

1 AN ACT concerning revenue.

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

4 Section 5. The Renewable Energy, Energy Efficiency, and
5 Coal Resources Development Law of 1997 is amended by changing
6 Section 6-5 and by adding Section 6-8 as follows:

7 (20 ILCS 687/6-5)

8 (Section scheduled to be repealed on December 31, 2020)

9 Sec. 6-5. Renewable Energy Resources and Coal Technology
10 Development Assistance Charge.

11 (a) Notwithstanding the provisions of Section 16-111 of the
12 Public Utilities Act but subject to subsection (e) of this
13 Section, each public utility, electric cooperative, as defined
14 in Section 3.4 of the Electric Supplier Act, and municipal
15 utility, as referenced in Section 3-105 of the Public Utilities
16 Act, that is engaged in the delivery of electricity or the
17 distribution of natural gas within the State of Illinois shall,
18 effective January 1, 1998, assess each of its customer accounts
19 a monthly Renewable Energy Resources and Coal Technology
20 Development Assistance Charge. The delivering public utility,
21 municipal electric or gas utility, or electric or gas
22 cooperative for a self-assessing purchaser remains subject to
23 the collection of the fee imposed by this Section. The monthly

1 charge shall be as follows:

2 (1) \$0.05 per month on each account for residential
3 electric service as defined in Section 13 of the Energy
4 Assistance Act;

5 (2) \$0.05 per month on each account for residential gas
6 service as defined in Section 13 of the Energy Assistance
7 Act;

8 (3) \$0.50 per month on each account for nonresidential
9 electric service, as defined in Section 13 of the Energy
10 Assistance Act, which had less than 10 megawatts of peak
11 demand during the previous calendar year;

12 (4) \$0.50 per month on each account for nonresidential
13 gas service, as defined in Section 13 of the Energy
14 Assistance Act, which had distributed to it less than
15 4,000,000 therms of gas during the previous calendar year;

16 (5) \$37.50 per month on each account for nonresidential
17 electric service, as defined in Section 13 of the Energy
18 Assistance Act, which had 10 megawatts or greater of peak
19 demand during the previous calendar year; and

20 (6) \$37.50 per month on each account for nonresidential
21 gas service, as defined in Section 13 of the Energy
22 Assistance Act, which had 4,000,000 or more therms of gas
23 distributed to it during the previous calendar year.

24 (b) The Renewable Energy Resources and Coal Technology
25 Development Assistance Charge assessed by electric and gas
26 public utilities shall be considered a charge for public

1 utility service.

2 (c) Fifty percent of the moneys collected pursuant to this
3 Section shall be deposited in the Renewable Energy Resources
4 Trust Fund by the Department of Revenue. From those funds,
5 \$2,000,000 may be used annually by the Department to provide
6 grants to the Illinois Green Economy Network for the purposes
7 of funding education and training for renewable energy and
8 energy efficiency technology and for the operation and services
9 of the Illinois Green Economy Network. The remaining 50 percent
10 of the moneys collected pursuant to this Section shall be
11 deposited in the Coal Technology Development Assistance Fund by
12 the Department of Revenue for the exclusive purposes of (1)
13 capturing or sequestering carbon emissions produced by coal
14 combustion; (2) supporting research on the capture and
15 sequestration of carbon emissions produced by coal combustion;
16 and (3) improving coal miner safety.

17 (d) By the 20th day of the month following the month in
18 which the charges imposed by this Section were collected, each
19 utility and alternative retail electric supplier collecting
20 charges pursuant to this Section shall remit to the Department
21 of Revenue for deposit in the Renewable Energy Resources Trust
22 Fund and the Coal Technology Development Assistance Fund all
23 moneys received as payment of the charge provided for in this
24 Section on a return prescribed and furnished by the Department
25 of Revenue showing such information as the Department of
26 Revenue may reasonably require.

1 If any payment provided for in this Section exceeds the
2 utility or alternate retail electric supplier's liabilities
3 under this Act, as shown on an original return, the utility or
4 alternative retail electric supplier may credit the excess
5 payment against liability subsequently to be remitted to the
6 Department of Revenue under this Act.

7 (e) The charges imposed by this Section shall only apply to
8 customers of municipal electric or gas utilities and electric
9 or gas cooperatives if the municipal electric or gas utility or
10 electric or gas cooperative makes an affirmative decision to
11 impose the charge. If a municipal electric or gas utility or an
12 electric or gas cooperative makes an affirmative decision to
13 impose the charge provided by this Section, the municipal
14 electric or gas utility or electric or gas cooperative shall
15 inform the Department of Revenue in writing of such decision
16 when it begins to impose the charge. If a municipal electric or
17 gas utility or electric or gas cooperative does not assess this
18 charge, its customers shall not be eligible for the Renewable
19 Energy Resources Program.

20 (f) The Department of Revenue may establish such rules as
21 it deems necessary to implement this Section.

22 (Source: P.A. 100-402, eff. 8-25-17.)

23 (20 ILCS 687/6-8 new)

24 Sec. 6-8. Application of Retailers' Occupation Tax
25 provisions. All the provisions of Sections 4, 5, 5a, 5b, 5c,

1 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12,
2 and 13 of the Retailers' Occupation Tax Act that are not
3 inconsistent with this Act apply, as far as practicable, to the
4 surcharge imposed by this Act to the same extent as if those
5 provisions were included in this Act. References in the
6 incorporated Sections of the Retailers' Occupation Tax Act to
7 retailers, to sellers, or to persons engaged in the business of
8 selling tangible personal property mean persons required to
9 remit the charge imposed under this Act.

10 Section 15. The Department of Revenue Law of the Civil
11 Administrative Code of Illinois is amended by changing Section
12 2505-210 as follows:

13 (20 ILCS 2505/2505-210) (was 20 ILCS 2505/39c-1)

14 Sec. 2505-210. Electronic funds transfer.

15 (a) The Department may provide means by which persons
16 having a tax liability under any Act administered by the
17 Department may use electronic funds transfer to pay the tax
18 liability.

19 (b) Mandatory payment by electronic funds transfer.
20 Beginning on October 1, 2002, and through September 30, 2010, a
21 taxpayer who has an annual tax liability of \$200,000 or more
22 shall make all payments of that tax to the Department by
23 electronic funds transfer. Beginning October 1, 2010, a
24 taxpayer (other than an individual taxpayer) who has an annual

1 tax liability of \$20,000 or more and an individual taxpayer who
2 has an annual tax liability of \$200,000 or more shall make all
3 payments of that tax to the Department by electronic funds
4 transfer. Before August 1 of each year, beginning in 2002, the
5 Department shall notify all taxpayers required to make payments
6 by electronic funds transfer. All taxpayers required to make
7 payments by electronic funds transfer shall make those payments
8 for a minimum of one year beginning on October 1. For purposes
9 of this subsection (b), the term "annual tax liability" means,
10 except as provided in subsections (c) and (d) of this Section,
11 the sum of the taxpayer's liabilities under a tax Act
12 administered by the Department, ~~except the Motor Fuel Tax Law~~
13 ~~and the Environmental Impact Fee Law,~~ for the immediately
14 preceding calendar year.

15 (c) For purposes of subsection (b), the term "annual tax
16 liability" means, for a taxpayer that incurs a tax liability
17 under the Retailers' Occupation Tax Act, Service Occupation Tax
18 Act, Use Tax Act, Service Use Tax Act, or any other State or
19 local occupation or use tax law that is administered by the
20 Department, the sum of the taxpayer's liabilities under the
21 Retailers' Occupation Tax Act, Service Occupation Tax Act, Use
22 Tax Act, Service Use Tax Act, and all other State and local
23 occupation and use tax laws administered by the Department for
24 the immediately preceding calendar year.

25 (d) For purposes of subsection (b), the term "annual tax
26 liability" means, for a taxpayer that incurs an Illinois income

1 tax liability, the greater of:

2 (1) the amount of the taxpayer's tax liability under
3 Article 7 of the Illinois Income Tax Act for the
4 immediately preceding calendar year; or

5 (2) the taxpayer's estimated tax payment obligation
6 under Article 8 of the Illinois Income Tax Act for the
7 immediately preceding calendar year.

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

11 (Source: P.A. 96-1027, eff. 7-12-10.)

12 Section 20. The State Finance Act is amended by changing
13 Section 6z-18 as follows:

14 (30 ILCS 105/6z-18) (from Ch. 127, par. 142z-18)

15 Sec. 6z-18. Local Government Tax Fund. A portion of the
16 money paid into the Local Government Tax Fund from sales of
17 tangible personal property taxed at the 1% rate under the
18 Retailers' Occupation Tax Act and the Service Occupation Tax
19 Act ~~food for human consumption which is to be consumed off the~~
20 ~~premises where it is sold (other than alcoholic beverages, soft~~
21 ~~drinks and food which has been prepared for immediate~~
22 ~~consumption) and prescription and nonprescription medicines,~~
23 ~~drugs, medical appliances and insulin, urine testing~~
24 ~~materials, syringes and needles used by diabetics, which~~

1 occurred in municipalities, shall be distributed to each
2 municipality based upon the sales which occurred in that
3 municipality. The remainder shall be distributed to each county
4 based upon the sales which occurred in the unincorporated area
5 of that county.

6 A portion of the money paid into the Local Government Tax
7 Fund from the 6.25% general use tax rate on the selling price
8 of tangible personal property which is purchased outside
9 Illinois at retail from a retailer and which is titled or
10 registered by any agency of this State's government shall be
11 distributed to municipalities as provided in this paragraph.
12 Each municipality shall receive the amount attributable to
13 sales for which Illinois addresses for titling or registration
14 purposes are given as being in such municipality. The remainder
15 of the money paid into the Local Government Tax Fund from such
16 sales shall be distributed to counties. Each county shall
17 receive the amount attributable to sales for which Illinois
18 addresses for titling or registration purposes are given as
19 being located in the unincorporated area of such county.

20 A portion of the money paid into the Local Government Tax
21 Fund from the 6.25% general rate (and, beginning July 1, 2000
22 and through December 31, 2000, the 1.25% rate on motor fuel and
23 gasohol, and beginning on August 6, 2010 through August 15,
24 2010, the 1.25% rate on sales tax holiday items) on sales
25 subject to taxation under the Retailers' Occupation Tax Act and
26 the Service Occupation Tax Act, which occurred in

1 municipalities, shall be distributed to each municipality,
2 based upon the sales which occurred in that municipality. The
3 remainder shall be distributed to each county, based upon the
4 sales which occurred in the unincorporated area of 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 extracted
9 from the earth. This paragraph does not apply to coal or other
10 mineral when it is delivered or shipped by the seller to the
11 purchaser at a point outside Illinois so that the sale is
12 exempt under the United States Constitution as a sale in
13 interstate or foreign commerce.

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

22 As soon as possible after the first day of each month,
23 beginning January 1, 2011, upon certification of the Department
24 of Revenue, the Comptroller shall order transferred, and the
25 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
26 local sales tax increment, as defined in the Innovation

1 Development and Economy Act, collected during the second
2 preceding calendar month for sales within a STAR bond district
3 and deposited into the Local Government Tax Fund, less 3% of
4 that amount, which shall be transferred into the Tax Compliance
5 and Administration Fund and shall be used by the Department,
6 subject to appropriation, to cover the costs of the Department
7 in administering the Innovation Development and Economy Act.

8 After the monthly transfer to the STAR Bonds Revenue Fund,
9 on or before the 25th day of each calendar month, the
10 Department shall prepare and certify to the Comptroller the
11 disbursement of stated sums of money to named municipalities
12 and counties, the municipalities and counties to be those
13 entitled to distribution of taxes or penalties paid to the
14 Department during the second preceding calendar month. The
15 amount to be paid to each municipality or county shall be the
16 amount (not including credit memoranda) collected during the
17 second preceding calendar month by the Department and paid into
18 the Local Government Tax Fund, plus an amount the Department
19 determines is necessary to offset any amounts which were
20 erroneously paid to a different taxing body, and not including
21 an amount equal to the amount of refunds made during the second
22 preceding calendar month by the Department, and not including
23 any amount which the Department determines is necessary to
24 offset any amounts which are payable to a different taxing body
25 but were erroneously paid to the municipality or county, and
26 not including any amounts that are transferred to the STAR

1 Bonds Revenue Fund. Within 10 days after receipt, by the
2 Comptroller, of the disbursement certification to the
3 municipalities and counties, provided for in this Section to be
4 given to the Comptroller by the Department, the Comptroller
5 shall cause the orders to be drawn for the respective amounts
6 in accordance with the directions contained in such
7 certification.

8 When certifying the amount of monthly disbursement to a
9 municipality or county under this Section, the Department shall
10 increase or decrease that amount by an amount necessary to
11 offset any misallocation of previous disbursements. The offset
12 amount shall be the amount erroneously disbursed within the 6
13 months preceding the time a misallocation is discovered.

14 The provisions directing the distributions from the
15 special fund in the State Treasury provided for in this Section
16 shall constitute an irrevocable and continuing appropriation
17 of all amounts as provided herein. The State Treasurer and
18 State Comptroller are hereby authorized to make distributions
19 as provided in this Section.

20 In construing any development, redevelopment, annexation,
21 preannexation or other lawful agreement in effect prior to
22 September 1, 1990, which describes or refers to receipts from a
23 county or municipal retailers' occupation tax, use tax or
24 service occupation tax which now cannot be imposed, such
25 description or reference shall be deemed to include the
26 replacement revenue for such abolished taxes, distributed from

1 the Local Government Tax Fund.

2 As soon as possible after the effective date of this
3 amendatory Act of the 98th General Assembly, the State
4 Comptroller shall order and the State Treasurer shall transfer
5 \$6,600,000 from the Local Government Tax Fund to the Illinois
6 State Medical Disciplinary Fund.

7 (Source: P.A. 97-333, eff. 8-12-11; 98-3, eff. 3-8-13.)

8 Section 25. The Illinois Income Tax Act is amended by
9 changing Section 901 and by adding Section 703A as follows:

10 (35 ILCS 5/703A new)

11 Sec. 703A. Information for reportable payment
12 transactions. Every person required under Section 6050W of the
13 Internal Revenue Code to file federal Form 1099-K, Third-Party
14 Payment Card and Third Party Network Transactions, identifying
15 a reportable payment transaction to a payee with an Illinois
16 address shall furnish a copy to the Department at such time and
17 in such manner as the Department may prescribe.

18 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

19 Sec. 901. Collection authority.

20 (a) In general. The Department shall collect the taxes
21 imposed by this Act. The Department shall collect certified
22 past due child support amounts under Section 2505-650 of the
23 Department of Revenue Law of the Civil Administrative Code of

1 Illinois. Except as provided in subsections (b), (c), (e), (f),
2 (g), and (h) of this Section, money collected pursuant to
3 subsections (a) and (b) of Section 201 of this Act shall be
4 paid into the General Revenue Fund in the State treasury; money
5 collected pursuant to subsections (c) and (d) of Section 201 of
6 this Act shall be paid into the Personal Property Tax
7 Replacement Fund, a special fund in the State Treasury; and
8 money collected under Section 2505-650 of the Department of
9 Revenue Law of the Civil Administrative Code of Illinois ~~(20~~
10 ~~ILCS 2505/2505-650)~~ shall be paid into the Child Support
11 Enforcement Trust Fund, a special fund outside the State
12 Treasury, or to the State Disbursement Unit established under
13 Section 10-26 of the Illinois Public Aid Code, as directed by
14 the Department of Healthcare and Family Services.

15 (b) Local Government Distributive Fund. Beginning August
16 1, 1969, and continuing through June 30, 1994, the Treasurer
17 shall transfer each month from the General Revenue Fund to a
18 special fund in the State treasury, to be known as the "Local
19 Government Distributive Fund", an amount equal to 1/12 of the
20 net revenue realized from the tax imposed by subsections (a)
21 and (b) of Section 201 of this Act during the preceding month.
22 Beginning July 1, 1994, and continuing through June 30, 1995,
23 the Treasurer shall transfer each month from the General
24 Revenue Fund to the Local Government Distributive Fund an
25 amount equal to 1/11 of the net revenue realized from the tax
26 imposed by subsections (a) and (b) of Section 201 of this Act

1 during the preceding month. Beginning July 1, 1995 and
2 continuing through January 31, 2011, the Treasurer shall
3 transfer each month from the General Revenue Fund to the Local
4 Government Distributive Fund an amount equal to the net of (i)
5 1/10 of the net revenue realized from the tax imposed by
6 subsections (a) and (b) of Section 201 of the Illinois Income
7 Tax Act during the preceding month (ii) minus, beginning July
8 1, 2003 and ending June 30, 2004, \$6,666,666, and beginning
9 July 1, 2004, zero. Beginning February 1, 2011, and continuing
10 through January 31, 2015, the Treasurer shall transfer each
11 month from the General Revenue Fund to the Local Government
12 Distributive Fund an amount equal to the sum of (i) 6% (10% of
13 the ratio of the 3% individual income tax rate prior to 2011 to
14 the 5% individual income tax rate after 2010) of the net
15 revenue realized from the tax imposed by subsections (a) and
16 (b) of Section 201 of this Act upon individuals, trusts, and
17 estates during the preceding month and (ii) 6.86% (10% of the
18 ratio of the 4.8% corporate income tax rate prior to 2011 to
19 the 7% corporate income tax rate after 2010) of the net revenue
20 realized from the tax imposed by subsections (a) and (b) of
21 Section 201 of this Act upon corporations during the preceding
22 month. Beginning February 1, 2015 and continuing through July
23 31, 2017, the Treasurer shall transfer each month from the
24 General Revenue Fund to the Local Government Distributive Fund
25 an amount equal to the sum of (i) 8% (10% of the ratio of the 3%
26 individual income tax rate prior to 2011 to the 3.75%

1 individual income tax rate after 2014) of the net revenue
2 realized from the tax imposed by subsections (a) and (b) of
3 Section 201 of this Act upon individuals, trusts, and estates
4 during the preceding month and (ii) 9.14% (10% of the ratio of
5 the 4.8% corporate income tax rate prior to 2011 to the 5.25%
6 corporate income tax rate after 2014) of the net revenue
7 realized from the tax imposed by subsections (a) and (b) of
8 Section 201 of this Act upon corporations during the preceding
9 month. Beginning August 1, 2017, the Treasurer shall transfer
10 each month from the General Revenue Fund to the Local
11 Government Distributive Fund an amount equal to the sum of (i)
12 6.06% (10% of the ratio of the 3% individual income tax rate
13 prior to 2011 to the 4.95% individual income tax rate after
14 July 1, 2017) of the net revenue realized from the tax imposed
15 by subsections (a) and (b) of Section 201 of this Act upon
16 individuals, trusts, and estates during the preceding month and
17 (ii) 6.85% (10% of the ratio of the 4.8% corporate income tax
18 rate prior to 2011 to the 7% corporate income tax rate after
19 July 1, 2017) of the net revenue realized from the tax imposed
20 by subsections (a) and (b) of Section 201 of this Act upon
21 corporations during the preceding month. Net revenue realized
22 for a month shall be defined as the revenue from the tax
23 imposed by subsections (a) and (b) of Section 201 of this Act
24 which is deposited in the General Revenue Fund, the Education
25 Assistance Fund, the Income Tax Surcharge Local Government
26 Distributive Fund, the Fund for the Advancement of Education,

1 and the Commitment to Human Services Fund during the month
2 minus the amount paid out of the General Revenue Fund in State
3 warrants during that same month as refunds to taxpayers for
4 overpayment of liability under the tax imposed by subsections
5 (a) and (b) of Section 201 of this Act.

