which is titled or registered by an agency of this
34 State's government.

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

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

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

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

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

1	2008	126,000,000
2	2009	132,000,000
3	2010	139,000,000
4	2011	146,000,000
5	2012	153,000,000
6	2013	161,000,000
7	2014	170,000,000
8	2015	179,000,000
9	2016	189,000,000
10	2017	199,000,000
11	2018	210,000,000
12	2019	221,000,000
13	2020	233,000,000
14	2021	246,000,000
15	2022	260,000,000
16	2023 and	275,000,000

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

24 Beginning July 20, 1993 and in each month of each fiscal
25 year thereafter, one-eighth of the amount requested in the
26 certificate of the Chairman of the Metropolitan Pier and
27 Exposition Authority for that fiscal year, less the amount
28 deposited into the McCormick Place Expansion Project Fund by
29 the State Treasurer in the respective month under subsection
30 (g) of Section 13 of the Metropolitan Pier and Exposition
31 Authority Act, plus cumulative deficiencies in the deposits
32 required under this Section for previous months and years,
33 shall be deposited into the McCormick Place Expansion Project
34 Fund, until the full amount requested for the fiscal year,

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

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

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 July 1, 1993, the Department shall each month pay
23 into the Illinois Tax Increment Fund 0.27% of 80% of the net
24 revenue realized for the preceding month from the 6.25%
25 general rate on the selling price of tangible personal
26 property.

27 Subject to payment of amounts into the Build Illinois
28 Fund, the McCormick Place Expansion Project Fund, and the
29 Local Government Distributive Fund pursuant to the preceding
30 paragraphs or in any amendments thereto hereafter enacted,
31 beginning with the receipt of the first report of taxes paid
32 by an eligible business and continuing for a 25-year period,
33 the Department shall each month pay into the Energy
34 Infrastructure Fund 80% of the net revenue realized from the

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

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

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

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

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

32 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;
33 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.
34 7-1-00; 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff.

1 6-28-01; 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; revised
2 9-14-01.)

3 Section 90. The Retailers' Occupation Tax Act is amended
4 by changing Sections 1c, 2-10, and 3 as follows:

5 (35 ILCS 120/1c) (from Ch. 120, par. 440c)

6 Sec. 1c. A person who is engaged in the business of
7 leasing or renting motor vehicles to others and who, in
8 connection with such business sells any used motor vehicle to
9 a purchaser for his use and not for the purpose of resale, is
10 a retailer engaged in the business of selling tangible
11 personal property at retail under this Act to the extent of
12 the value of the vehicle sold. For the purpose of this
13 Section, "motor vehicle" means any motor vehicle of the first
14 division, a motor vehicle of the second division which is a
15 self-contained motor vehicle designed or permanently
16 converted to provide living quarters for recreational,
17 camping or travel use, with direct walk through access to the
18 living quarters from the driver's seat, or a motor vehicle of
19 a second division which is of the van configuration designed
20 for the transportation of not less than 7 nor more than 16
21 passengers, as defined in Section 1-146 of the Illinois
22 Vehicle Code. For the purpose of this Section "motor vehicle"
23 has the meaning prescribed in Section 1-157 of the Illinois
24 Vehicle Code, as now or hereafter amended. (Nothing provided
25 herein shall affect liability incurred under this Act because
26 of the sale at retail of such motor vehicles to a lesser.)

27 (Source: P.A. 80-598.)

28 (35 ILCS 120/2-10) (from Ch. 120, par. 441-10)

29 Sec. 2-10. Rate of tax. Unless otherwise provided in
30 this Section, the tax imposed by this Act is at the rate of
31 6.25% of gross receipts from sales of tangible personal

1 property made in the course of business.

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

6 Within 14 days after the effective date of this
7 amendatory Act of the 91st General Assembly, each retailer of
8 motor fuel and gasohol shall cause the following notice to be
9 posted in a prominently visible place on each retail
10 dispensing device that is used to dispense motor fuel or
11 gasohol in the State of Illinois: "As of July 1, 2000, the
12 State of Illinois has eliminated the State's share of sales
13 tax on motor fuel and gasohol through December 31, 2000. The
14 price on this pump should reflect the elimination of the
15 tax." The notice shall be printed in bold print on a sign
16 that is no smaller than 4 inches by 8 inches. The sign shall
17 be clearly visible to customers. Any retailer who fails to
18 post or maintain a required sign through December 31, 2000 is
19 guilty of a petty offense for which the fine shall be \$500
20 per day per each retail premises where a violation occurs.