6 Notwithstanding any provision of law to the contrary,
7 beginning on July 6, 2017 (the effective date of Public Act
8 100-23) ~~this amendatory Act of the 100th General Assembly,~~
9 those amounts required under this subsection (b) to be
10 transferred by the Treasurer into the Local Government
11 Distributive Fund from the General Revenue Fund shall be
12 directly deposited into the Local Government Distributive Fund
13 as the revenue is realized from the tax imposed by subsections
14 (a) and (b) of Section 201 of this Act.

15 For State fiscal year 2018 only, notwithstanding any
16 provision of law to the contrary, the total amount of revenue
17 and deposits under this Section attributable to revenues
18 realized during State fiscal year 2018 shall be reduced by 10%.

19 (c) Deposits Into Income Tax Refund Fund.

20 (1) Beginning on January 1, 1989 and thereafter, the
21 Department shall deposit a percentage of the amounts
22 collected pursuant to subsections (a) and (b) (1), (2), and
23 (3) of Section 201 of this Act into a fund in the State
24 treasury known as the Income Tax Refund Fund. The
25 Department shall deposit 6% of such amounts during the
26 period beginning January 1, 1989 and ending on June 30,

1 1989. Beginning with State fiscal year 1990 and for each
2 fiscal year thereafter, the percentage deposited into the
3 Income Tax Refund Fund during a fiscal year shall be the
4 Annual Percentage. For fiscal years 1999 through 2001, the
5 Annual Percentage shall be 7.1%. For fiscal year 2003, the
6 Annual Percentage shall be 8%. For fiscal year 2004, the
7 Annual Percentage shall be 11.7%. Upon the effective date
8 of Public Act 93-839 (July 30, 2004) ~~this amendatory Act of~~
9 ~~the 93rd General Assembly~~, the Annual Percentage shall be
10 10% for fiscal year 2005. For fiscal year 2006, the Annual
11 Percentage shall be 9.75%. For fiscal year 2007, the Annual
12 Percentage shall be 9.75%. For fiscal year 2008, the Annual
13 Percentage shall be 7.75%. For fiscal year 2009, the Annual
14 Percentage shall be 9.75%. For fiscal year 2010, the Annual
15 Percentage shall be 9.75%. For fiscal year 2011, the Annual
16 Percentage shall be 8.75%. For fiscal year 2012, the Annual
17 Percentage shall be 8.75%. For fiscal year 2013, the Annual
18 Percentage shall be 9.75%. For fiscal year 2014, the Annual
19 Percentage shall be 9.5%. For fiscal year 2015, the Annual
20 Percentage shall be 10%. For fiscal year 2018, the Annual
21 Percentage shall be 9.8%. For all other fiscal years, the
22 Annual Percentage shall be calculated as a fraction, the
23 numerator of which shall be the amount of refunds approved
24 for payment by the Department during the preceding fiscal
25 year as a result of overpayment of tax liability under
26 subsections (a) and (b) (1), (2), and (3) of Section 201 of

1 this Act plus the amount of such refunds remaining approved
2 but unpaid at the end of the preceding fiscal year, minus
3 the amounts transferred into the Income Tax Refund Fund
4 from the Tobacco Settlement Recovery Fund, and the
5 denominator of which shall be the amounts which will be
6 collected pursuant to subsections (a) and (b) (1), (2), and
7 (3) of Section 201 of this Act during the preceding fiscal
8 year; except that in State fiscal year 2002, the Annual
9 Percentage shall in no event exceed 7.6%. The Director of
10 Revenue shall certify the Annual Percentage to the
11 Comptroller on the last business day of the fiscal year
12 immediately preceding the fiscal year for which it is to be
13 effective.

14 (2) Beginning on January 1, 1989 and thereafter, the
15 Department shall deposit a percentage of the amounts
16 collected pursuant to subsections (a) and (b) (6), (7), and
17 (8), (c) and (d) of Section 201 of this Act into a fund in
18 the State treasury known as the Income Tax Refund Fund. The
19 Department shall deposit 18% of such amounts during the
20 period beginning January 1, 1989 and ending on June 30,
21 1989. Beginning with State fiscal year 1990 and for each
22 fiscal year thereafter, the percentage deposited into the
23 Income Tax Refund Fund during a fiscal year shall be the
24 Annual Percentage. For fiscal years 1999, 2000, and 2001,
25 the Annual Percentage shall be 19%. For fiscal year 2003,
26 the Annual Percentage shall be 27%. For fiscal year 2004,

1 the Annual Percentage shall be 32%. Upon the effective date
2 of Public Act 93-839 (July 30, 2004) ~~this amendatory Act of~~
3 ~~the 93rd General Assembly~~, the Annual Percentage shall be
4 24% for fiscal year 2005. For fiscal year 2006, the Annual
5 Percentage shall be 20%. For fiscal year 2007, the Annual
6 Percentage shall be 17.5%. For fiscal year 2008, the Annual
7 Percentage shall be 15.5%. For fiscal year 2009, the Annual
8 Percentage shall be 17.5%. For fiscal year 2010, the Annual
9 Percentage shall be 17.5%. For fiscal year 2011, the Annual
10 Percentage shall be 17.5%. For fiscal year 2012, the Annual
11 Percentage shall be 17.5%. For fiscal year 2013, the Annual
12 Percentage shall be 14%. For fiscal year 2014, the Annual
13 Percentage shall be 13.4%. For fiscal year 2015, the Annual
14 Percentage shall be 14%. For fiscal year 2018, the Annual
15 Percentage shall be 17.5%. For all other fiscal years, the
16 Annual Percentage shall be calculated as a fraction, the
17 numerator of which shall be the amount of refunds approved
18 for payment by the Department during the preceding fiscal
19 year as a result of overpayment of tax liability under
20 subsections (a) and (b) (6), (7), and (8), (c) and (d) of
21 Section 201 of this Act plus the amount of such refunds
22 remaining approved but unpaid at the end of the preceding
23 fiscal year, and the denominator of which shall be the
24 amounts which will be collected pursuant to subsections (a)
25 and (b) (6), (7), and (8), (c) and (d) of Section 201 of
26 this Act during the preceding fiscal year; except that in

1 State fiscal year 2002, the Annual Percentage shall in no
2 event exceed 23%. The Director of Revenue shall certify the
3 Annual Percentage to the Comptroller on the last business
4 day of the fiscal year immediately preceding the fiscal
5 year for which it is to be effective.

6 (3) The Comptroller shall order transferred and the
7 Treasurer shall transfer from the Tobacco Settlement
8 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000
9 in January, 2001, (ii) \$35,000,000 in January, 2002, and
10 (iii) \$35,000,000 in January, 2003.

11 (d) Expenditures from Income Tax Refund Fund.

12 (1) Beginning January 1, 1989, money in the Income Tax
13 Refund Fund shall be expended exclusively for the purpose
14 of paying refunds resulting from overpayment of tax
15 liability under Section 201 of this Act, for paying rebates
16 under Section 208.1 in the event that the amounts in the
17 Homeowners' Tax Relief Fund are insufficient for that
18 purpose, and for making transfers pursuant to this
19 subsection (d).

20 (2) The Director shall order payment of refunds
21 resulting from overpayment of tax liability under Section
22 201 of this Act from the Income Tax Refund Fund only to the
23 extent that amounts collected pursuant to Section 201 of
24 this Act and transfers pursuant to this subsection (d) and
25 item (3) of subsection (c) have been deposited and retained
26 in the Fund.

1 (3) As soon as possible after the end of each fiscal
2 year, the Director shall order transferred and the State
3 Treasurer and State Comptroller shall transfer from the
4 Income Tax Refund Fund to the Personal Property Tax
5 Replacement Fund an amount, certified by the Director to
6 the Comptroller, equal to the excess of the amount
7 collected pursuant to subsections (c) and (d) of Section
8 201 of this Act deposited into the Income Tax Refund Fund
9 during the fiscal year over the amount of refunds resulting
10 from overpayment of tax liability under subsections (c) and
11 (d) of Section 201 of this Act paid from the Income Tax
12 Refund Fund during the fiscal year.

13 (4) As soon as possible after the end of each fiscal
14 year, the Director shall order transferred and the State
15 Treasurer and State Comptroller shall transfer from the
16 Personal Property Tax Replacement Fund to the Income Tax
17 Refund Fund an amount, certified by the Director to the
18 Comptroller, equal to the excess of the amount of refunds
19 resulting from overpayment of tax liability under
20 subsections (c) and (d) of Section 201 of this Act paid
21 from the Income Tax Refund Fund during the fiscal year over
22 the amount collected pursuant to subsections (c) and (d) of
23 Section 201 of this Act deposited into the Income Tax
24 Refund Fund during the fiscal year.

25 (4.5) As soon as possible after the end of fiscal year
26 1999 and of each fiscal year thereafter, the Director shall

1 order transferred and the State Treasurer and State
2 Comptroller shall transfer from the Income Tax Refund Fund
3 to the General Revenue Fund any surplus remaining in the
4 Income Tax Refund Fund as of the end of such fiscal year;
5 excluding for fiscal years 2000, 2001, and 2002 amounts
6 attributable to transfers under item (3) of subsection (c)
7 less refunds resulting from the earned income tax credit.

8 (5) This Act shall constitute an irrevocable and
9 continuing appropriation from the Income Tax Refund Fund
10 for the purpose of paying refunds upon the order of the
11 Director in accordance with the provisions of this Section.

12 (e) Deposits into the Education Assistance Fund and the
13 Income Tax Surcharge Local Government Distributive Fund. On
14 July 1, 1991, and thereafter, of the amounts collected pursuant
15 to subsections (a) and (b) of Section 201 of this Act, minus
16 deposits into the Income Tax Refund Fund, the Department shall
17 deposit 7.3% into the Education Assistance Fund in the State
18 Treasury. Beginning July 1, 1991, and continuing through
19 January 31, 1993, of the amounts collected pursuant to
20 subsections (a) and (b) of Section 201 of the Illinois Income
21 Tax Act, minus deposits into the Income Tax Refund Fund, the
22 Department shall deposit 3.0% into the Income Tax Surcharge
23 Local Government Distributive Fund in the State Treasury.
24 Beginning February 1, 1993 and continuing through June 30,
25 1993, of the amounts collected pursuant to subsections (a) and
26 (b) of Section 201 of the Illinois Income Tax Act, minus

1 deposits into the Income Tax Refund Fund, the Department shall
2 deposit 4.4% into the Income Tax Surcharge Local Government
3 Distributive Fund in the State Treasury. Beginning July 1,
4 1993, and continuing through June 30, 1994, of the amounts
5 collected under subsections (a) and (b) of Section 201 of this
6 Act, minus deposits into the Income Tax Refund Fund, the
7 Department shall deposit 1.475% into the Income Tax Surcharge
8 Local Government Distributive Fund in the State Treasury.

9 (f) Deposits into the Fund for the Advancement of
10 Education. Beginning February 1, 2015, the Department shall
11 deposit the following portions of the revenue realized from the
12 tax imposed upon individuals, trusts, and estates by
13 subsections (a) and (b) of Section 201 of this Act during the
14 preceding month, minus deposits into the Income Tax Refund
15 Fund, into the Fund for the Advancement of Education:

16 (1) beginning February 1, 2015, and prior to February
17 1, 2025, 1/30; and

18 (2) beginning February 1, 2025, 1/26.

19 If the rate of tax imposed by subsection (a) and (b) of
20 Section 201 is reduced pursuant to Section 201.5 of this Act,
21 the Department shall not make the deposits required by this
22 subsection (f) on or after the effective date of the reduction.

23 (g) Deposits into the Commitment to Human Services Fund.
24 Beginning February 1, 2015, the Department shall deposit the
25 following portions of the revenue realized from the tax imposed
26 upon individuals, trusts, and estates by subsections (a) and

1 (b) of Section 201 of this Act ~~during the preceding month,~~
2 minus deposits into the Income Tax Refund Fund, into the
3 Commitment to Human Services Fund:

4 (1) beginning February 1, 2015, and prior to February
5 1, 2025, 1/30; and

6 (2) beginning February 1, 2025, 1/26.

7 If the rate of tax imposed by subsection (a) and (b) of
8 Section 201 is reduced pursuant to Section 201.5 of this Act,
9 the Department shall not make the deposits required by this
10 subsection (g) on or after the effective date of the reduction.

11 (h) Deposits into the Tax Compliance and Administration
12 Fund. Beginning on the first day of the first calendar month to
13 occur on or after August 26, 2014 (the effective date of Public
14 Act 98-1098), each month the Department shall pay into the Tax
15 Compliance and Administration Fund, to be used, subject to
16 appropriation, to fund additional auditors and compliance
17 personnel at the Department, an amount equal to 1/12 of 5% of
18 the cash receipts collected during the preceding fiscal year by
19 the Audit Bureau of the Department from the tax imposed by
20 subsections (a), (b), (c), and (d) of Section 201 of this Act,
21 net of deposits into the Income Tax Refund Fund made from those
22 cash receipts.

23 (Source: P.A. 99-78, eff. 7-20-15; 100-22, eff. 7-6-17; 100-23,
24 eff. 7-6-17; revised 8-3-17.)

25 Section 30. The Use Tax Act is amended by changing Sections

1 3-5, 3-5.5, 9, and 10 as follows:

2 (35 ILCS 105/3-5)

3 Sec. 3-5. Exemptions. Use of the following tangible
4 personal property is exempt from the tax imposed by this Act:

5 (1) Personal property purchased from a corporation,
6 society, association, foundation, institution, or
7 organization, other than a limited liability company, that is
8 organized and operated as a not-for-profit service enterprise
9 for the benefit of persons 65 years of age or older if the
10 personal property was not purchased by the enterprise for the
11 purpose of resale by the enterprise.

12 (2) Personal property purchased by a not-for-profit
13 Illinois county fair association for use in conducting,
14 operating, or promoting the county fair.

15 (3) Personal property purchased by a not-for-profit arts or
16 cultural organization that establishes, by proof required by
17 the Department by rule, that it has received an exemption under
18 Section 501(c)(3) of the Internal Revenue Code and that is
19 organized and operated primarily for the presentation or
20 support of arts or cultural programming, activities, or
21 services. These organizations include, but are not limited to,
22 music and dramatic arts organizations such as symphony
23 orchestras and theatrical groups, arts and cultural service
24 organizations, local arts councils, visual arts organizations,
25 and media arts organizations. On and after July 1, 2001 (the

1 effective date of Public Act 92-35) ~~this amendatory Act of the~~
2 ~~92nd General Assembly~~, however, an entity otherwise eligible
3 for this exemption shall not make tax-free purchases unless it
4 has an active identification number issued by the Department.

5 (4) Personal property purchased by a governmental body, by
6 a corporation, society, association, foundation, or
7 institution organized and operated exclusively for charitable,
8 religious, or educational purposes, or by a not-for-profit
9 corporation, society, association, foundation, institution, or
10 organization that has no compensated officers or employees and
11 that is organized and operated primarily for the recreation of
12 persons 55 years of age or older. A limited liability company
13 may qualify for the exemption under this paragraph only if the
14 limited liability company is organized and operated
15 exclusively for educational purposes. On and after July 1,
16 1987, however, no entity otherwise eligible for this exemption
17 shall make tax-free purchases unless it has an active exemption
18 identification number issued by the Department.

19 (5) Until July 1, 2003, a passenger car that is a
20 replacement vehicle to the extent that the purchase price of
21 the car is subject to the Replacement Vehicle Tax.

22 (6) Until July 1, 2003 and beginning again on September 1,
23 2004 through August 30, 2014, graphic arts machinery and
24 equipment, including repair and replacement parts, both new and
25 used, and including that manufactured on special order,
26 certified by the purchaser to be used primarily for graphic

1 arts production, and including machinery and equipment
2 purchased for lease. Equipment includes chemicals or chemicals
3 acting as catalysts but only if the chemicals or chemicals
4 acting as catalysts effect a direct and immediate change upon a
5 graphic arts product. Beginning on July 1, 2017, graphic arts
6 machinery and equipment is included in the manufacturing and
7 assembling machinery and equipment exemption under paragraph
8 (18).

9 (7) Farm chemicals.

10 (8) Legal tender, currency, medallions, or gold or silver
11 coinage issued by the State of Illinois, the government of the
12 United States of America, or the government of any foreign
13 country, and bullion.

14 (9) Personal property purchased from a teacher-sponsored
15 student organization affiliated with an elementary or
16 secondary school located in Illinois.

17 (10) A motor vehicle that is used for automobile renting,
18 as defined in the Automobile Renting Occupation and Use Tax
19 Act.

20 (11) Farm machinery and equipment, both new and used,
21 including that manufactured on special order, certified by the
22 purchaser to be used primarily for production agriculture or
23 State or federal agricultural programs, including individual
24 replacement parts for the machinery and equipment, including
25 machinery and equipment purchased for lease, and including
26 implements of husbandry defined in Section 1-130 of the

1 Illinois Vehicle Code, farm machinery and agricultural
2 chemical and fertilizer spreaders, and nurse wagons required to
3 be registered under Section 3-809 of the Illinois Vehicle Code,
4 but excluding other motor vehicles required to be registered
5 under the Illinois Vehicle Code. Horticultural polyhouses or
6 hoop houses used for propagating, growing, or overwintering
7 plants shall be considered farm machinery and equipment under
8 this item (11). Agricultural chemical tender tanks and dry
9 boxes shall include units sold separately from a motor vehicle
10 required to be licensed and units sold mounted on a motor
11 vehicle required to be licensed if the selling price of the
12 tender is separately stated.

13 Farm machinery and equipment shall include precision
14 farming equipment that is installed or purchased to be
15 installed on farm machinery and equipment including, but not
16 limited to, tractors, harvesters, sprayers, planters, seeders,
17 or spreaders. Precision farming equipment includes, but is not
18 limited to, soil testing sensors, computers, monitors,
19 software, global positioning and mapping systems, and other
20 such equipment.