21 With respect to gasohol, as defined in the Use Tax Act,
22 the tax imposed by this Act applies to 70% of the proceeds of
23 sales made on or after January 1, 1990, and before July 1,
24 2003, and to 100% of the proceeds of sales made thereafter.

25 With respect to food for human consumption that is to be
26 consumed off the premises where it is sold (other than
27 alcoholic beverages, soft drinks, and food that has been
28 prepared for immediate consumption) and prescription and
29 nonprescription medicines, drugs, medical appliances,
30 modifications to a motor vehicle for the purpose of rendering
31 it usable by a disabled person, and insulin, urine testing
32 materials, syringes, and needles used by diabetics, for human
33 use, the tax is imposed at the rate of 1%. For the purposes
34 of this Section, the term "soft drinks" means any complete,

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

11 Notwithstanding any other provisions of this Act, "food
12 for human consumption that is to be consumed off the premises
13 where it is sold" includes all food sold through a vending
14 machine, except soft drinks and food products that are
15 dispensed hot from a vending machine, regardless of the
16 location of the vending machine.

17 With respect to any motor vehicle (as the term "motor
18 vehicle" is defined in Section 1c of this Act) that is sold
19 to a lessor for purposes of leasing under a lease subject to
20 the Automobile Leasing Occupation and Use Tax Act, the tax is
21 imposed at the rate of 1.25%.

22 With respect to any motor vehicle (as the term "motor
23 vehicle" is defined in Section 1c of this Act) that has been
24 leased by a lessor to a lessee under a lease that is subject
25 to the Automobile Leasing Occupation and Use Tax Act, and is
26 subsequently sold to the lessee of such vehicle, the tax is
27 imposed at the rate of 5%.

28 (Source: P.A. 90-605, eff. 6-30-98; 90-606, eff. 6-30-98;
29 91-51, eff. 6-30-99; 91-872, eff. 7-1-00.)

30 (35 ILCS 120/3) (from Ch. 120, par. 442)

31 Sec. 3. Except as provided in this Section, on or before
32 the twentieth day of each calendar month, every person
33 engaged in the business of selling tangible personal property

1 at retail in this State during the preceding calendar month
2 shall file a return with the Department, stating:

3 1. The name of the seller;

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

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

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

19 5. Deductions allowed by law;

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

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

25 8. The amount of tax due;

26 9. The signature of the taxpayer; and

27 10. Such other reasonable information as the
28 Department may require.

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

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

1 claimed.

2 A retailer may accept a Manufacturer's Purchase Credit
3 certification from a purchaser in satisfaction of Use Tax as
4 provided in Section 3-85 of the Use Tax Act if the purchaser
5 provides the appropriate documentation as required by Section
6 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
7 certification, accepted by a retailer as provided in Section
8 3-85 of the Use Tax Act, may be used by that retailer to
9 satisfy Retailers' Occupation Tax liability in the amount
10 claimed in the certification, not to exceed 6.25% of the
11 receipts subject to tax from a qualifying purchase.

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

- 20 1. The name of the seller;
- 21 2. The address of the principal place of business
22 from which he engages in the business of selling tangible
23 personal property at retail in this State;
- 24 3. The total amount of taxable receipts received by
25 him during the preceding calendar month from sales of
26 tangible personal property by him during such preceding
27 calendar month, including receipts from charge and time
28 sales, but less all deductions allowed by law;
- 29 4. The amount of credit provided in Section 2d of
30 this Act;
- 31 5. The amount of tax due; and
- 32 6. Such other reasonable information as the
33 Department may require.

34 If a total amount of less than \$1 is payable, refundable

1 or creditable, such amount shall be disregarded if it is less
2 than 50 cents and shall be increased to \$1 if it is 50 cents
3 or more.