21 Farm machinery and equipment also includes computers,
22 sensors, software, and related equipment used primarily in the
23 computer-assisted operation of production agriculture
24 facilities, equipment, and activities such as, but not limited
25 to, the collection, monitoring, and correlation of animal and
26 crop data for the purpose of formulating animal diets and

1 agricultural chemicals. This item (11) is exempt from the
2 provisions of Section 3-90.

3 (12) Until June 30, 2013, fuel and petroleum products sold
4 to or used by an air common carrier, certified by the carrier
5 to be used for consumption, shipment, or storage in the conduct
6 of its business as an air common carrier, for a flight destined
7 for or returning from a location or locations outside the
8 United States without regard to previous or subsequent domestic
9 stopovers.

10 Beginning July 1, 2013, fuel and petroleum products sold to
11 or used by an air carrier, certified by the carrier to be used
12 for consumption, shipment, or storage in the conduct of its
13 business as an air common carrier, for a flight that (i) is
14 engaged in foreign trade or is engaged in trade between the
15 United States and any of its possessions and (ii) transports at
16 least one individual or package for hire from the city of
17 origination to the city of final destination on the same
18 aircraft, without regard to a change in the flight number of
19 that aircraft.

20 (13) Proceeds of mandatory service charges separately
21 stated on customers' bills for the purchase and consumption of
22 food and beverages purchased at retail from a retailer, to the
23 extent that the proceeds of the service charge are in fact
24 turned over as tips or as a substitute for tips to the
25 employees who participate directly in preparing, serving,
26 hosting or cleaning up the food or beverage function with

1 respect to which the service charge is imposed.

2 (14) Until July 1, 2003, oil field exploration, drilling,
3 and production equipment, including (i) rigs and parts of rigs,
4 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and
5 tubular goods, including casing and drill strings, (iii) pumps
6 and pump-jack units, (iv) storage tanks and flow lines, (v) any
7 individual replacement part for oil field exploration,
8 drilling, and production equipment, and (vi) machinery and
9 equipment purchased for lease; but excluding motor vehicles
10 required to be registered under the Illinois Vehicle Code.

11 (15) Photoprocessing machinery and equipment, including
12 repair and replacement parts, both new and used, including that
13 manufactured on special order, certified by the purchaser to be
14 used primarily for photoprocessing, and including
15 photoprocessing machinery and equipment purchased for lease.

16 (16) Coal and aggregate exploration, mining, off-highway
17 hauling, processing, maintenance, and reclamation equipment,
18 including replacement parts and equipment, and including
19 equipment purchased for lease, but excluding motor vehicles
20 required to be registered under the Illinois Vehicle Code. The
21 changes made to this Section by Public Act 97-767 apply on and
22 after July 1, 2003, but no claim for credit or refund is
23 allowed on or after August 16, 2013 (the effective date of
24 Public Act 98-456) for such taxes paid during the period
25 beginning July 1, 2003 and ending on August 16, 2013 (the
26 effective date of Public Act 98-456).

1 (17) Until July 1, 2003, distillation machinery and
2 equipment, sold as a unit or kit, assembled or installed by the
3 retailer, certified by the user to be used only for the
4 production of ethyl alcohol that will be used for consumption
5 as motor fuel or as a component of motor fuel for the personal
6 use of the user, and not subject to sale or resale.

7 (18) Manufacturing and assembling machinery and equipment
8 used primarily in the process of manufacturing or assembling
9 tangible personal property for wholesale or retail sale or
10 lease, whether that sale or lease is made directly by the
11 manufacturer or by some other person, whether the materials
12 used in the process are owned by the manufacturer or some other
13 person, or whether that sale or lease is made apart from or as
14 an incident to the seller's engaging in the service occupation
15 of producing machines, tools, dies, jigs, patterns, gauges, or
16 other similar items of no commercial value on special order for
17 a particular purchaser. The exemption provided by this
18 paragraph (18) does not include machinery and equipment used in
19 (i) the generation of electricity for wholesale or retail sale;
20 (ii) the generation or treatment of natural or artificial gas
21 for wholesale or retail sale that is delivered to customers
22 through pipes, pipelines, or mains; or (iii) the treatment of
23 water for wholesale or retail sale that is delivered to
24 customers through pipes, pipelines, or mains. The provisions of
25 Public Act 98-583 are declaratory of existing law as to the
26 meaning and scope of this exemption. Beginning on July 1, 2017,

1 the exemption provided by this paragraph (18) includes, but is
2 not limited to, graphic arts machinery and equipment, as
3 defined in paragraph (6) of this Section.

4 (19) Personal property delivered to a purchaser or
5 purchaser's donee inside Illinois when the purchase order for
6 that personal property was received by a florist located
7 outside Illinois who has a florist located inside Illinois
8 deliver the personal property.

9 (20) Semen used for artificial insemination of livestock
10 for direct agricultural production.

11 (21) Horses, or interests in horses, registered with and
12 meeting the requirements of any of the Arabian Horse Club
13 Registry of America, Appaloosa Horse Club, American Quarter
14 Horse Association, United States Trotting Association, or
15 Jockey Club, as appropriate, used for purposes of breeding or
16 racing for prizes. This item (21) is exempt from the provisions
17 of Section 3-90, and the exemption provided for under this item
18 (21) applies for all periods beginning May 30, 1995, but no
19 claim for credit or refund is allowed on or after January 1,
20 2008 for such taxes paid during the period beginning May 30,
21 2000 and ending on January 1, 2008.

22 (22) Computers and communications equipment utilized for
23 any hospital purpose and equipment used in the diagnosis,
24 analysis, or treatment of hospital patients purchased by a
25 lessor who leases the equipment, under a lease of one year or
26 longer executed or in effect at the time the lessor would

1 otherwise be subject to the tax imposed by this Act, to a
2 hospital that has been issued an active tax exemption
3 identification number by the Department under Section 1g of the
4 Retailers' Occupation Tax Act. If the equipment is leased in a
5 manner that does not qualify for this exemption or is used in
6 any other non-exempt manner, the lessor shall be liable for the
7 tax imposed under this Act or the Service Use Tax Act, as the
8 case may be, based on the fair market value of the property at
9 the time the non-qualifying use occurs. No lessor shall collect
10 or attempt to collect an amount (however designated) that
11 purports to reimburse that lessor for the tax imposed by this
12 Act or the Service Use Tax Act, as the case may be, if the tax
13 has not been paid by the lessor. If a lessor improperly
14 collects any such amount from the lessee, the lessee shall have
15 a legal right to claim a refund of that amount from the lessor.
16 If, however, that amount is not refunded to the lessee for any
17 reason, the lessor is liable to pay that amount to the
18 Department.

19 (23) Personal property purchased by a lessor who leases the
20 property, under a lease of one year or longer executed or in
21 effect at the time the lessor would otherwise be subject to the
22 tax imposed by this Act, to a governmental body that has been
23 issued an active sales tax exemption identification number by
24 the Department under Section 1g of the Retailers' Occupation
25 Tax Act. If the property is leased in a manner that does not
26 qualify for this exemption or used in any other non-exempt

1 manner, the lessor shall be liable for the tax imposed under
2 this Act or the Service Use Tax Act, as the case may be, based
3 on the fair market value of the property at the time the
4 non-qualifying use occurs. No lessor shall collect or attempt
5 to collect an amount (however designated) that purports to
6 reimburse that lessor for the tax imposed by this Act or the
7 Service Use Tax Act, as the case may be, if the tax has not been
8 paid by the lessor. If a lessor improperly collects any such
9 amount from the lessee, the lessee shall have a legal right to
10 claim a refund of that amount from the lessor. If, however,
11 that amount is not refunded to the lessee for any reason, the
12 lessor is liable to pay that amount to the Department.

13 (24) Beginning with taxable years ending on or after
14 December 31, 1995 and ending with taxable years ending on or
15 before December 31, 2004, personal property that is donated for
16 disaster relief to be used in a State or federally declared
17 disaster area in Illinois or bordering Illinois by a
18 manufacturer or retailer that is registered in this State to a
19 corporation, society, association, foundation, or institution
20 that has been issued a sales tax exemption identification
21 number by the Department that assists victims of the disaster
22 who reside within the declared disaster area.

23 (25) Beginning with taxable years ending on or after
24 December 31, 1995 and ending with taxable years ending on or
25 before December 31, 2004, personal property that is used in the
26 performance of infrastructure repairs in this State, including

1 but not limited to municipal roads and streets, access roads,
2 bridges, sidewalks, waste disposal systems, water and sewer
3 line extensions, water distribution and purification
4 facilities, storm water drainage and retention facilities, and
5 sewage treatment facilities, resulting from a State or
6 federally declared disaster in Illinois or bordering Illinois
7 when such repairs are initiated on facilities located in the
8 declared disaster area within 6 months after the disaster.

9 (26) Beginning July 1, 1999, game or game birds purchased
10 at a "game breeding and hunting preserve area" as that term is
11 used in the Wildlife Code. This paragraph is exempt from the
12 provisions of Section 3-90.

13 (27) A motor vehicle, as that term is defined in Section
14 1-146 of the Illinois Vehicle Code, that is donated to a
15 corporation, limited liability company, society, association,
16 foundation, or institution that is determined by the Department
17 to be organized and operated exclusively for educational
18 purposes. For purposes of this exemption, "a corporation,
19 limited liability company, society, association, foundation,
20 or institution organized and operated exclusively for
21 educational purposes" means all tax-supported public schools,
22 private schools that offer systematic instruction in useful
23 branches of learning by methods common to public schools and
24 that compare favorably in their scope and intensity with the
25 course of study presented in tax-supported schools, and
26 vocational or technical schools or institutes organized and

1 operated exclusively to provide a course of study of not less
2 than 6 weeks duration and designed to prepare individuals to
3 follow a trade or to pursue a manual, technical, mechanical,
4 industrial, business, or commercial occupation.

5 (28) Beginning January 1, 2000, personal property,
6 including food, purchased through fundraising events for the
7 benefit of a public or private elementary or secondary school,
8 a group of those schools, or one or more school districts if
9 the events are sponsored by an entity recognized by the school
10 district that consists primarily of volunteers and includes
11 parents and teachers of the school children. This paragraph
12 does not apply to fundraising events (i) for the benefit of
13 private home instruction or (ii) for which the fundraising
14 entity purchases the personal property sold at the events from
15 another individual or entity that sold the property for the
16 purpose of resale by the fundraising entity and that profits
17 from the sale to the fundraising entity. This paragraph is
18 exempt from the provisions of Section 3-90.

19 (29) Beginning January 1, 2000 and through December 31,
20 2001, new or used automatic vending machines that prepare and
21 serve hot food and beverages, including coffee, soup, and other
22 items, and replacement parts for these machines. Beginning
23 January 1, 2002 and through June 30, 2003, machines and parts
24 for machines used in commercial, coin-operated amusement and
25 vending business if a use or occupation tax is paid on the
26 gross receipts derived from the use of the commercial,

1 coin-operated amusement and vending machines. This paragraph
2 is exempt from the provisions of Section 3-90.

3 (30) Beginning January 1, 2001 and through June 30, 2016,
4 food for human consumption that is to be consumed off the
5 premises where it is sold (other than alcoholic beverages, soft
6 drinks, and food that has been prepared for immediate
7 consumption) and prescription and nonprescription medicines,
8 drugs, medical appliances, and insulin, urine testing
9 materials, syringes, and needles used by diabetics, for human
10 use, when purchased for use by a person receiving medical
11 assistance under Article V of the Illinois Public Aid Code who
12 resides in a licensed long-term care facility, as defined in
13 the Nursing Home Care Act, or in a licensed facility as defined
14 in the ID/DD Community Care Act, the MC/DD Act, or the
15 Specialized Mental Health Rehabilitation Act of 2013.

16 (31) Beginning on August 2, 2001 (the effective date of
17 Public Act 92-227) ~~this amendatory Act of the 92nd General~~
18 ~~Assembly~~, computers and communications equipment utilized for
19 any hospital purpose and equipment used in the diagnosis,
20 analysis, or treatment of hospital patients purchased by a
21 lessor who leases the equipment, under a lease of one year or
22 longer executed or in effect at the time the lessor would
23 otherwise be subject to the tax imposed by this Act, to a
24 hospital that has been issued an active tax exemption
25 identification number by the Department under Section 1g of the
26 Retailers' Occupation Tax Act. If the equipment is leased in a

1 manner that does not qualify for this exemption or is used in
2 any other nonexempt manner, the lessor shall be liable for the
3 tax imposed under this Act or the Service Use Tax Act, as the
4 case may be, based on the fair market value of the property at
5 the time the nonqualifying use occurs. No lessor shall collect
6 or attempt to collect an amount (however designated) that
7 purports to reimburse that lessor for the tax imposed by this
8 Act or the Service Use Tax Act, as the case may be, if the tax
9 has not been paid by the lessor. If a lessor improperly
10 collects any such amount from the lessee, the lessee shall have
11 a legal right to claim a refund of that amount from the lessor.
12 If, however, that amount is not refunded to the lessee for any
13 reason, the lessor is liable to pay that amount to the
14 Department. This paragraph is exempt from the provisions of
15 Section 3-90.

16 (32) Beginning on August 2, 2001 (the effective date of
17 Public Act 92-227) ~~this amendatory Act of the 92nd General~~
18 ~~Assembly~~, personal property purchased by a lessor who leases
19 the property, under a lease of one year or longer executed or
20 in effect at the time the lessor would otherwise be subject to
21 the tax imposed by this Act, to a governmental body that has
22 been issued an active sales tax exemption identification number
23 by the Department under Section 1g of the Retailers' Occupation
24 Tax Act. If the property is leased in a manner that does not
25 qualify for this exemption or used in any other nonexempt
26 manner, the lessor shall be liable for the tax imposed under

1 this Act or the Service Use Tax Act, as the case may be, based
2 on the fair market value of the property at the time the
3 nonqualifying use occurs. No lessor shall collect or attempt to
4 collect an amount (however designated) that purports to
5 reimburse that lessor for the tax imposed by this Act or the
6 Service Use Tax Act, as the case may be, if the tax has not been
7 paid by the lessor. If a lessor improperly collects any such
8 amount from the lessee, the lessee shall have a legal right to
9 claim a refund of that amount from the lessor. If, however,
10 that amount is not refunded to the lessee for any reason, the
11 lessor is liable to pay that amount to the Department. This
12 paragraph is exempt from the provisions of Section 3-90.

13 (33) On and after July 1, 2003 and through June 30, 2004,
14 the use in this State of motor vehicles of the second division
15 with a gross vehicle weight in excess of 8,000 pounds and that
16 are subject to the commercial distribution fee imposed under
17 Section 3-815.1 of the Illinois Vehicle Code. Beginning on July
18 1, 2004 and through June 30, 2005, the use in this State of
19 motor vehicles of the second division: (i) with a gross vehicle
20 weight rating in excess of 8,000 pounds; (ii) that are subject
21 to the commercial distribution fee imposed under Section
22 3-815.1 of the Illinois Vehicle Code; and (iii) that are
23 primarily used for commercial purposes. Through June 30, 2005,
24 this exemption applies to repair and replacement parts added
25 after the initial purchase of such a motor vehicle if that
26 motor vehicle is used in a manner that would qualify for the

1 rolling stock exemption otherwise provided for in this Act. For
2 purposes of this paragraph, the term "used for commercial
3 purposes" means the transportation of persons or property in
4 furtherance of any commercial or industrial enterprise,
5 whether for-hire or not.

6 (34) Beginning January 1, 2008, tangible personal property
7 used in the construction or maintenance of a community water
8 supply, as defined under Section 3.145 of the Environmental
9 Protection Act, that is operated by a not-for-profit
10 corporation that holds a valid water supply permit issued under
11 Title IV of the Environmental Protection Act. This paragraph is
12 exempt from the provisions of Section 3-90.

13 (35) Beginning January 1, 2010, materials, parts,
14 equipment, components, and furnishings incorporated into or
15 upon an aircraft as part of the modification, refurbishment,
16 completion, replacement, repair, or maintenance of the
17 aircraft. This exemption includes consumable supplies used in
18 the modification, refurbishment, completion, replacement,
19 repair, and maintenance of aircraft, but excludes any
20 materials, parts, equipment, components, and consumable
21 supplies used in the modification, replacement, repair, and
22 maintenance of aircraft engines or power plants, whether such
23 engines or power plants are installed or uninstalled upon any
24 such aircraft. "Consumable supplies" include, but are not
25 limited to, adhesive, tape, sandpaper, general purpose
26 lubricants, cleaning solution, latex gloves, and protective

1 films. This exemption applies only to the use of qualifying
2 tangible personal property by persons who modify, refurbish,
3 complete, repair, replace, or maintain aircraft and who (i)
4 hold an Air Agency Certificate and are empowered to operate an
5 approved repair station by the Federal Aviation
6 Administration, (ii) have a Class IV Rating, and (iii) conduct
7 operations in accordance with Part 145 of the Federal Aviation
8 Regulations. The exemption does not include aircraft operated
9 by a commercial air carrier providing scheduled passenger air
10 service pursuant to authority issued under Part 121 or Part 129
11 of the Federal Aviation Regulations. The changes made to this
12 paragraph (35) by Public Act 98-534 are declarative of existing
13 law.

14 (36) Tangible personal property purchased by a
15 public-facilities corporation, as described in Section
16 11-65-10 of the Illinois Municipal Code, for purposes of
17 constructing or furnishing a municipal convention hall, but
18 only if the legal title to the municipal convention hall is
19 transferred to the municipality without any further
20 consideration by or on behalf of the municipality at the time
21 of the completion of the municipal convention hall or upon the
22 retirement or redemption of any bonds or other debt instruments
23 issued by the public-facilities corporation in connection with
24 the development of the municipal convention hall. This
25 exemption includes existing public-facilities corporations as
26 provided in Section 11-65-25 of the Illinois Municipal Code.

1 This paragraph is exempt from the provisions of Section 3-90.

2 (37) Beginning January 1, 2017, menstrual pads, tampons,
3 and menstrual cups.

4 (38) Merchandise that is subject to the Rental Purchase
5 Agreement Occupation and Use Tax. The purchaser must certify
6 that the item is purchased to be rented subject to a rental
7 purchase agreement, as defined in the Rental Purchase Agreement
8 Act, and provide proof of registration under the Rental
9 Purchase Agreement Occupation and Use Tax Act. This paragraph
10 is exempt from the provisions of Section 3-90.

11 (39) Tangible personal property purchased by a purchaser
12 who is exempt from the tax imposed by this Act by operation of
13 federal law. This paragraph is exempt from the provisions of
14 Section 3-90.

15 (Source: P.A. 99-180, eff. 7-29-15; 99-855, eff. 8-19-16;
16 100-22, eff. 7-6-17; 100-437, eff. 1-1-18; revised 9-27-17.)

17 (35 ILCS 105/3-5.5)

18 Sec. 3-5.5. Food and drugs sold by not-for-profit
19 organizations; exemption. The Department shall not collect the
20 1% tax imposed under this Act ~~on food for human consumption~~
21 ~~that is to be consumed off the premises where it is sold (other~~
22 ~~than alcoholic beverages, soft drinks, and food that 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 by~~

1 ~~diabetics, for human use~~ from any not-for-profit organization,
2 that sells food in a food distribution program at a price below
3 the retail cost of the food to purchasers who, as a condition
4 of participation in the program, are required to perform
5 community service, located in a county or municipality that
6 notifies the Department, in writing, that the county or
7 municipality does not want the tax to be collected from any of
8 such organizations located in the county or municipality.

9 (Source: P.A. 88-374.)

10 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

11 (Text of Section before amendment by P.A. 100-363)

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

1 discount shall be taken with each such tax remittance instead
2 of when such retailer files his periodic return. The discount
3 allowed under this Section is allowed only for returns that are
4 filed in the manner required by this Act. The Department may
5 disallow the discount for retailers whose certificate of
6 registration is revoked at the time the return is filed, but
7 only if the Department's decision to revoke the certificate of
8 registration has become final. A retailer need not remit that
9 part of any tax collected by him to the extent that he is
10 required to remit and does remit the tax imposed by the
11 Retailers' Occupation Tax Act, with respect to the sale of the
12 same property.

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

23 Except as provided in this Section, on or before the
24 twentieth day of each calendar month, such retailer shall file
25 a return for the preceding calendar month. Such return shall be
26 filed on forms prescribed by the Department and shall furnish

1 such information as the Department may reasonably require. On
2 and after January 1, 2018, except for returns for motor
3 vehicles, watercraft, aircraft, and trailers that are required
4 to be registered with an agency of this State, with respect to
5 retailers whose annual gross receipts average \$20,000 or more,
6 all returns required to be filed pursuant to this Act shall be
7 filed electronically. Retailers who demonstrate that they do
8 not have access to the Internet or demonstrate hardship in
9 filing electronically may petition the Department to waive the
10 electronic filing requirement.

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

18 1. The name of the seller;

19 2. The address of the principal place of business from
20 which he engages in the business of selling tangible
21 personal property at retail in this State;

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

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

3 5. The amount of tax due;

4 5-5. The signature of the taxpayer; and

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

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

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

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

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

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

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

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

25 Before October 1, 2000, if the taxpayer's average monthly
26 tax liability to the Department under this Act, the Retailers'

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

1 payment shall be in an amount equal to 22.5% of the taxpayer's
2 actual liability for the month or 27.5% of the taxpayer's
3 liability for the same calendar month of the preceding year. If
4 the month during which such tax liability is incurred begins on
5 or after January 1, 1987, and prior to January 1, 1988, each
6 payment shall be in an amount equal to 22.5% of the taxpayer's
7 actual liability for the month or 26.25% of the taxpayer's
8 liability for the same calendar month of the preceding year. If
9 the month during which such tax liability is incurred begins on
10 or after January 1, 1988, and prior to January 1, 1989, or
11 begins on or after January 1, 1996, each payment shall be in an
12 amount equal to 22.5% of the taxpayer's actual liability for
13 the month or 25% of the taxpayer's liability for the same
14 calendar month of the preceding year. If the month during which
15 such tax liability is incurred begins on or after January 1,
16 1989, and prior to January 1, 1996, each payment shall be in an
17 amount equal to 22.5% of the taxpayer's actual liability for
18 the month or 25% of the taxpayer's liability for the same
19 calendar month of the preceding year or 100% of the taxpayer's
20 actual liability for the quarter monthly reporting period. The
21 amount of such quarter monthly payments shall be credited
22 against the final tax liability of the taxpayer's return for
23 that month. Before October 1, 2000, once applicable, the
24 requirement of the making of quarter monthly payments to the
25 Department shall continue until such taxpayer's average
26 monthly liability to the Department during the preceding 4

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

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

15 If any such payment provided for in this Section exceeds
16 the taxpayer's liabilities under this Act, the Retailers'
17 Occupation Tax Act, the Service Occupation Tax Act and the
18 Service Use Tax Act, as shown by an original monthly return,
19 the Department shall issue to the taxpayer a credit memorandum
20 no later than 30 days after the date of payment, which
21 memorandum may be submitted by the taxpayer to the Department
22 in payment of tax liability subsequently to be remitted by the
23 taxpayer to the Department or be assigned by the taxpayer to a
24 similar taxpayer under this Act, the Retailers' Occupation Tax
25 Act, the Service Occupation Tax Act or the Service Use Tax Act,
26 in accordance with reasonable rules and regulations to be

1 prescribed by the Department, except that if such excess
2 payment is shown on an original monthly return and is made
3 after December 31, 1986, no credit memorandum shall be issued,
4 unless requested by the taxpayer. If no such request is made,
5 the taxpayer may credit such excess payment against tax
6 liability subsequently to be remitted by the taxpayer to the
7 Department under this Act, the Retailers' Occupation Tax Act,
8 the Service Occupation Tax Act or the Service Use Tax Act, in
9 accordance with reasonable rules and regulations prescribed by
10 the Department. If the Department subsequently determines that
11 all or any part of the credit taken was not actually due to the
12 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall
13 be reduced by 2.1% or 1.75% of the difference between the
14 credit taken and that actually due, and the taxpayer shall be
15 liable for penalties and interest on such difference.

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

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

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

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

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

1 trailer to another aircraft, watercraft, motor vehicle or
2 trailer retailer for the purpose of resale or (ii) a retailer
3 of aircraft, watercraft, motor vehicles, or trailers transfers
4 more than one aircraft, watercraft, motor vehicle, or trailer
5 to a purchaser for use as a qualifying rolling stock as
6 provided in Section 3-55 of this Act, then that seller may
7 report the transfer of all the aircraft, watercraft, motor
8 vehicles or trailers involved in that transaction to the
9 Department on the same uniform invoice-transaction reporting
10 return form. For purposes of this Section, "watercraft" means a
11 Class 2, Class 3, or Class 4 watercraft as defined in Section
12 3-2 of the Boat Registration and Safety Act, a personal
13 watercraft, or any boat equipped with an inboard motor.

14 In addition, with respect to motor vehicles, watercraft,
15 aircraft, and trailers that are required to be registered with
16 an agency of this State, every person who is engaged in the
17 business of leasing or renting such items and who, in
18 connection with such business, sells any such item to a
19 retailer for the purpose of resale is, notwithstanding any
20 other provision of this Section to the contrary, authorized to
21 meet the return-filing requirement of this Act by reporting the
22 transfer of all the aircraft, watercraft, motor vehicles, or
23 trailers transferred for resale during a month to the
24 Department on the same uniform invoice-transaction reporting
25 return form on or before the 20th of the month following the
26 month in which the transfer takes place. Notwithstanding any

1 other provision of this Act to the contrary, all returns filed
2 under this paragraph must be filed by electronic means in the
3 manner and form as required by the Department.

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

25 The transaction reporting return in the case of watercraft
26 and aircraft must show the name and address of the seller; the

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

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

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

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

22 If the user who would otherwise pay tax to the retailer
23 wants the transaction reporting return filed and the payment of
24 tax or proof of exemption made to the Department before the
25 retailer is willing to take these actions and such user has not
26 paid the tax to the retailer, such user may certify to the fact

1 of such delay by the retailer, and may (upon the Department
2 being satisfied of the truth of such certification) transmit
3 the information required by the transaction reporting return
4 and the remittance for tax or proof of exemption directly to
5 the Department and obtain his tax receipt or exemption
6 determination, in which event the transaction reporting return
7 and tax remittance (if a tax payment was required) shall be
8 credited by the Department to the proper retailer's account
9 with the Department, but without the 2.1% or 1.75% discount
10 provided for in this Section being allowed. When the user pays
11 the tax directly to the Department, he shall pay the tax in the
12 same amount and in the same form in which it would be remitted
13 if the tax 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 and
16 the purchaser thereafter returns such tangible personal
17 property and the retailer refunds the selling price thereof to
18 the purchaser, such retailer shall also refund, to the
19 purchaser, the tax so collected from the purchaser. When filing
20 his return for the period in which he refunds such tax to the
21 purchaser, the retailer may deduct the amount of the tax so
22 refunded by him to the purchaser from any other use tax which
23 such retailer may be required to pay or remit to the
24 Department, as shown by such return, if the amount of the tax
25 to be deducted was previously remitted to the Department by
26 such retailer. If the retailer has not previously remitted the

1 amount of such tax to the Department, he is entitled to no
2 deduction under this Act upon refunding such tax to the
3 purchaser.

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

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

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

23 Beginning January 1, 1990, each month the Department shall
24 pay into the State and Local Sales Tax Reform Fund, a special
25 fund in the State Treasury which is hereby created, the net
26 revenue realized for the preceding month from the 1% tax

1 ~~imposed under this Act on sales of food for human consumption~~
2 ~~which is to be consumed off the premises where it is sold~~
3 ~~(other than alcoholic beverages, soft drinks and food which has~~
4 ~~been prepared for immediate consumption) and prescription and~~
5 ~~nonprescription medicines, drugs, medical appliances, products~~
6 ~~classified as Class III medical devices by the United States~~
7 ~~Food and Drug Administration that are used for cancer treatment~~
8 ~~pursuant to a prescription, as well as any accessories and~~
9 ~~components related to those devices, and insulin, urine testing~~
10 ~~materials, syringes and needles used by diabetics.~~

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

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

26 Beginning August 1, 2000, each month the Department shall

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

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

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

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

1 Protection Act or the federal Clean Air Act, but the total
2 payment into the Clean Air Act Permit Fund under this Act and
3 the Retailers' Occupation Tax Act shall not exceed \$2,000,000
4 in any fiscal year.

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

20 Beginning July 1, 2015, of the remainder of the moneys
21 received by the Department under this Act, the Service Use Tax
22 Act, the Service Occupation Tax Act, and the Retailers'
23 Occupation Tax Act, each month the Department shall deposit
24 \$500,000 into the State Crime Laboratory Fund.

25 Of the remainder of the moneys received by the Department
26 pursuant to this Act, (a) 1.75% thereof shall be paid into the

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

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

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

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

24	Fiscal Year	Total Deposit
25	1993	\$0
26	1994	53,000,000

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

1	2021	246,000,000
2	2022	260,000,000
3	2023	275,000,000
4	2024	275,000,000
5	2025	275,000,000
6	2026	279,000,000
7	2027	292,000,000
8	2028	307,000,000
9	2029	322,000,000
10	2030	338,000,000
11	2031	350,000,000
12	2032	350,000,000

13 and
14 each fiscal year
15 thereafter that bonds
16 are outstanding under
17 Section 13.2 of the
18 Metropolitan Pier and
19 Exposition Authority Act,
20 but not after fiscal year 2060.

21 Beginning July 20, 1993 and in each month of each fiscal
22 year thereafter, one-eighth of the amount requested in the
23 certificate of the Chairman of the Metropolitan Pier and
24 Exposition Authority for that fiscal year, less the amount
25 deposited into the McCormick Place Expansion Project Fund by
26 the State Treasurer in the respective month under subsection

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

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

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

1 the Department of Commerce and Economic Opportunity Law of the
2 Civil Administrative Code of Illinois.

3 Subject to payment of amounts into the Build Illinois Fund,
4 the McCormick Place Expansion Project Fund, the Illinois Tax
5 Increment Fund, and the Energy Infrastructure Fund pursuant to
6 the preceding paragraphs or in any amendments to this Section
7 hereafter enacted, beginning on the first day of the first
8 calendar month to occur on or after August 26, 2014 (the
9 effective date of Public Act 98-1098), each month, from the
10 collections made under Section 9 of the Use Tax Act, Section 9
11 of the Service Use Tax Act, Section 9 of the Service Occupation
12 Tax Act, and Section 3 of the Retailers' Occupation Tax Act,
13 the Department shall pay into the Tax Compliance and
14 Administration Fund, to be used, subject to appropriation, to
15 fund additional auditors and compliance personnel at the
16 Department of Revenue, an amount equal to $\frac{1}{12}$ of 5% of 80% of
17 the cash receipts collected during the preceding fiscal year by
18 the Audit Bureau of the Department under the Use Tax Act, the
19 Service Use Tax Act, the Service Occupation Tax Act, the
20 Retailers' Occupation Tax Act, and associated local occupation
21 and use taxes administered by the Department.

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

1 accordance with Section 8a of the State Finance Act.

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

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

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

20 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;
21 99-933, eff. 1-27-17; 100-303, eff. 8-24-17.)

22 (Text of Section after amendment by P.A. 100-363)

23 Sec. 9. Except as to motor vehicles, watercraft, aircraft,
24 and trailers that are required to be registered with an agency
25 of this State, each retailer required or authorized to collect

1 the tax imposed by this Act shall pay to the Department the
2 amount of such tax (except as otherwise provided) at the time
3 when he is required to file his return for the period during
4 which such tax was collected, less a discount of 2.1% prior to
5 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5
6 per calendar year, whichever is greater, which is allowed to
7 reimburse the retailer for expenses incurred in collecting the
8 tax, keeping records, preparing and filing returns, remitting
9 the tax and supplying data to the Department on request. In the
10 case of retailers who report and pay the tax on a transaction
11 by transaction basis, as provided in this Section, such
12 discount shall be taken with each such tax remittance instead
13 of when such retailer files his periodic return. The discount
14 allowed under this Section is allowed only for returns that are
15 filed in the manner required by this Act. The Department may
16 disallow the discount for retailers whose certificate of
17 registration is revoked at the time the return is filed, but
18 only if the Department's decision to revoke the certificate of
19 registration has become final. A retailer need not remit that
20 part of any tax collected by him to the extent that he is
21 required to remit and does remit the tax imposed by the
22 Retailers' Occupation Tax Act, with respect to the sale of the
23 same property.

24 Where such tangible personal property is sold under a
25 conditional sales contract, or under any other form of sale
26 wherein the payment of the principal sum, or a part thereof, is

1 extended beyond the close of the period for which the return is
2 filed, the retailer, in collecting the tax (except as to motor
3 vehicles, watercraft, aircraft, and trailers that are required
4 to be registered with an agency of this State), may collect for
5 each tax return period, only the tax applicable to that part of
6 the selling price actually received during such tax return
7 period.

8 Except as provided in this Section, on or before the
9 twentieth day of each calendar month, such retailer shall file
10 a return for the preceding calendar month. Such return shall be
11 filed on forms prescribed by the Department and shall furnish
12 such information as the Department may reasonably require. On
13 and after January 1, 2018, except for returns for motor
14 vehicles, watercraft, aircraft, and trailers that are required
15 to be registered with an agency of this State, with respect to
16 retailers whose annual gross receipts average \$20,000 or more,
17 all returns required to be filed pursuant to this Act shall be
18 filed electronically. Retailers who demonstrate that they do
19 not have access to the Internet or demonstrate hardship in
20 filing electronically may petition the Department to waive the
21 electronic filing requirement.

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

1 of the first two months of each calendar quarter, on or before
2 the twentieth day of the following calendar month, stating:

3 1. The name of the seller;

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

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

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

14 5. The amount of tax due;

15 5-5. The signature of the taxpayer; and

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

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

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

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

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

26 Any taxpayer not required to make payments by electronic

1 funds transfer may make payments by electronic funds transfer
2 with the permission of the Department.

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

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

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

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

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

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

26 If any such payment provided for in this Section exceeds

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

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

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

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

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

1 business.

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

25 In addition, with respect to motor vehicles, watercraft,
26 aircraft, and trailers that are required to be registered with

1 an agency of this State, every person who is engaged in the
2 business of leasing or renting such items and who, in
3 connection with such business, sells any such item to a
4 retailer for the purpose of resale is, notwithstanding any
5 other provision of this Section to the contrary, authorized to
6 meet the return-filing requirement of this Act by reporting the
7 transfer of all the aircraft, watercraft, motor vehicles, or
8 trailers transferred for resale during a month to the
9 Department on the same uniform invoice-transaction reporting
10 return form on or before the 20th of the month following the
11 month in which the transfer takes place. Notwithstanding any
12 other provision of this Act to the contrary, all returns filed
13 under this paragraph must be filed by electronic means in the
14 manner and form as required by the Department.

15 The transaction reporting return in the case of motor
16 vehicles or trailers that are required to be registered with an
17 agency of this State, shall be the same document as the Uniform
18 Invoice referred to in Section 5-402 of the Illinois Vehicle
19 Code and must show the name and address of the seller; the name
20 and address of the purchaser; the amount of the selling price
21 including the amount allowed by the retailer for traded-in
22 property, if any; the amount allowed by the retailer for the
23 traded-in tangible personal property, if any, to the extent to
24 which Section 2 of this Act allows an exemption for the value
25 of traded-in property; the balance payable after deducting such
26 trade-in allowance from the total selling price; the amount of

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

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

26 Such transaction reporting return shall be filed not later

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

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

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

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

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

25 Where a retailer collects the tax with respect to the
26 selling price of tangible personal property which he sells and

1 the purchaser thereafter returns such tangible personal
2 property and the retailer refunds the selling price thereof to
3 the purchaser, such retailer shall also refund, to the
4 purchaser, the tax so collected from the purchaser. When filing
5 his return for the period in which he refunds such tax to the
6 purchaser, the retailer may deduct the amount of the tax so
7 refunded by him to the purchaser from any other use tax which
8 such retailer may be required to pay or remit to the
9 Department, as shown by such return, if the amount of the tax
10 to be deducted was previously remitted to the Department by
11 such retailer. If the retailer has not previously remitted the
12 amount of such tax to the Department, he is entitled to no
13 deduction under this Act upon refunding such tax to the
14 purchaser.

15 Any retailer filing a return under this Section shall also
16 include (for the purpose of paying tax thereon) the total tax
17 covered by such return upon the selling price of tangible
18 personal property purchased by him at retail from a retailer,
19 but as to which the tax imposed by this Act was not collected
20 from the retailer filing such return, and such retailer shall
21 remit the amount of such tax to the Department when filing such
22 return.