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

30 Before August 1 of each year beginning in 1993, the
31 Department shall notify all taxpayers required to make
32 payments by electronic funds transfer. All taxpayers
33 required to make payments by electronic funds transfer shall
34 make those payments for a minimum of one year beginning on

1 October 1.

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

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

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

12 Any amount which is required to be shown or reported on
13 any return or other document under this Act shall, if such
14 amount is not a whole-dollar amount, be increased to the
15 nearest whole-dollar amount in any case where the fractional
16 part of a dollar is 50 cents or more, and decreased to the
17 nearest whole-dollar amount where the fractional part of a
18 dollar is less than 50 cents.

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

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

1 20 of the following year.

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

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

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

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

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

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

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

1 Section 5-402 of The Illinois Vehicle Code, and such other
2 information as the Department may reasonably require.

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

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

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

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

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

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

1 to the Department, he shall pay the tax in the same amount
2 and in the same form in which it would be remitted if the tax
3 had been remitted to the Department by the retailer.

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

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

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

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

1 remittance instead of when such retailer files his periodic
2 return.

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

1 1987, each payment shall be in an amount equal to 22.5% of
2 the taxpayer's actual liability for the month or 27.5% of the
3 taxpayer's liability for the same calendar month of the
4 preceding year. If the month during which such tax liability
5 is incurred begins on or after January 1, 1987 and prior to
6 January 1, 1988, each payment shall be in an amount equal to
7 22.5% of the taxpayer's actual liability for the month or
8 26.25% of the taxpayer's liability for the same calendar
9 month of the preceding year. If the month during which such
10 tax liability is incurred begins on or after January 1, 1988,
11 and prior to January 1, 1989, or begins on or after January
12 1, 1996, each payment shall be in an amount equal to 22.5% of
13 the taxpayer's actual liability for the month or 25% of the
14 taxpayer's liability for the same calendar month of the
15 preceding year. If the month during which such tax liability
16 is incurred begins on or after January 1, 1989, and prior to
17 January 1, 1996, each payment shall be in an amount equal to
18 22.5% of the taxpayer's actual liability for the month or 25%
19 of the taxpayer's liability for the same calendar month of
20 the preceding year or 100% of the taxpayer's actual liability
21 for the quarter monthly reporting period. The amount of such
22 quarter monthly payments shall be credited against the final
23 tax liability of the taxpayer's return for that month.
24 Before October 1, 2000, once applicable, the requirement of
25 the making of quarter monthly payments to the Department by
26 taxpayers having an average monthly tax liability of \$10,000
27 or more as determined in the manner provided above shall
28 continue until such taxpayer's average monthly liability to
29 the Department during the preceding 4 complete calendar
30 quarters (excluding the month of highest liability and the
31 month of lowest liability) is less than \$9,000, or until such
32 taxpayer's average monthly liability to the Department as
33 computed for each calendar quarter of the 4 preceding
34 complete calendar quarter period is less than \$10,000.

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

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

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

1 collections during the preceding 2 complete calendar quarters
2 is \$25,000 or less. If any such quarter monthly payment is
3 not paid at the time or in the amount required, the taxpayer
4 shall be liable for penalties and interest on such
5 difference, except insofar as the taxpayer has previously
6 made payments for that month in excess of the minimum
7 payments previously due.

8 The provisions of this paragraph apply on and after
9 October 1, 2001. Without regard to whether a taxpayer is
10 required to make quarter monthly payments as specified above,
11 any taxpayer who is required by Section 2d of this Act to
12 collect and remit prepaid taxes and has collected prepaid
13 taxes that average in excess of \$20,000 per month during the
14 preceding 4 complete calendar quarters shall file a return
15 with the Department as required by Section 2f and shall make
16 payments to the Department on or before the 7th, 15th, 22nd
17 and last day of the month during which the liability is
18 incurred. Each payment shall be in an amount equal to 22.5%
19 of the taxpayer's actual liability for the month or 25% of
20 the taxpayer's liability for the same calendar month of the
21 preceding year. The amount of the quarter monthly payments
22 shall be credited against the final tax liability of the
23 taxpayer's return for that month filed under this Section or
24 Section 2f, as the case may be. Once applicable, the
25 requirement of the making of quarter monthly payments to the
26 Department pursuant to this paragraph shall continue until
27 the taxpayer's average monthly prepaid tax collections during
28 the preceding 4 complete calendar quarters (excluding the
29 month of highest liability and the month of lowest liability)
30 is less than \$19,000 or until such taxpayer's average monthly
31 liability to the Department as computed for each calendar
32 quarter of the 4 preceding complete calendar quarters is less
33 than \$20,000. If any such quarter monthly payment is not
34 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 If any payment provided for in this Section exceeds the
6 taxpayer's liabilities under this Act, the Use Tax Act, the
7 Service Occupation Tax Act and the Service Use Tax Act, as
8 shown on an original monthly return, the Department shall, if
9 requested by the taxpayer, issue to the taxpayer a credit
10 memorandum no later than 30 days after the date of payment.
11 The credit evidenced by such credit memorandum may be
12 assigned by the taxpayer to a similar taxpayer under this
13 Act, the Use Tax Act, the Service Occupation Tax Act or the
14 Service Use Tax Act, in accordance with reasonable rules and
15 regulations to be prescribed by the Department. If no such
16 request is made, the taxpayer may credit such excess payment
17 against tax liability subsequently to be remitted to the
18 Department under this Act, the Use Tax Act, the Service
19 Occupation Tax Act or the Service Use Tax Act, in accordance
20 with reasonable rules and regulations prescribed by the
21 Department. If the Department subsequently determined that
22 all or any part of the credit taken was not actually due to
23 the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount
24 shall be reduced by 2.1% or 1.75% of the difference between
25 the credit taken and that actually due, and that taxpayer
26 shall be liable for penalties and interest on such
27 difference.