23 If experience indicates such action to be practicable, the
24 Department may prescribe and furnish a combination or joint
25 return which will enable retailers, who are required to file
26 returns hereunder and also under the Retailers' Occupation Tax

1 Act, to furnish all the return information required by both
2 Acts on the one form.

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

8 Beginning January 1, 1990, each month the Department shall
9 pay into the State and Local Sales Tax Reform Fund, a special
10 fund in the State Treasury which is hereby created, the net
11 revenue realized for the preceding month from the 1% tax
12 imposed under this Act ~~on sales of food for human consumption~~
13 ~~which is to be consumed off the premises where it is sold~~
14 ~~(other than alcoholic beverages, soft drinks and food which has~~
15 ~~been prepared for immediate consumption) and prescription and~~
16 ~~nonprescription medicines, drugs, medical appliances, products~~
17 ~~classified as Class III medical devices by the United States~~
18 ~~Food and Drug Administration that are used for cancer treatment~~
19 ~~pursuant to a prescription, as well as any accessories and~~
20 ~~components related to those devices, and insulin, urine testing~~
21 ~~materials, syringes and needles used by diabetics.~~

22 Beginning January 1, 1990, each month the Department shall
23 pay into the County and Mass Transit District Fund 4% of the
24 net revenue realized for the preceding month from the 6.25%
25 general rate on the selling price of tangible personal property
26 which is purchased outside Illinois at retail from a retailer

1 and which is titled or registered by an agency of this State's
2 government.

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

11 Beginning August 1, 2000, each month the Department shall
12 pay into the State and Local Sales Tax Reform Fund 100% of the
13 net revenue realized for the preceding month from the 1.25%
14 rate on the selling price of motor fuel and gasohol. Beginning
15 September 1, 2010, each month the Department shall pay into the
16 State and Local Sales Tax Reform Fund 100% of the net revenue
17 realized for the preceding month from the 1.25% rate on the
18 selling price of sales tax holiday items.

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

26 Beginning October 1, 2009, each month the Department shall

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

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

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

1 "average monthly deficit" shall be equal to the difference
2 between the average monthly claims for payment by the fund and
3 the average monthly revenues deposited into the fund, excluding
4 payments made pursuant to this paragraph.

5 Beginning July 1, 2015, of the remainder of the moneys
6 received by the Department under this Act, the Service Use Tax
7 Act, the Service Occupation Tax Act, and the Retailers'
8 Occupation Tax Act, each month the Department shall deposit
9 \$500,000 into the State Crime Laboratory Fund.

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

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

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

23 Subject to payment of amounts into the Build Illinois Fund
24 as provided in the preceding paragraph or in any amendment
25 thereto hereafter enacted, the following specified monthly
26 installment of the amount requested in the certificate of the

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

9	Fiscal Year	Total Deposit
10	1993	\$0
11	1994	53,000,000
12	1995	58,000,000
13	1996	61,000,000
14	1997	64,000,000
15	1998	68,000,000
16	1999	71,000,000
17	2000	75,000,000
18	2001	80,000,000
19	2002	93,000,000
20	2003	99,000,000
21	2004	103,000,000
22	2005	108,000,000
23	2006	113,000,000
24	2007	119,000,000
25	2008	126,000,000
26	2009	132,000,000

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

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

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

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

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

14 Subject to payment of amounts into the Build Illinois Fund,
15 the McCormick Place Expansion Project Fund, the Illinois Tax
16 Increment Fund, and the Energy Infrastructure Fund pursuant to
17 the preceding paragraphs or in any amendments to this Section
18 hereafter enacted, beginning on the first day of the first
19 calendar month to occur on or after August 26, 2014 (the
20 effective date of Public Act 98-1098), each month, from the
21 collections made under Section 9 of the Use Tax Act, Section 9
22 of the Service Use Tax Act, Section 9 of the Service Occupation
23 Tax Act, and Section 3 of the Retailers' Occupation Tax Act,
24 the Department shall pay into the Tax Compliance and
25 Administration Fund, to be used, subject to appropriation, to
26 fund additional auditors and compliance personnel at the

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

7 Subject to payments of amounts into the Build Illinois
8 Fund, the McCormick Place Expansion Project Fund, the Illinois
9 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax
10 Compliance and Administration Fund as provided in this Section,
11 beginning on July 1, 2018 the Department shall pay each month
12 into the Downstate Public Transportation Fund the moneys
13 required to be so paid under Section 2-3 of the Downstate
14 Public Transportation Act.

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

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

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

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

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

13 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;
14 99-933, eff. 1-27-17; 100-303, eff. 8-24-17; 100-363, eff.
15 7-1-18; revised 10-20-17.)

16 (35 ILCS 105/10) (from Ch. 120, par. 439.10)

17 Sec. 10. Except as to motor vehicles, aircraft, watercraft,
18 and trailers, and except as to cigarettes as defined in the
19 Cigarette Use Tax Act, when tangible personal property is
20 purchased from a retailer for use in this State by a purchaser
21 who did not pay the tax imposed by this Act to the retailer,
22 and a purchaser who does not file returns with the Department
23 as a retailer under Section 9 of this Act, such purchaser (by
24 the last day of the month following the calendar month in which
25 such purchaser makes any payment upon the selling price of such

1 property) shall, except as otherwise provided in this Section,
2 file a return with the Department and pay the tax upon that
3 portion of the selling price so paid by the purchaser during
4 the preceding calendar month. When tangible personal property,
5 other than motor vehicles and trailers, is purchased by a
6 lessor, under a lease for one year or longer, executed or in
7 effect at the time of purchase to an interstate carrier for
8 hire, who did not pay the tax imposed by this Act to the
9 retailer, such lessor (by the last day of the month following
10 the calendar month in which such property reverts to the use of
11 such lessor) shall file a return with the Department and pay
12 the tax upon the fair market value of such property on the date
13 of such reversion. However, in determining the fair market
14 value at the time of reversion, the fair market value of such
15 property shall not exceed the original purchase price of the
16 property that was paid by the lessor at the time of purchase.
17 Such return shall be filed on a form prescribed by the
18 Department and shall contain such information as the Department
19 may reasonably require. Such return and payment from the
20 purchaser shall be submitted to the Department sooner than the
21 last day of the month after the month in which the purchase is
22 made to the extent that that may be necessary in order to
23 secure the title to a motor vehicle or the certificate of
24 registration for an aircraft. Except as to motor vehicles,
25 aircraft, watercraft, and trailers, and except as to cigarettes
26 as defined in the Cigarette Use Tax Act, when tangible personal

1 property is purchased out-of-state from a retailer by a
2 purchaser who did not pay the tax imposed by this Act to the
3 retailer, and a purchaser who does not file returns with the
4 Department as a retailer under Section 9 of this Act, the
5 liability for the tax imposed by the Act arises on the date
6 such tangible personal property is brought into this State. The
7 purchaser shall, within 30 days after such tangible personal
8 property is brought into this State, file with the Department,
9 upon a form to be prescribed and supplied by the Department, a
10 return for the tangible personal property purchased. However,
11 except as to motor vehicles and aircraft, and except as to
12 cigarettes as defined in the Cigarette Use Tax Act, if the
13 purchaser's annual use tax liability does not exceed \$600, the
14 purchaser may file the return on an annual basis on or before
15 April 15th of the year following the year use tax liability was
16 incurred. Individual purchasers with an annual use tax
17 liability that does not exceed \$600 may, in lieu of the filing
18 and payment requirements in this Section, file and pay in
19 compliance with Section 502.1 of the Illinois Income Tax Act.

20 If cigarettes, as defined in the Cigarette Use Tax Act, are
21 purchased from a retailer for use in this State by a purchaser
22 who did not pay the tax imposed by this Act to the retailer,
23 and a purchaser who does not file returns with the Department
24 as a retailer under Section 9 of this Act, such purchaser must,
25 within 30 days after acquiring the cigarettes, file a return
26 with the Department and pay the tax upon that portion of the

1 selling price so paid by the purchaser for the cigarettes. When
2 cigarettes, as defined in the Cigarette Use Tax Act, are
3 purchased out-of-state from a retailer for use in this State by
4 a purchaser who did not pay the tax imposed by this Act to the
5 retailer, and a purchaser who does not file returns with the
6 Department as a retailer under Section 9 of this Act, the
7 liability for the tax imposed by the Act arises on the date
8 such cigarettes are brought into this State. The purchaser
9 shall, within 30 days after such cigarettes are brought into
10 this State, file with the Department, upon a form to be
11 prescribed and supplied by the Department, a return for the
12 cigarettes purchased.

13 In addition with respect to motor vehicles, aircraft,
14 watercraft, and trailers, a purchaser of such tangible personal
15 property for use in this State, who purchases such tangible
16 personal property from an out-of-state retailer, shall file
17 with the Department, upon a form to be prescribed and supplied
18 by the Department, a return for each such item of tangible
19 personal property purchased, except that if, in the same
20 transaction, (i) a purchaser of motor vehicles, aircraft,
21 watercraft, or trailers who is a retailer of motor vehicles,
22 aircraft, watercraft, or trailers purchases more than one motor
23 vehicle, aircraft, watercraft, or trailer for the purpose of
24 resale or (ii) a purchaser of motor vehicles, aircraft,
25 watercraft, or trailers purchases more than one motor vehicle,
26 aircraft, watercraft, or trailer for use as qualifying rolling

1 stock as provided in Section 3-55 of this Act, then the
2 purchaser may report the purchase of all motor vehicles,
3 aircraft, watercraft, or trailers involved in that transaction
4 to the Department on a single return prescribed by the
5 Department. Such return in the case of motor vehicles and
6 aircraft must show the name and address of the seller, the
7 name, address of purchaser, the amount of the selling price
8 including the amount allowed by the retailer for traded in
9 property, if any; the amount allowed by the retailer for the
10 traded-in tangible personal property, if any, to the extent to
11 which Section 2 of this Act allows an exemption for the value
12 of traded-in property; the balance payable after deducting such
13 trade-in allowance from the total selling price; the amount of
14 tax due from the purchaser with respect to such transaction;
15 the amount of tax collected from the purchaser by the retailer
16 on such transaction (or satisfactory evidence that such tax is
17 not due in that particular instance if that is claimed to be
18 the fact); the place and date of the sale, a sufficient
19 identification of the property sold, and such other information
20 as the Department may reasonably require.

21 Such return shall be filed not later than 30 days after
22 such motor vehicle or aircraft is brought into this State for
23 use.

24 For purposes of this Section, "watercraft" means a Class 2,
25 Class 3, or Class 4 watercraft as defined in Section 3-2 of the
26 Boat Registration and Safety Act, a personal watercraft, or any

1 boat equipped with an inboard motor.

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

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

22 When a purchaser pays a tax imposed by this Act directly to
23 the Department, the Department (upon request therefor from such
24 purchaser) shall issue an appropriate receipt to such purchaser
25 showing that he has paid such tax to the Department. Such
26 receipt shall be sufficient to relieve the purchaser from

1 further liability for the tax to which such receipt may refer.

2 A user who is liable to pay use tax directly to the
3 Department only occasionally and not on a frequently recurring
4 basis, and who is not required to file returns with the
5 Department as a retailer under Section 9 of this Act, or under
6 the "Retailers' Occupation Tax Act", or as a registrant with
7 the Department under the "Service Occupation Tax Act" or the
8 "Service Use Tax Act", need not register with the Department.
9 However, if such a user has a frequently recurring direct use
10 tax liability to pay to the Department, such user shall be
11 required to register with the Department on forms prescribed by
12 the Department and to obtain and display a certificate of
13 registration from the Department. In that event, all of the
14 provisions of Section 9 of this Act concerning the filing of
15 regular monthly, quarterly or annual tax returns and all of the
16 provisions of Section 2a of the "Retailers' Occupation Tax Act"
17 concerning the requirements for registrants to post bond or
18 other security with the Department, as the provisions of such
19 sections now exist or may hereafter be amended, shall apply to
20 such users to the same extent as if such provisions were
21 included herein.

22 (Source: P.A. 100-321, eff. 8-24-17.)

23 Section 35. The Service Use Tax Act is amended by changing
24 Sections 3-5, 3-5.5, and 9 as follows:

1 (35 ILCS 110/3-5)

2 Sec. 3-5. Exemptions. Use of the following tangible
3 personal property is exempt from the tax imposed by this Act:

4 (1) Personal property purchased from a corporation,
5 society, association, foundation, institution, or
6 organization, other than a limited liability company, that is
7 organized and operated as a not-for-profit service enterprise
8 for the benefit of persons 65 years of age or older if the
9 personal property was not purchased by the enterprise for the
10 purpose of resale by the enterprise.

11 (2) Personal property purchased by a non-profit Illinois
12 county fair association for use in conducting, operating, or
13 promoting the county fair.

14 (3) Personal property purchased by a not-for-profit arts or
15 cultural organization that establishes, by proof required by
16 the Department by rule, that it has received an exemption under
17 Section 501(c)(3) of the Internal Revenue Code and that is
18 organized and operated primarily for the presentation or
19 support of arts or cultural programming, activities, or
20 services. These organizations include, but are not limited to,
21 music and dramatic arts organizations such as symphony
22 orchestras and theatrical groups, arts and cultural service
23 organizations, local arts councils, visual arts organizations,
24 and media arts organizations. On and after the effective date
25 of this amendatory Act of the 92nd General Assembly, however,
26 an entity otherwise eligible for this exemption shall not make

1 tax-free purchases unless it has an active identification
2 number issued by the Department.

3 (4) Legal tender, currency, medallions, or gold or silver
4 coinage issued by the State of Illinois, the government of the
5 United States of America, or the government of any foreign
6 country, and bullion.

7 (5) Until July 1, 2003 and beginning again on September 1,
8 2004 through August 30, 2014, graphic arts machinery and
9 equipment, including repair and replacement parts, both new and
10 used, and including that manufactured on special order or
11 purchased for lease, certified by the purchaser to be used
12 primarily for graphic arts production. Equipment includes
13 chemicals or chemicals acting as catalysts but only if the
14 chemicals or chemicals acting as catalysts effect a direct and
15 immediate change upon a graphic arts product. Beginning on July
16 1, 2017, graphic arts machinery and equipment is included in
17 the manufacturing and assembling machinery and equipment
18 exemption under Section 2 of this Act.

19 (6) Personal property purchased from a teacher-sponsored
20 student organization affiliated with an elementary or
21 secondary school located in Illinois.

22 (7) Farm machinery and equipment, both new and used,
23 including that manufactured on special order, certified by the
24 purchaser to be used primarily for production agriculture or
25 State or federal agricultural programs, including individual
26 replacement parts for the machinery and equipment, including

1 machinery and equipment purchased for lease, and including
2 implements of husbandry defined in Section 1-130 of the
3 Illinois Vehicle Code, farm machinery and agricultural
4 chemical and fertilizer spreaders, and nurse wagons required to
5 be registered under Section 3-809 of the Illinois Vehicle Code,
6 but excluding other motor vehicles required to be registered
7 under the Illinois Vehicle Code. Horticultural polyhouses or
8 hoop houses used for propagating, growing, or overwintering
9 plants shall be considered farm machinery and equipment under
10 this item (7). Agricultural chemical tender tanks and dry boxes
11 shall include units sold separately from a motor vehicle
12 required to be licensed and units sold mounted on a motor
13 vehicle required to be licensed if the selling price of the
14 tender is separately stated.

15 Farm machinery and equipment shall include precision
16 farming equipment that is installed or purchased to be
17 installed on farm machinery and equipment including, but not
18 limited to, tractors, harvesters, sprayers, planters, seeders,
19 or spreaders. Precision farming equipment includes, but is not
20 limited to, soil testing sensors, computers, monitors,
21 software, global positioning and mapping systems, and other
22 such equipment.

23 Farm machinery and equipment also includes computers,
24 sensors, software, and related equipment used primarily in the
25 computer-assisted operation of production agriculture
26 facilities, equipment, and activities such as, but not limited

1 to, the collection, monitoring, and correlation of animal and
2 crop data for the purpose of formulating animal diets and
3 agricultural chemicals. This item (7) is exempt from the
4 provisions of Section 3-75.

5 (8) Until June 30, 2013, fuel and petroleum products sold
6 to or used by an air common carrier, certified by the carrier
7 to be used for consumption, shipment, or storage in the conduct
8 of its business as an air common carrier, for a flight destined
9 for or returning from a location or locations outside the
10 United States without regard to previous or subsequent domestic
11 stopovers.

12 Beginning July 1, 2013, fuel and petroleum products sold to
13 or used by an air carrier, certified by the carrier to be used
14 for consumption, shipment, or storage in the conduct of its
15 business as an air common carrier, for a flight that (i) is
16 engaged in foreign trade or is engaged in trade between the
17 United States and any of its possessions and (ii) transports at
18 least one individual or package for hire from the city of
19 origination to the city of final destination on the same
20 aircraft, without regard to a change in the flight number of
21 that aircraft.

22 (9) Proceeds of mandatory service charges separately
23 stated on customers' bills for the purchase and consumption of
24 food and beverages acquired as an incident to the purchase of a
25 service from a serviceman, to the extent that the proceeds of
26 the service charge are in fact turned over as tips or as a

1 substitute for tips to the employees who participate directly
2 in preparing, serving, hosting or cleaning up the food or
3 beverage function with respect to which the service charge is
4 imposed.

5 (10) Until July 1, 2003, oil field exploration, drilling,
6 and production equipment, including (i) rigs and parts of rigs,
7 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and
8 tubular goods, including casing and drill strings, (iii) pumps
9 and pump-jack units, (iv) storage tanks and flow lines, (v) any
10 individual replacement part for oil field exploration,
11 drilling, and production equipment, and (vi) machinery and
12 equipment purchased for lease; but excluding motor vehicles
13 required to be registered under the Illinois Vehicle Code.

14 (11) Proceeds from the sale of photoprocessing machinery
15 and equipment, including repair and replacement parts, both new
16 and used, including that manufactured on special order,
17 certified by the purchaser to be used primarily for
18 photoprocessing, and including photoprocessing machinery and
19 equipment purchased for lease.

20 (12) Coal and aggregate exploration, mining, off-highway
21 hauling, processing, maintenance, and reclamation equipment,
22 including replacement parts and equipment, and including
23 equipment purchased for lease, but excluding motor vehicles
24 required to be registered under the Illinois Vehicle Code. The
25 changes made to this Section by Public Act 97-767 apply on and
26 after July 1, 2003, but no claim for credit or refund is

1 allowed on or after August 16, 2013 (the effective date of
2 Public Act 98-456) for such taxes paid during the period
3 beginning July 1, 2003 and ending on August 16, 2013 (the
4 effective date of Public Act 98-456).

5 (13) Semen used for artificial insemination of livestock
6 for direct agricultural production.

7 (14) Horses, or interests in horses, registered with and
8 meeting the requirements of any of the Arabian Horse Club
9 Registry of America, Appaloosa Horse Club, American Quarter
10 Horse Association, United States Trotting Association, or
11 Jockey Club, as appropriate, used for purposes of breeding or
12 racing for prizes. This item (14) is exempt from the provisions
13 of Section 3-75, and the exemption provided for under this item
14 (14) applies for all periods beginning May 30, 1995, but no
15 claim for credit or refund is allowed on or after the effective
16 date of this amendatory Act of the 95th General Assembly for
17 such taxes paid during the period beginning May 30, 2000 and
18 ending on the effective date of this amendatory Act of the 95th
19 General Assembly.

20 (15) Computers and communications equipment utilized for
21 any hospital purpose and equipment used in the diagnosis,
22 analysis, or treatment of hospital patients purchased by a
23 lessor who leases the equipment, under a lease of one year or
24 longer executed or in effect at the time the lessor would
25 otherwise be subject to the tax imposed by this Act, to a
26 hospital that has been issued an active tax exemption

1 identification number by the Department under Section 1g of the
2 Retailers' Occupation Tax Act. If the equipment is leased in a
3 manner that does not qualify for this exemption or is used in
4 any other non-exempt manner, the lessor shall be liable for the
5 tax imposed under this Act or the Use Tax Act, as the case may
6 be, based on the fair market value of the property at the time
7 the non-qualifying use occurs. No lessor shall collect or
8 attempt to collect an amount (however designated) that purports
9 to reimburse that lessor for the tax imposed by this Act or the
10 Use Tax Act, as the case may be, if the tax has not been paid by
11 the lessor. If a lessor improperly collects any such amount
12 from the lessee, the lessee shall have a legal right to claim a
13 refund of that amount from the lessor. If, however, that amount
14 is not refunded to the lessee for any reason, the lessor is
15 liable to pay that amount to the Department.

16 (16) Personal property purchased by a lessor who leases the
17 property, under a lease of one year or longer executed or in
18 effect at the time the lessor would otherwise be subject to the
19 tax imposed by this Act, to a governmental body that has been
20 issued an active tax exemption identification number by the
21 Department under Section 1g of the Retailers' Occupation Tax
22 Act. If the property is leased in a manner that does not
23 qualify for this exemption or is used in any other non-exempt
24 manner, the lessor shall be liable for the tax imposed under
25 this Act or the Use Tax Act, as the case may be, based on the
26 fair market value of the property at the time the

1 non-qualifying use occurs. No lessor shall collect or attempt
2 to collect an amount (however designated) that purports to
3 reimburse that lessor for the tax imposed by this Act or the
4 Use Tax Act, as the case may be, if the tax has not been paid by
5 the lessor. If a lessor improperly collects any such amount
6 from the lessee, the lessee shall have a legal right to claim a
7 refund of that amount from the lessor. If, however, that amount
8 is not refunded to the lessee for any reason, the lessor is
9 liable to pay that amount to the Department.

10 (17) Beginning with taxable years ending on or after
11 December 31, 1995 and ending with taxable years ending on or
12 before December 31, 2004, personal property that is donated for
13 disaster relief to be used in a State or federally declared
14 disaster area in Illinois or bordering Illinois by a
15 manufacturer or retailer that is registered in this State to a
16 corporation, society, association, foundation, or institution
17 that has been issued a sales tax exemption identification
18 number by the Department that assists victims of the disaster
19 who reside within the declared disaster area.

20 (18) Beginning with taxable years ending on or after
21 December 31, 1995 and ending with taxable years ending on or
22 before December 31, 2004, personal property that is used in the
23 performance of infrastructure repairs in this State, including
24 but not limited to municipal roads and streets, access roads,
25 bridges, sidewalks, waste disposal systems, water and sewer
26 line extensions, water distribution and purification

1 facilities, storm water drainage and retention facilities, and
2 sewage treatment facilities, resulting from a State or
3 federally declared disaster in Illinois or bordering Illinois
4 when such repairs are initiated on facilities located in the
5 declared disaster area within 6 months after the disaster.

6 (19) Beginning July 1, 1999, game or game birds purchased
7 at a "game breeding and hunting preserve area" as that term is
8 used in the Wildlife Code. This paragraph is exempt from the
9 provisions of Section 3-75.

10 (20) A motor vehicle, as that term is defined in Section
11 1-146 of the Illinois Vehicle Code, that is donated to a
12 corporation, limited liability company, society, association,
13 foundation, or institution that is determined by the Department
14 to be organized and operated exclusively for educational
15 purposes. For purposes of this exemption, "a corporation,
16 limited liability company, society, association, foundation,
17 or institution organized and operated exclusively for
18 educational purposes" means all tax-supported public schools,
19 private schools that offer systematic instruction in useful
20 branches of learning by methods common to public schools and
21 that compare favorably in their scope and intensity with the
22 course of study presented in tax-supported schools, and
23 vocational or technical schools or institutes organized and
24 operated exclusively to provide a course of study of not less
25 than 6 weeks duration and designed to prepare individuals to
26 follow a trade or to pursue a manual, technical, mechanical,

1 industrial, business, or commercial occupation.

2 (21) Beginning January 1, 2000, personal property,
3 including food, purchased through fundraising events for the
4 benefit of a public or private elementary or secondary school,
5 a group of those schools, or one or more school districts if
6 the events are sponsored by an entity recognized by the school
7 district that consists primarily of volunteers and includes
8 parents and teachers of the school children. This paragraph
9 does not apply to fundraising events (i) for the benefit of
10 private home instruction or (ii) for which the fundraising
11 entity purchases the personal property sold at the events from
12 another individual or entity that sold the property for the
13 purpose of resale by the fundraising entity and that profits
14 from the sale to the fundraising entity. This paragraph is
15 exempt from the provisions of Section 3-75.

16 (22) Beginning January 1, 2000 and through December 31,
17 2001, new or used automatic vending machines that prepare and
18 serve hot food and beverages, including coffee, soup, and other
19 items, and replacement parts for these machines. Beginning
20 January 1, 2002 and through June 30, 2003, machines and parts
21 for machines used in commercial, coin-operated amusement and
22 vending business if a use or occupation tax is paid on the
23 gross receipts derived from the use of the commercial,
24 coin-operated amusement and vending machines. This paragraph
25 is exempt from the provisions of Section 3-75.

26 (23) Beginning August 23, 2001 and through June 30, 2016,

1 food for human consumption that is to be consumed off the
2 premises where it is sold (other than alcoholic beverages, soft
3 drinks, and food that has been prepared for immediate
4 consumption) and prescription and nonprescription medicines,
5 drugs, medical appliances, and insulin, urine testing
6 materials, syringes, and needles used by diabetics, for human
7 use, when purchased for use by a person receiving medical
8 assistance under Article V of the Illinois Public Aid Code who
9 resides in a licensed long-term care facility, as defined in
10 the Nursing Home Care Act, or in a licensed facility as defined
11 in the ID/DD Community Care Act, the MC/DD Act, or the
12 Specialized Mental Health Rehabilitation Act of 2013.

13 (24) Beginning on the effective date of this amendatory Act
14 of the 92nd General Assembly, computers and communications
15 equipment utilized for any hospital purpose and equipment used
16 in the diagnosis, analysis, or treatment of hospital patients
17 purchased by a lessor who leases the equipment, under a lease
18 of one year or longer executed or in effect at the time the
19 lessor would otherwise be subject to the tax imposed by this
20 Act, to a hospital that has been issued an active tax exemption
21 identification number by the Department under Section 1g of the
22 Retailers' Occupation Tax Act. If the equipment is leased in a
23 manner that does not qualify for this exemption or is used in
24 any other nonexempt manner, the lessor shall be liable for the
25 tax imposed under this Act or the Use Tax Act, as the case may
26 be, based on the fair market value of the property at the time

1 the nonqualifying use occurs. No lessor shall collect or
2 attempt to collect an amount (however designated) that purports
3 to reimburse that lessor for the tax imposed by this Act or the
4 Use Tax Act, as the case may be, if the tax has not been paid by
5 the lessor. If a lessor improperly collects any such amount
6 from the lessee, the lessee shall have a legal right to claim a
7 refund of that amount from the lessor. If, however, that amount
8 is not refunded to the lessee for any reason, the lessor is
9 liable to pay that amount to the Department. This paragraph is
10 exempt from the provisions of Section 3-75.

11 (25) Beginning on the effective date of this amendatory Act
12 of the 92nd General Assembly, personal property purchased by a
13 lessor who leases the property, under a lease of one year or
14 longer executed or in effect at the time the lessor would
15 otherwise be subject to the tax imposed by this Act, to a
16 governmental body that has been issued an active tax exemption
17 identification number by the Department under Section 1g of the
18 Retailers' Occupation Tax Act. If the property is leased in a
19 manner that does not qualify for this exemption or is used in
20 any other nonexempt manner, the lessor shall be liable for the
21 tax imposed under this Act or the Use Tax Act, as the case may
22 be, based on the fair market value of the property at the time
23 the nonqualifying use occurs. No lessor shall collect or
24 attempt to collect an amount (however designated) that purports
25 to reimburse that lessor for the tax imposed by this Act or the
26 Use Tax Act, as the case may be, if the tax has not been paid by

1 the lessor. If a lessor improperly collects any such amount
2 from the lessee, the lessee shall have a legal right to claim a
3 refund of that amount from the lessor. If, however, that amount
4 is not refunded to the lessee for any reason, the lessor is
5 liable to pay that amount to the Department. This paragraph is
6 exempt from the provisions of Section 3-75.

7 (26) Beginning January 1, 2008, tangible personal property
8 used in the construction or maintenance of a community water
9 supply, as defined under Section 3.145 of the Environmental
10 Protection Act, that is operated by a not-for-profit
11 corporation that holds a valid water supply permit issued under
12 Title IV of the Environmental Protection Act. This paragraph is
13 exempt from the provisions of Section 3-75.

14 (27) Beginning January 1, 2010, materials, parts,
15 equipment, components, and furnishings incorporated into or
16 upon an aircraft as part of the modification, refurbishment,
17 completion, replacement, repair, or maintenance of the
18 aircraft. This exemption includes consumable supplies used in
19 the modification, refurbishment, completion, replacement,
20 repair, and maintenance of aircraft, but excludes any
21 materials, parts, equipment, components, and consumable
22 supplies used in the modification, replacement, repair, and
23 maintenance of aircraft engines or power plants, whether such
24 engines or power plants are installed or uninstalled upon any
25 such aircraft. "Consumable supplies" include, but are not
26 limited to, adhesive, tape, sandpaper, general purpose

1 lubricants, cleaning solution, latex gloves, and protective
2 films. This exemption applies only to the use of qualifying
3 tangible personal property transferred incident to the
4 modification, refurbishment, completion, replacement, repair,
5 or maintenance of aircraft by persons who (i) hold an Air
6 Agency Certificate and are empowered to operate an approved
7 repair station by the Federal Aviation Administration, (ii)
8 have a Class IV Rating, and (iii) conduct operations in
9 accordance with Part 145 of the Federal Aviation Regulations.
10 The exemption does not include aircraft operated by a
11 commercial air carrier providing scheduled passenger air
12 service pursuant to authority issued under Part 121 or Part 129
13 of the Federal Aviation Regulations. The changes made to this
14 paragraph (27) by Public Act 98-534 are declarative of existing
15 law.

16 (28) Tangible personal property purchased by a
17 public-facilities corporation, as described in Section
18 11-65-10 of the Illinois Municipal Code, for purposes of
19 constructing or furnishing a municipal convention hall, but
20 only if the legal title to the municipal convention hall is
21 transferred to the municipality without any further
22 consideration by or on behalf of the municipality at the time
23 of the completion of the municipal convention hall or upon the
24 retirement or redemption of any bonds or other debt instruments
25 issued by the public-facilities corporation in connection with
26 the development of the municipal convention hall. This

1 exemption includes existing public-facilities corporations as
2 provided in Section 11-65-25 of the Illinois Municipal Code.
3 This paragraph is exempt from the provisions of Section 3-75.

4 (29) Beginning January 1, 2017, menstrual pads, tampons,
5 and menstrual cups.

6 (30) Tangible personal property transferred to a purchaser
7 who is exempt from the tax imposed by this Act by operation of
8 federal law. This paragraph is exempt from the provisions of
9 Section 3-75.

10 (Source: P.A. 99-180, eff. 7-29-15; 99-855, eff. 8-19-16;
11 100-22, eff. 7-6-17.)

12 (35 ILCS 110/3-5.5)

13 Sec. 3-5.5. Food and drugs sold by not-for-profit
14 organizations; exemption. The Department shall not collect the
15 1% tax imposed under this Act ~~on food for human consumption~~
16 ~~that is to be consumed off the premises where it is sold (other~~
17 ~~than alcoholic beverages, soft drinks, and food that has been~~
18 ~~prepared for immediate consumption) and prescription and~~
19 ~~nonprescription medicines, drugs, medical appliances, and~~
20 ~~insulin, urine testing materials, syringes, and needles used by~~
21 ~~diabetics, for human use~~ from any not-for-profit organization,
22 that sells food in a food distribution program at a price below
23 the retail cost of the food to purchasers who, as a condition
24 of participation in the program, are required to perform
25 community service, located in a county or municipality that

1 notifies the Department, in writing, that the county or
2 municipality does not want the tax to be collected from any of
3 such organizations located in the county or municipality.

4 (Source: P.A. 88-374.)

5 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

6 (Text of Section before amendment by P.A. 100-363)

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

1 involving the incidental transfer by him of the same property.

2 Except as provided hereinafter in this Section, on or
3 before the twentieth day of each calendar month, such
4 serviceman shall file a return for the preceding calendar month
5 in accordance with reasonable Rules and Regulations to be
6 promulgated by the Department. Such return shall be filed on a
7 form prescribed by the Department and shall contain such
8 information as the Department may reasonably require. On and
9 after January 1, 2018, with respect to servicemen whose annual
10 gross receipts average \$20,000 or more, all returns required to
11 be filed pursuant to this Act shall be filed electronically.
12 Servicemen who demonstrate that they do not have access to the
13 Internet or demonstrate hardship in filing electronically may
14 petition the Department to waive the electronic filing
15 requirement.

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

- 23 1. The name of the seller;
- 24 2. The address of the principal place of business from
25 which he engages in business as a serviceman in this State;
- 26 3. The total amount of taxable receipts received by him

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

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

6 5. The amount of tax due;

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

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

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

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

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

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

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

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

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

1 requirements of this Section.

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

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

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

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

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

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

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

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

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

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

10 Beginning January 1, 1990, each month the Department shall
11 pay into the State and Local Tax Reform Fund, a special fund in
12 the State Treasury, the net revenue realized for the preceding
13 month from the 1% tax imposed under this Act ~~on sales of food
14 for human consumption which is to be consumed off the premises
15 where it is sold (other than alcoholic beverages, soft drinks
16 and food which has been prepared for immediate consumption) and
17 prescription and nonprescription medicines, drugs, medical
18 appliances, products classified as Class III medical devices,
19 by the United States Food and Drug Administration that are used
20 for cancer treatment pursuant to a prescription, as well as any
21 accessories and components related to those devices, and
22 insulin, urine testing materials, syringes and needles used by
23 diabetics.~~

24 Beginning January 1, 1990, each month the Department shall
25 pay into the State and Local Sales Tax Reform Fund 20% of the
26 net revenue realized for the preceding month from the 6.25%

1 general rate on transfers of tangible personal property, other
2 than tangible personal property which is purchased outside
3 Illinois at retail from a retailer and which is titled or
4 registered by an agency of this State's government.

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

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

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

1 monthly deficit" shall be equal to the difference between the
2 average monthly claims for payment by the fund and the average
3 monthly revenues deposited into the fund, excluding payments
4 made pursuant to this paragraph.

5 Beginning July 1, 2015, of the remainder of the moneys
6 received by the Department under the Use Tax Act, this Act, the
7 Service Occupation Tax Act, and the Retailers' Occupation Tax
8 Act, each month the Department shall deposit \$500,000 into the
9 State Crime Laboratory Fund.

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

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

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

23 Subject to payment of amounts into the Build Illinois Fund
24 as provided in the preceding paragraph or in any amendment
25 thereto hereafter enacted, the following specified monthly
26 installment of the amount requested in the certificate of the

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

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

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

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

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

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

1 price of tangible personal property.

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

15 Subject to payment of amounts into the Build Illinois Fund,
16 the McCormick Place Expansion Project Fund, the Illinois Tax
17 Increment Fund, and the Energy Infrastructure Fund pursuant to
18 the preceding paragraphs or in any amendments to this Section
19 hereafter enacted, beginning on the first day of the first
20 calendar month to occur on or after August 26, 2014 (the
21 effective date of Public Act 98-1098) ~~this amendatory Act of~~
22 ~~the 98th General Assembly~~, each month, from the collections
23 made under Section 9 of the Use Tax Act, Section 9 of the
24 Service Use Tax Act, Section 9 of the Service Occupation Tax
25 Act, and Section 3 of the Retailers' Occupation Tax Act, the
26 Department shall pay into the Tax Compliance and Administration

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

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

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

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

1 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;
2 100-303, eff. 8-24-17; revised 1-22-18.)

3 (Text of Section after amendment by P.A. 100-363)

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

24 Except as provided hereinafter in this Section, on or
25 before the twentieth day of each calendar month, such

1 serviceman shall file a return for the preceding calendar month
2 in accordance with reasonable Rules and Regulations to be
3 promulgated by the Department. Such return shall be filed on a
4 form prescribed by the Department and shall contain such
5 information as the Department may reasonably require. On and
6 after January 1, 2018, with respect to servicemen whose annual
7 gross receipts average \$20,000 or more, all returns required to
8 be filed pursuant to this Act shall be filed electronically.
9 Servicemen who demonstrate that they do not have access to the
10 Internet or demonstrate hardship in filing electronically may
11 petition the Department to waive the electronic filing
12 requirement.

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

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

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

3 5. The amount of tax due;

4 5-5. The signature of the taxpayer; and

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

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

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

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

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

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

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

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

25 If the serviceman is otherwise required to file a monthly
26 return and if the serviceman's average monthly tax liability to

1 the Department does not exceed \$200, the Department may
2 authorize his returns to be filed on a quarter annual basis,
3 with the return for January, February and March of a given year
4 being due by April 20 of such year; with the return for April,
5 May and June of a given year being due by July 20 of such year;
6 with the return for July, August and September of a given year
7 being due by October 20 of such year, and with the return for
8 October, November and December of a given year being due by
9 January 20 of the following year.

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

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

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

26 Where a serviceman collects the tax with respect to the

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

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

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

1 Acts on the one form.

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

7 Beginning January 1, 1990, each month the Department shall
8 pay into the State and Local Tax Reform Fund, a special fund in
9 the State Treasury, the net revenue realized for the preceding
10 month from the 1% tax imposed under this Act ~~on sales of food
11 for human consumption which is to be consumed off the premises
12 where it is sold (other than alcoholic beverages, soft drinks
13 and food which has been prepared for immediate consumption) and
14 prescription and nonprescription medicines, drugs, medical
15 appliances, products classified as Class III medical devices,
16 by the United States Food and Drug Administration that are used
17 for cancer treatment pursuant to a prescription, as well as any
18 accessories and components related to those devices, and
19 insulin, urine testing materials, syringes and needles used by
20 diabetics.~~

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

1 registered by an agency of this State's government.

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

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

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

1 made pursuant to this paragraph.