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

33 Beginning January 1, 1990, each month the Department
34 shall pay into the Local Government Tax Fund, a special fund

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

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

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

18 Each month the Department shall pay into the County and
19 Mass Transit District Fund 20% of the net revenue realized
20 for the preceding month from the 1.25% rate imposed upon the
21 sale of any motor vehicle that is sold at retail to a lessor
22 for purposes of leasing under a lease subject to the
23 Automobile Leasing Occupation and Use Tax Act.

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

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

33 Each month the Department shall pay into the Local
34 Government Tax Fund 80% of the net revenue realized for the

1 preceding month from the 1.25% rate imposed upon the sale of
 2 any motor vehicle that is sold at retail to a lessor for
 3 purposes of leasing under a lease subject to the Automobile
 4 Leasing Occupation and Use Tax Act.

5 Of the remainder of the moneys received by the Department
 6 pursuant to this Act, and including all moneys received by
 7 the Department pursuant to Section 10 of the Automobile
 8 Leasing Occupation and Use Tax Act, and including all of the
 9 moneys received pursuant to the 5% rate imposed upon sales of
 10 motor vehicles by lessors to the lessees of such vehicles in
 11 connection with a lease that was subject to the Automobile
 12 Leasing Occupation and Use Tax Act (a) 1.75% thereof shall be
 13 paid into the Build Illinois Fund and (b) prior to July 1,
 14 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall
 15 be paid into the Build Illinois Fund; provided, however, that
 16 if in any fiscal year the sum of (1) the aggregate of 2.2% or
 17 3.8%, as the case may be, of the moneys received by the
 18 Department and required to be paid into the Build Illinois
 19 Fund pursuant to this Act, Section 9 of the Use Tax Act,
 20 Section 9 of the Service Use Tax Act, and Section 9 of the
 21 Service Occupation Tax Act, such Acts being hereinafter
 22 called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as
 23 the case may be, of moneys being hereinafter called the "Tax
 24 Act Amount", and (2) the amount transferred to the Build
 25 Illinois Fund from the State and Local Sales Tax Reform Fund
 26 shall be less than the Annual Specified Amount (as
 27 hereinafter defined), an amount equal to the difference shall
 28 be immediately paid into the Build Illinois Fund from other
 29 moneys received by the Department pursuant to the Tax Acts;
 30 the "Annual Specified Amount" means the amounts specified
 31 below for fiscal years 1986 through 1993:

Fiscal Year	Annual Specified Amount
1986	\$54,800,000
1987	\$76,650,000

1	1988	\$80,480,000
2	1989	\$88,510,000
3	1990	\$115,330,000
4	1991	\$145,470,000
5	1992	\$182,730,000
6	1993	\$206,520,000;