2 Beginning July 1, 2015, of the remainder of the moneys
3 received by the Department under the Use Tax Act, this Act, the
4 Service Occupation Tax Act, and the Retailers' Occupation Tax
5 Act, each month the Department shall deposit \$500,000 into the
6 State Crime Laboratory Fund.

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

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

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

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

1 deposited in the aggregate from collections under Section 9 of
2 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
3 9 of the Service Occupation Tax Act, and Section 3 of the
4 Retailers' Occupation Tax Act into the McCormick Place
5 Expansion Project Fund in the specified fiscal years.

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

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

22 and
23 each fiscal year
24 thereafter that bonds
25 are outstanding under
26 Section 13.2 of the

1 Metropolitan Pier and
2 Exposition Authority Act,
3 but not after fiscal year 2060.

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

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

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

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

12 Subject to payment of amounts into the Build Illinois Fund,
13 the McCormick Place Expansion Project Fund, the Illinois Tax
14 Increment Fund, and the Energy Infrastructure Fund pursuant to
15 the preceding paragraphs or in any amendments to this Section
16 hereafter enacted, beginning on the first day of the first
17 calendar month to occur on or after August 26, 2014 (the
18 effective date of Public Act 98-1098) ~~this amendatory Act of~~
19 ~~the 98th General Assembly~~, each month, from the collections
20 made under Section 9 of the Use Tax Act, Section 9 of the
21 Service Use Tax Act, Section 9 of the Service Occupation Tax
22 Act, and Section 3 of the Retailers' Occupation Tax Act, the
23 Department shall pay into the Tax Compliance and Administration
24 Fund, to be used, subject to appropriation, to fund additional
25 auditors and compliance personnel at the Department of Revenue,
26 an amount equal to 1/12 of 5% of 80% of the cash receipts

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

6 Subject to payments of amounts into the Build Illinois
7 Fund, the McCormick Place Expansion Project Fund, the Illinois
8 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax
9 Compliance and Administration Fund as provided in this Section,
10 beginning on July 1, 2018 the Department shall pay each month
11 into the Downstate Public Transportation Fund the moneys
12 required to be so paid under Section 2-3 of the Downstate
13 Public Transportation Act.

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

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

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

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

6 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;
7 100-303, eff. 8-24-17; 100-363, eff. 7-1-18; revised 1-22-18.)

8 Section 40. The Service Occupation Tax Act is amended by
9 changing Sections 3-5, 3-5.5 and 9 as follows:

10 (35 ILCS 115/3-5)

11 Sec. 3-5. Exemptions. The following tangible personal
12 property is exempt from the tax imposed by this Act:

13 (1) Personal property sold by a corporation, society,
14 association, foundation, institution, or organization, other
15 than a limited liability company, that is organized and
16 operated as a not-for-profit service enterprise for the benefit
17 of persons 65 years of age or older if the personal property
18 was not purchased by the enterprise for the purpose of resale
19 by the enterprise.

20 (2) Personal property purchased by a not-for-profit
21 Illinois county fair association for use in conducting,
22 operating, or promoting the county fair.

23 (3) Personal property purchased by any not-for-profit arts
24 or cultural organization that establishes, by proof required by

1 the Department by rule, that it has received an exemption under
2 Section 501(c)(3) of the Internal Revenue Code and that is
3 organized and operated primarily for the presentation or
4 support of arts or cultural programming, activities, or
5 services. These organizations include, but are not limited to,
6 music and dramatic arts organizations such as symphony
7 orchestras and theatrical groups, arts and cultural service
8 organizations, local arts councils, visual arts organizations,
9 and media arts organizations. On and after the effective date
10 of this amendatory Act of the 92nd General Assembly, however,
11 an entity otherwise eligible for this exemption shall not make
12 tax-free purchases unless it has an active identification
13 number issued by the Department.

14 (4) Legal tender, currency, medallions, or gold or silver
15 coinage issued by the State of Illinois, the government of the
16 United States of America, or the government of any foreign
17 country, and bullion.

18 (5) Until July 1, 2003 and beginning again on September 1,
19 2004 through August 30, 2014, graphic arts machinery and
20 equipment, including repair and replacement parts, both new and
21 used, and including that manufactured on special order or
22 purchased for lease, certified by the purchaser to be used
23 primarily for graphic arts production. Equipment includes
24 chemicals or chemicals acting as catalysts but only if the
25 chemicals or chemicals acting as catalysts effect a direct and
26 immediate change upon a graphic arts product. Beginning on July

1 1, 2017, graphic arts machinery and equipment is included in
2 the manufacturing and assembling machinery and equipment
3 exemption under Section 2 of this Act.

4 (6) Personal property sold by a teacher-sponsored student
5 organization affiliated with an elementary or secondary school
6 located in Illinois.

7 (7) Farm machinery and equipment, both new and used,
8 including that manufactured on special order, certified by the
9 purchaser to be used primarily for production agriculture or
10 State or federal agricultural programs, including individual
11 replacement parts for the machinery and equipment, including
12 machinery and equipment purchased for lease, and including
13 implements of husbandry defined in Section 1-130 of the
14 Illinois Vehicle Code, farm machinery and agricultural
15 chemical and fertilizer spreaders, and nurse wagons required to
16 be registered under Section 3-809 of the Illinois Vehicle Code,
17 but excluding other motor vehicles required to be registered
18 under the Illinois Vehicle Code. Horticultural polyhouses or
19 hoop houses used for propagating, growing, or overwintering
20 plants shall be considered farm machinery and equipment under
21 this item (7). Agricultural chemical tender tanks and dry boxes
22 shall include units sold separately from a motor vehicle
23 required to be licensed and units sold mounted on a motor
24 vehicle required to be licensed if the selling price of the
25 tender is separately stated.

26 Farm machinery and equipment shall include precision

1 farming equipment that is installed or purchased to be
2 installed on farm machinery and equipment including, but not
3 limited to, tractors, harvesters, sprayers, planters, seeders,
4 or spreaders. Precision farming equipment includes, but is not
5 limited to, soil testing sensors, computers, monitors,
6 software, global positioning and mapping systems, and other
7 such equipment.

8 Farm machinery and equipment also includes computers,
9 sensors, software, and related equipment used primarily in the
10 computer-assisted operation of production agriculture
11 facilities, equipment, and activities such as, but not limited
12 to, the collection, monitoring, and correlation of animal and
13 crop data for the purpose of formulating animal diets and
14 agricultural chemicals. This item (7) is exempt from the
15 provisions of Section 3-55.

16 (8) Until June 30, 2013, fuel and petroleum products sold
17 to or used by an air common carrier, certified by the carrier
18 to be used for consumption, shipment, or storage in the conduct
19 of its business as an air common carrier, for a flight destined
20 for or returning from a location or locations outside the
21 United States without regard to previous or subsequent domestic
22 stopovers.

23 Beginning July 1, 2013, fuel and petroleum products sold to
24 or used by an air carrier, certified by the carrier to be used
25 for consumption, shipment, or storage in the conduct of its
26 business as an air common carrier, for a flight that (i) is

1 engaged in foreign trade or is engaged in trade between the
2 United States and any of its possessions and (ii) transports at
3 least one individual or package for hire from the city of
4 origination to the city of final destination on the same
5 aircraft, without regard to a change in the flight number of
6 that aircraft.

7 (9) Proceeds of mandatory service charges separately
8 stated on customers' bills for the purchase and consumption of
9 food and beverages, to the extent that the proceeds of the
10 service charge are in fact turned over as tips or as a
11 substitute for tips to the employees who participate directly
12 in preparing, serving, hosting or cleaning up the food or
13 beverage function with respect to which the service charge is
14 imposed.

15 (10) Until July 1, 2003, oil field exploration, drilling,
16 and production equipment, including (i) rigs and parts of rigs,
17 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and
18 tubular goods, including casing and drill strings, (iii) pumps
19 and pump-jack units, (iv) storage tanks and flow lines, (v) any
20 individual replacement part for oil field exploration,
21 drilling, and production equipment, and (vi) machinery and
22 equipment purchased for lease; but excluding motor vehicles
23 required to be registered under the Illinois Vehicle Code.

24 (11) Photoprocessing machinery and equipment, including
25 repair and replacement parts, both new and used, including that
26 manufactured on special order, certified by the purchaser to be

1 used primarily for photoprocessing, and including
2 photoprocessing machinery and equipment purchased for lease.

3 (12) Coal and aggregate exploration, mining, off-highway
4 hauling, processing, maintenance, and reclamation equipment,
5 including replacement parts and equipment, and including
6 equipment purchased for lease, but excluding motor vehicles
7 required to be registered under the Illinois Vehicle Code. The
8 changes made to this Section by Public Act 97-767 apply on and
9 after July 1, 2003, but no claim for credit or refund is
10 allowed on or after August 16, 2013 (the effective date of
11 Public Act 98-456) for such taxes paid during the period
12 beginning July 1, 2003 and ending on August 16, 2013 (the
13 effective date of Public Act 98-456).

14 (13) Beginning January 1, 1992 and through June 30, 2016,
15 food for human consumption that is to be consumed off the
16 premises where it is sold (other than alcoholic beverages, soft
17 drinks and food that has been prepared for immediate
18 consumption) and prescription and non-prescription medicines,
19 drugs, medical appliances, and insulin, urine testing
20 materials, syringes, and needles used by diabetics, for human
21 use, when purchased for use by a person receiving medical
22 assistance under Article V of the Illinois Public Aid Code who
23 resides in a licensed long-term care facility, as defined in
24 the Nursing Home Care Act, or in a licensed facility as defined
25 in the ID/DD Community Care Act, the MC/DD Act, or the
26 Specialized Mental Health Rehabilitation Act of 2013.

1 (14) Semen used for artificial insemination of livestock
2 for direct agricultural production.

3 (15) Horses, or interests in horses, registered with and
4 meeting the requirements of any of the Arabian Horse Club
5 Registry of America, Appaloosa Horse Club, American Quarter
6 Horse Association, United States Trotting Association, or
7 Jockey Club, as appropriate, used for purposes of breeding or
8 racing for prizes. This item (15) is exempt from the provisions
9 of Section 3-55, and the exemption provided for under this item
10 (15) applies for all periods beginning May 30, 1995, but no
11 claim for credit or refund is allowed on or after January 1,
12 2008 (the effective date of Public Act 95-88) for such taxes
13 paid during the period beginning May 30, 2000 and ending on
14 January 1, 2008 (the effective date of Public Act 95-88).

15 (16) Computers and communications equipment utilized for
16 any hospital purpose and equipment used in the diagnosis,
17 analysis, or treatment of hospital patients sold to a lessor
18 who leases the equipment, under a lease of one year or longer
19 executed or in effect at the time of the purchase, to a
20 hospital that has been issued an active tax exemption
21 identification number by the Department under Section 1g of the
22 Retailers' Occupation Tax Act.

23 (17) Personal property sold to a lessor who leases the
24 property, under a lease of one year or longer executed or in
25 effect at the time of the purchase, to a governmental body that
26 has been issued an active tax exemption identification number

1 by the Department under Section 1g of the Retailers' Occupation
2 Tax Act.

3 (18) Beginning with taxable years ending on or after
4 December 31, 1995 and ending with taxable years ending on or
5 before December 31, 2004, personal property that is donated for
6 disaster relief to be used in a State or federally declared
7 disaster area in Illinois or bordering Illinois by a
8 manufacturer or retailer that is registered in this State to a
9 corporation, society, association, foundation, or institution
10 that has been issued a sales tax exemption identification
11 number by the Department that assists victims of the disaster
12 who reside within the declared disaster area.

13 (19) Beginning with taxable years ending on or after
14 December 31, 1995 and ending with taxable years ending on or
15 before December 31, 2004, personal property that is used in the
16 performance of infrastructure repairs in this State, including
17 but not limited to municipal roads and streets, access roads,
18 bridges, sidewalks, waste disposal systems, water and sewer
19 line extensions, water distribution and purification
20 facilities, storm water drainage and retention facilities, and
21 sewage treatment facilities, resulting from a State or
22 federally declared disaster in Illinois or bordering Illinois
23 when such repairs are initiated on facilities located in the
24 declared disaster area within 6 months after the disaster.

25 (20) Beginning July 1, 1999, game or game birds sold at a
26 "game breeding and hunting preserve area" as that term is used

1 in the Wildlife Code. This paragraph is exempt from the
2 provisions of Section 3-55.

3 (21) A motor vehicle, as that term is defined in Section
4 1-146 of the Illinois Vehicle Code, that is donated to a
5 corporation, limited liability company, society, association,
6 foundation, or institution that is determined by the Department
7 to be organized and operated exclusively for educational
8 purposes. For purposes of this exemption, "a corporation,
9 limited liability company, society, association, foundation,
10 or institution organized and operated exclusively for
11 educational purposes" means all tax-supported public schools,
12 private schools that offer systematic instruction in useful
13 branches of learning by methods common to public schools and
14 that compare favorably in their scope and intensity with the
15 course of study presented in tax-supported schools, and
16 vocational or technical schools or institutes organized and
17 operated exclusively to provide a course of study of not less
18 than 6 weeks duration and designed to prepare individuals to
19 follow a trade or to pursue a manual, technical, mechanical,
20 industrial, business, or commercial occupation.

21 (22) Beginning January 1, 2000, personal property,
22 including food, purchased through fundraising events for the
23 benefit of a public or private elementary or secondary school,
24 a group of those schools, or one or more school districts if
25 the events are sponsored by an entity recognized by the school
26 district that consists primarily of volunteers and includes

1 parents and teachers of the school children. This paragraph
2 does not apply to fundraising events (i) for the benefit of
3 private home instruction or (ii) for which the fundraising
4 entity purchases the personal property sold at the events from
5 another individual or entity that sold the property for the
6 purpose of resale by the fundraising entity and that profits
7 from the sale to the fundraising entity. This paragraph is
8 exempt from the provisions of Section 3-55.

9 (23) Beginning January 1, 2000 and through December 31,
10 2001, new or used automatic vending machines that prepare and
11 serve hot food and beverages, including coffee, soup, and other
12 items, and replacement parts for these machines. Beginning
13 January 1, 2002 and through June 30, 2003, machines and parts
14 for machines used in commercial, coin-operated amusement and
15 vending business if a use or occupation tax is paid on the
16 gross receipts derived from the use of the commercial,
17 coin-operated amusement and vending machines. This paragraph
18 is exempt from the provisions of Section 3-55.

19 (24) Beginning on the effective date of this amendatory Act
20 of the 92nd General Assembly, computers and communications
21 equipment utilized for any hospital purpose and equipment used
22 in the diagnosis, analysis, or treatment of hospital patients
23 sold to a lessor who leases the equipment, under a lease of one
24 year or longer executed or in effect at the time of the
25 purchase, to a hospital that has been issued an active tax
26 exemption identification number by the Department under

1 Section 1g of the Retailers' Occupation Tax Act. This paragraph
2 is exempt from the provisions of Section 3-55.

3 (25) Beginning on the effective date of this amendatory Act
4 of the 92nd General Assembly, personal property sold to a
5 lessor who leases the property, under a lease of one year or
6 longer executed or in effect at the time of the purchase, to a
7 governmental body that has been issued an active tax exemption
8 identification number by the Department under Section 1g of the
9 Retailers' Occupation Tax Act. This paragraph is exempt from
10 the provisions of Section 3-55.

11 (26) Beginning on January 1, 2002 and through June 30,
12 2016, tangible personal property purchased from an Illinois
13 retailer by a taxpayer engaged in centralized purchasing
14 activities in Illinois who will, upon receipt of the property
15 in Illinois, temporarily store the property in Illinois (i) for
16 the purpose of subsequently transporting it outside this State
17 for use or consumption thereafter solely outside this State or
18 (ii) for the purpose of being processed, fabricated, or
19 manufactured into, attached to, or incorporated into other
20 tangible personal property to be transported outside this State
21 and thereafter used or consumed solely outside this State. The
22 Director of Revenue shall, pursuant to rules adopted in
23 accordance with the Illinois Administrative Procedure Act,
24 issue a permit to any taxpayer in good standing with the
25 Department who is eligible for the exemption under this
26 paragraph (26). The permit issued under this paragraph (26)

1 shall authorize the holder, to the extent and in the manner
2 specified in the rules adopted under this Act, to purchase
3 tangible personal property from a retailer exempt from the
4 taxes imposed by this Act. Taxpayers shall maintain all
5 necessary books and records to substantiate the use and
6 consumption of all such tangible personal property outside of
7 the State of Illinois.

8 (27) Beginning January 1, 2008, tangible personal property
9 used in the construction or maintenance of a community water
10 supply, as defined under Section 3.145 of the Environmental
11 Protection Act, that is operated by a not-for-profit
12 corporation that holds a valid water supply permit issued under
13 Title IV of the Environmental Protection Act. This paragraph is
14 exempt from the provisions of Section 3-55.

15 (28) Tangible personal property sold to a
16 public-facilities corporation, as described in Section
17 11-65-10 of the Illinois Municipal Code, for purposes of
18 constructing or furnishing a municipal convention hall, but
19 only if the legal title to the municipal convention hall is
20 transferred to the municipality without any further
21 consideration by or on behalf of the municipality at the time
22 of the completion of the municipal convention hall or upon the
23 retirement or redemption of any bonds or other debt instruments
24 issued by the public-facilities corporation in connection with
25 the development of the municipal convention hall. This
26 exemption includes existing public-facilities corporations as

1 provided in Section 11-65-25 of the Illinois Municipal Code.
2 This paragraph is exempt from the provisions of Section 3-55.

3 (29) Beginning January 1, 2010, materials, parts,
4 equipment, components, and furnishings incorporated into or
5 upon an aircraft as part of the modification, refurbishment,
6 completion, replacement, repair, or maintenance of the
7 aircraft. This exemption includes consumable supplies used in
8 the modification, refurbishment, completion, replacement,
9 repair, and maintenance of aircraft, but excludes any
10 materials, parts, equipment, components, and consumable
11 supplies used in the modification, replacement, repair, and
12 maintenance of aircraft engines or power plants, whether such
13 engines or power plants are installed or uninstalled upon any
14 such aircraft. "Consumable supplies" include, but are not
15 limited to, adhesive, tape, sandpaper, general purpose
16 lubricants, cleaning solution, latex gloves, and protective
17 films. This exemption applies only to the transfer of
18 qualifying tangible personal property incident to the
19 modification, refurbishment, completion, replacement, repair,
20 or maintenance of an aircraft by persons who (i) hold an Air
21 Agency Certificate and are empowered to operate an approved
22 repair station by the Federal Aviation Administration, (ii)
23 have a Class IV Rating, and (iii) conduct operations in
24 accordance with Part 145 of the Federal Aviation Regulations.
25 The exemption does not include aircraft operated by a
26 commercial air carrier providing scheduled passenger air

1 service pursuant to authority issued under Part 121 or Part 129
2 of the Federal Aviation Regulations. The changes made to this
3 paragraph (29) by Public Act 98-534 are declarative of existing
4 law.