7 and means the Certified Annual Debt Service Requirement (as
8 defined in Section 13 of the Build Illinois Bond Act) or the
9 Tax Act Amount, whichever is greater, for fiscal year 1994
10 and each fiscal year thereafter; and further provided, that
11 if on the last business day of any month the sum of (1) the
12 Tax Act Amount required to be deposited into the Build
13 Illinois Bond Account in the Build Illinois Fund during such
14 month and (2) the amount transferred to the Build Illinois
15 Fund from the State and Local Sales Tax Reform Fund shall
16 have been less than 1/12 of the Annual Specified Amount, an
17 amount equal to the difference shall be immediately paid into
18 the Build Illinois Fund from other moneys received by the
19 Department pursuant to the Tax Acts; and, further provided,
20 that in no event shall the payments required under the
21 preceding proviso result in aggregate payments into the Build
22 Illinois Fund pursuant to this clause (b) for any fiscal year
23 in excess of the greater of (i) the Tax Act Amount or (ii)
24 the Annual Specified Amount for such fiscal year. The
25 amounts payable into the Build Illinois Fund under clause (b)
26 of the first sentence in this paragraph shall be payable only
27 until such time as the aggregate amount on deposit under each
28 trust indenture securing Bonds issued and outstanding
29 pursuant to the Build Illinois Bond Act is sufficient, taking
30 into account any future investment income, to fully provide,
31 in accordance with such indenture, for the defeasance of or
32 the payment of the principal of, premium, if any, and
33 interest on the Bonds secured by such indenture and on any
34 Bonds expected to be issued thereafter and all fees and costs

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

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

1 specified fiscal years.

2	Fiscal Year	Total Deposit
3	1993	\$0
4	1994	53,000,000
5	1995	58,000,000
6	1996	61,000,000
7	1997	64,000,000
8	1998	68,000,000
9	1999	71,000,000
10	2000	75,000,000
11	2001	80,000,000
12	2002	93,000,000
13	2003	99,000,000
14	2004	103,000,000
15	2005	108,000,000
16	2006	113,000,000
17	2007	119,000,000
18	2008	126,000,000
19	2009	132,000,000
20	2010	139,000,000
21	2011	146,000,000
22	2012	153,000,000
23	2013	161,000,000
24	2014	170,000,000
25	2015	179,000,000
26	2016	189,000,000
27	2017	199,000,000
28	2018	210,000,000
29	2019	221,000,000
30	2020	233,000,000
31	2021	246,000,000
32	2022	260,000,000
33	2023 and	275,000,000
34	each fiscal year	

1 thereafter that bonds
2 are outstanding under
3 Section 13.2 of the
4 Metropolitan Pier and
5 Exposition Authority
6 Act, but not after fiscal year 2042.

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

20 Subject to payment of amounts into the Build Illinois
21 Fund and the McCormick Place Expansion Project Fund pursuant
22 to the preceding paragraphs or in any amendment thereto
23 hereafter enacted, each month the Department shall pay into
24 the Local Government Distributive Fund 0.4% of the net
25 revenue realized for the preceding month from the 5% general
26 rate or 0.4% of 80% of the net revenue realized for the
27 preceding month from the 6.25% general rate, as the case may
28 be, on the selling price of tangible personal property which
29 amount shall, subject to appropriation, be distributed as
30 provided in Section 2 of the State Revenue Sharing Act. No
31 payments or distributions pursuant to this paragraph shall be
32 made if the tax imposed by this Act on photoprocessing
33 products is declared unconstitutional, or if the proceeds
34 from such tax are unavailable for distribution because of

1 litigation.

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

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

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

31 The Department may, upon separate written notice to a
32 taxpayer, require the taxpayer to prepare and file with the
33 Department on a form prescribed by the Department within not
34 less than 60 days after receipt of the notice an annual

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

20 If the annual information return required by this Section
21 is not filed when and as required, the taxpayer shall be
22 liable as follows:

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

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

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

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

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

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

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

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

30 Any person who promotes, organizes, provides retail
31 selling space for concessionaires or other types of sellers
32 at the Illinois State Fair, DuQuoin State Fair, county fairs,
33 local fairs, art shows, flea markets and similar exhibitions
34 or events, including any transient merchant as defined by

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

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

34 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;

1 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.
2 7-1-00; 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff.
3 6-28-01; 92-208, eff. 8-2-01; 92-484, eff. 8-23-01; 92-492,
4 eff. 1-1-02; revised 9-14-01.)

5 Section 99. Effective date. This Act takes effect on
6 July 1, 2002.