5 (30) Beginning January 1, 2017, menstrual pads, tampons,
6 and menstrual cups.

7 (31) Tangible personal property transferred to a purchaser
8 who is exempt from tax by operation of federal law. This
9 paragraph is exempt from the provisions of Section 3-55.

10 (Source: P.A. 99-180, eff. 7-29-15; 99-855, eff. 8-19-16;
11 100-22, eff. 7-6-17.)

12 (35 ILCS 115/3-5.5)

13 Sec. 3-5.5. Food and drugs sold by not-for-profit
14 organizations; exemption. The Department shall not collect the
15 1% tax imposed under this Act ~~on food for human consumption~~
16 ~~that is to be consumed off the premises where it is sold (other~~
17 ~~than alcoholic beverages, soft drinks, and food that has been~~
18 ~~prepared for immediate consumption) and prescription and~~
19 ~~nonprescription medicines, drugs, medical appliances, and~~
20 ~~insulin, urine testing materials, syringes, and needles used by~~
21 ~~diabetics, for human use~~ from any not-for-profit organization,
22 that sells food in a food distribution program at a price below
23 the retail cost of the food to purchasers who, as a condition
24 of participation in the program, are required to perform
25 community service, located in a county or municipality that

1 notifies the Department, in writing, that the county or
2 municipality does not want the tax to be collected from any of
3 such organizations located in the county or municipality.

4 (Source: P.A. 88-374.)

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

6 (Text of Section before amendment by P.A. 100-363)

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

23 Where such tangible personal property is sold under a
24 conditional sales contract, or under any other form of sale
25 wherein the payment of the principal sum, or a part thereof, is

1 extended beyond the close of the period for which the return is
2 filed, the serviceman, in collecting the tax may collect, for
3 each tax return period, only the tax applicable to the part of
4 the selling price actually received during such tax return
5 period.

6 Except as provided hereinafter in this Section, on or
7 before the twentieth day of each calendar month, such
8 serviceman shall file a return for the preceding calendar month
9 in accordance with reasonable rules and regulations to be
10 promulgated by the Department of Revenue. Such return shall be
11 filed on a form prescribed by the Department and shall contain
12 such information as the Department may reasonably require. On
13 and after January 1, 2018, with respect to servicemen whose
14 annual gross receipts average \$20,000 or more, all returns
15 required to be filed pursuant to this Act shall be filed
16 electronically. Servicemen who demonstrate that they do not
17 have access to the Internet or demonstrate hardship in filing
18 electronically may petition the Department to waive the
19 electronic filing requirement.

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

- 1 1. The name of the seller;
- 2 2. The address of the principal place of business from
3 which he engages in business as a serviceman in this State;
- 4 3. The total amount of taxable receipts received by him
5 during the preceding calendar month, including receipts
6 from charge and time sales, but less all deductions allowed
7 by law;
- 8 4. The amount of credit provided in Section 2d of this
9 Act;
- 10 5. The amount of tax due;
- 11 5-5. The signature of the taxpayer; and
- 12 6. Such other reasonable information as the Department
13 may require.

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

18 Prior to October 1, 2003, and on and after September 1,
19 2004 a serviceman may accept a Manufacturer's Purchase Credit
20 certification from a purchaser in satisfaction of Service Use
21 Tax as provided in Section 3-70 of the Service Use Tax Act if
22 the purchaser provides the appropriate documentation as
23 required by Section 3-70 of the Service Use Tax Act. A
24 Manufacturer's Purchase Credit certification, accepted prior
25 to October 1, 2003 or on or after September 1, 2004 by a
26 serviceman as provided in Section 3-70 of the Service Use Tax

1 Act, may be used by that serviceman to satisfy Service
2 Occupation Tax liability in the amount claimed in the
3 certification, not to exceed 6.25% of the receipts subject to
4 tax from a qualifying purchase. A Manufacturer's Purchase
5 Credit reported on any original or amended return filed under
6 this Act after October 20, 2003 for reporting periods prior to
7 September 1, 2004 shall be disallowed. Manufacturer's Purchase
8 Credit reported on annual returns due on or after January 1,
9 2005 will be disallowed for periods prior to September 1, 2004.
10 No Manufacturer's Purchase Credit may be used after September
11 30, 2003 through August 31, 2004 to satisfy any tax liability
12 imposed under this Act, including any audit liability.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Beginning January 1, 1990, each month the Department shall
2 pay into the Local Government Tax Fund the revenue realized for
3 the preceding month from the 1% tax imposed under this Act ~~on~~
4 ~~sales of food for human consumption which is to be consumed off~~
5 ~~the premises where it is sold (other than alcoholic beverages,~~
6 ~~soft drinks and food which has been prepared for immediate~~
7 ~~consumption) and prescription and nonprescription medicines,~~
8 ~~drugs, medical appliances, products classified as Class III~~
9 ~~medical devices by the United States Food and Drug~~
10 ~~Administration that are used for cancer treatment pursuant to a~~
11 ~~prescription, as well as any accessories and components related~~
12 ~~to those devices, and insulin, urine testing materials,~~
13 ~~syringes and needles used by diabetics.~~

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

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

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

26 Beginning August 1, 2000, each month the Department shall

1 pay into the Local Government Tax Fund 80% of the net revenue
2 realized for the preceding month from the 1.25% rate on the
3 selling price of motor fuel and gasohol.

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

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

26 Beginning July 1, 2015, of the remainder of the moneys

1 received by the Department under the Use Tax Act, the Service
2 Use Tax Act, this Act, and the Retailers' Occupation Tax Act,
3 each month the Department shall deposit \$500,000 into the State
4 Crime Laboratory Fund.

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

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

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

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

1 9 of the Service Occupation Tax Act, and Section 3 of the
2 Retailers' Occupation Tax Act into the McCormick Place
3 Expansion Project Fund in the specified fiscal years.

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

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

20 and

21 each fiscal year
22 thereafter that bonds
23 are outstanding under
24 Section 13.2 of the
25 Metropolitan Pier and
26 Exposition Authority Act,

1 but not after fiscal year 2060.

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

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

23 Subject to payment of amounts into the Build Illinois Fund
24 and the McCormick Place Expansion Project Fund pursuant to the
25 preceding paragraphs or in any amendments thereto hereafter
26 enacted, beginning with the receipt of the first report of

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

10 Subject to payment of amounts into the Build Illinois Fund,
11 the McCormick Place Expansion Project Fund, the Illinois Tax
12 Increment Fund, and the Energy Infrastructure Fund pursuant to
13 the preceding paragraphs or in any amendments to this Section
14 hereafter enacted, beginning on the first day of the first
15 calendar month to occur on or after August 26, 2014 (the
16 effective date of Public Act 98-1098) ~~this amendatory Act of~~
17 ~~the 98th General Assembly~~, each month, from the collections
18 made under Section 9 of the Use Tax Act, Section 9 of the
19 Service Use Tax Act, Section 9 of the Service Occupation Tax
20 Act, and Section 3 of the Retailers' Occupation Tax Act, the
21 Department shall pay into the Tax Compliance and Administration
22 Fund, to be used, subject to appropriation, to fund additional
23 auditors and compliance personnel at the Department of Revenue,
24 an amount equal to 1/12 of 5% of 80% of the cash receipts
25 collected during the preceding fiscal year by the Audit Bureau
26 of the Department under the Use Tax Act, the Service Use Tax

1 Act, the Service Occupation Tax Act, the Retailers' Occupation
2 Tax Act, and associated local occupation and use taxes
3 administered by the Department.

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

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

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

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

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

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

21 The chief executive officer, proprietor, owner or highest
22 ranking manager shall sign the annual return to certify the
23 accuracy of the information contained therein. Any person who
24 willfully signs the annual return containing false or
25 inaccurate information shall be guilty of perjury and punished
26 accordingly. The annual return form prescribed by the

1 Department shall include a warning that the person signing the
2 return may be liable for perjury.

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

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

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

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

26 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;

1 100-303, eff. 8-24-17; revised 10-31-17)

2 (Text of Section after amendment by P.A. 100-363)

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

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

1 period.

2 Except as provided hereinafter in this Section, on or
3 before the twentieth day of each calendar month, such
4 serviceman shall file a return for the preceding calendar month
5 in accordance with reasonable rules and regulations to be
6 promulgated by the Department of Revenue. Such return shall be
7 filed on a form prescribed by the Department and shall contain
8 such information as the Department may reasonably require. On
9 and after January 1, 2018, with respect to servicemen whose
10 annual gross receipts average \$20,000 or more, all returns
11 required to be filed pursuant to this Act shall be filed
12 electronically. Servicemen who demonstrate that they do not
13 have access to the Internet or demonstrate hardship in filing
14 electronically may petition the Department to waive the
15 electronic filing requirement.

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

- 23 1. The name of the seller;
- 24 2. The address of the principal place of business from
25 which he engages in business as a serviceman in this State;
- 26 3. The total amount of taxable receipts received by him

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

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

6 5. The amount of tax due;

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

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

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

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

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

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

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

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

26 Notwithstanding any other provision in this Act concerning

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

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

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

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

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

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

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

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

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

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

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

23 Beginning January 1, 1990, each month the Department shall
24 pay into the Local Government Tax Fund the revenue realized for
25 the preceding month from the 1% tax imposed under this Act ~~on~~
26 ~~sales of food for human consumption which is to be consumed off~~

1 ~~the premises where it is sold (other than alcoholic beverages,~~
2 ~~soft drinks and food which has been prepared for immediate~~
3 ~~consumption) and prescription and nonprescription medicines,~~
4 ~~drugs, medical appliances, products classified as Class III~~
5 ~~medical devices by the United States Food and Drug~~
6 ~~Administration that are used for cancer treatment pursuant to a~~
7 ~~prescription, as well as any accessories and components related~~
8 ~~to those devices, and insulin, urine testing materials,~~
9 ~~syringes and needles used by diabetics.~~

10 Beginning January 1, 1990, each month the Department shall
11 pay into the County and Mass Transit District Fund 4% of the
12 revenue realized for the preceding month from the 6.25% general
13 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 Beginning January 1, 1990, each month the Department shall
19 pay into the Local Government Tax Fund 16% of the revenue
20 realized for the preceding month from the 6.25% general rate on
21 transfers of tangible personal property.

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

26 Beginning October 1, 2009, each month the Department shall

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

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

22 Beginning July 1, 2015, of the remainder of the moneys
23 received by the Department under the Use Tax Act, the Service
24 Use Tax Act, this Act, and the Retailers' Occupation Tax Act,
25 each month the Department shall deposit \$500,000 into the State
26 Crime Laboratory Fund.

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

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

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

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

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

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

17 and

18 each fiscal year

19 thereafter that bonds

20 are outstanding under

21 Section 13.2 of the

22 Metropolitan Pier and

23 Exposition Authority Act,

24 but not after fiscal year 2060.

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

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

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

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

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

7 Subject to payment of amounts into the Build Illinois Fund,
8 the McCormick Place Expansion Project Fund, the Illinois Tax
9 Increment Fund, and the Energy Infrastructure Fund pursuant to
10 the preceding paragraphs or in any amendments to this Section
11 hereafter enacted, beginning on the first day of the first
12 calendar month to occur on or after August 26, 2014 (the
13 effective date of Public Act 98-1098) ~~this amendatory Act of~~
14 ~~the 98th General Assembly~~, each month, from the collections
15 made under Section 9 of the Use Tax Act, Section 9 of the
16 Service Use Tax Act, Section 9 of the Service Occupation Tax
17 Act, and Section 3 of the Retailers' Occupation Tax Act, the
18 Department shall pay into the Tax Compliance and Administration
19 Fund, to be used, subject to appropriation, to fund additional
20 auditors and compliance personnel at the Department of Revenue,
21 an amount equal to 1/12 of 5% of 80% of the cash receipts
22 collected during the preceding fiscal year by the Audit Bureau
23 of the Department under the Use Tax Act, the Service Use Tax
24 Act, the Service Occupation Tax Act, the Retailers' Occupation
25 Tax Act, and associated local occupation and use taxes
26 administered by the Department.

1 Subject to payments of amounts into the Build Illinois
2 Fund, the McCormick Place Expansion Project Fund, the Illinois
3 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax
4 Compliance and Administration Fund as provided in this Section,
5 beginning on July 1, 2018 the Department shall pay each month
6 into the Downstate Public Transportation Fund the moneys
7 required to be so paid under Section 2-3 of the Downstate
8 Public Transportation Act.

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

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

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

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

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

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

26 The chief executive officer, proprietor, owner or highest

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

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

12 As soon as possible after the first day of each month, upon
13 certification of the Department of Revenue, the Comptroller
14 shall order transferred and the Treasurer shall transfer from
15 the General Revenue Fund to the Motor Fuel Tax Fund an amount
16 equal to 1.7% of 80% of the net revenue realized under this Act
17 for the second preceding month. Beginning April 1, 2000, this
18 transfer is no longer required 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, it shall be
24 permissible for manufacturers, importers and wholesalers whose
25 products are sold by numerous servicemen in Illinois, and who
26 wish to do so, to assume the responsibility for accounting and

1 paying to the Department all tax accruing under this Act with
2 respect to such sales, if the servicemen who are affected do
3 not make written objection to the Department to this
4 arrangement.

5 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;
6 100-303, eff. 8-24-17; 100-363, eff. 7-1-18; revised
7 10-31-17.)

8 Section 45. The Retailers' Occupation Tax Act is amended by
9 changing Sections 2-5, 2-5.5, 3, and 5j as follows:

10 (35 ILCS 120/2-5)

11 Sec. 2-5. Exemptions. Gross receipts from proceeds from the
12 sale of the following tangible personal property are exempt
13 from the tax imposed by this Act:

14 (1) Farm chemicals.

15 (2) Farm machinery and equipment, both new and used,
16 including that manufactured on special order, certified by
17 the purchaser to be used primarily for production
18 agriculture or State or federal agricultural programs,
19 including individual replacement parts for the machinery
20 and equipment, including machinery and equipment purchased
21 for lease, and including implements of husbandry defined in
22 Section 1-130 of the Illinois Vehicle Code, farm machinery
23 and agricultural chemical and fertilizer spreaders, and
24 nurse wagons required to be registered under Section 3-809

1 of the Illinois Vehicle Code, but excluding other motor
2 vehicles required to be registered under the Illinois
3 Vehicle Code. Horticultural polyhouses or hoop houses used
4 for propagating, growing, or overwintering plants shall be
5 considered farm machinery and equipment under this item
6 (2). Agricultural chemical tender tanks and dry boxes shall
7 include units sold separately from a motor vehicle required
8 to be licensed and units sold mounted on a motor vehicle
9 required to be licensed, if the selling price of the tender
10 is separately stated.

11 Farm machinery and equipment shall include precision
12 farming equipment that is installed or purchased to be
13 installed on farm machinery and equipment including, but
14 not limited to, tractors, harvesters, sprayers, planters,
15 seeders, or spreaders. Precision farming equipment
16 includes, but is not limited to, soil testing sensors,
17 computers, monitors, software, global positioning and
18 mapping systems, and other such equipment.

19 Farm machinery and equipment also includes computers,
20 sensors, software, and related equipment used primarily in
21 the computer-assisted operation of production agriculture
22 facilities, equipment, and activities such as, but not
23 limited to, the collection, monitoring, and correlation of
24 animal and crop data for the purpose of formulating animal
25 diets and agricultural chemicals. This item (2) is exempt
26 from the provisions of Section 2-70.

1 (3) Until July 1, 2003, distillation machinery and
2 equipment, sold as a unit or kit, assembled or installed by
3 the retailer, certified by the user to be used only for the
4 production of ethyl alcohol that will be used for
5 consumption as motor fuel or as a component of motor fuel
6 for the personal use of the user, and not subject to sale
7 or resale.

8 (4) Until July 1, 2003 and beginning again September 1,
9 2004 through August 30, 2014, graphic arts machinery and
10 equipment, including repair and replacement parts, both
11 new and used, and including that manufactured on special
12 order or purchased for lease, certified by the purchaser to
13 be used primarily for graphic arts production. Equipment
14 includes chemicals or chemicals acting as catalysts but
15 only if the chemicals or chemicals acting as catalysts
16 effect a direct and immediate change upon a graphic arts
17 product. Beginning on July 1, 2017, graphic arts machinery
18 and equipment is included in the manufacturing and
19 assembling machinery and equipment exemption under
20 paragraph (14).

21 (5) A motor vehicle that is used for automobile
22 renting, as defined in the Automobile Renting Occupation
23 and Use Tax Act. This paragraph is exempt from the
24 provisions of Section 2-70.

25 (6) Personal property sold by a teacher-sponsored
26 student organization affiliated with an elementary or

1 secondary school located in Illinois.

2 (7) Until July 1, 2003, proceeds of that portion of the
3 selling price of a passenger car the sale of which is
4 subject to the Replacement Vehicle Tax.

5 (8) Personal property sold to an Illinois county fair
6 association for use in conducting, operating, or promoting
7 the county fair.

8 (9) Personal property sold to a not-for-profit arts or
9 cultural organization that establishes, by proof required
10 by the Department by rule, that it has received an
11 exemption under Section 501(c)(3) of the Internal Revenue
12 Code and that is organized and operated primarily for the
13 presentation or support of arts or cultural programming,
14 activities, or services. These organizations include, but
15 are not limited to, music and dramatic arts organizations
16 such as symphony orchestras and theatrical groups, arts and
17 cultural service organizations, local arts councils,
18 visual arts organizations, and media arts organizations.
19 On and after July 1, 2001 (the effective date of Public Act
20 92-35) ~~this amendatory Act of the 92nd General Assembly,~~
21 however, an entity otherwise eligible for this exemption
22 shall not make tax-free purchases unless it has an active
23 identification number issued by the Department.

24 (10) Personal property sold by a corporation, society,
25 association, foundation, institution, or organization,
26 other than a limited liability company, that is organized

1 and operated as a not-for-profit service enterprise for the
2 benefit of persons 65 years of age or older if the personal
3 property was not purchased by the enterprise for the
4 purpose of resale by the enterprise.

5 (11) Personal property sold to a governmental body, to
6 a corporation, society, association, foundation, or
7 institution organized and operated exclusively for
8 charitable, religious, or educational purposes, or to a
9 not-for-profit corporation, society, association,
10 foundation, institution, or organization that has no
11 compensated officers or employees and that is organized and
12 operated primarily for the recreation of persons 55 years
13 of age or older. A limited liability company may qualify
14 for the exemption under this paragraph only if the limited
15 liability company is organized and operated exclusively
16 for educational purposes. On and after July 1, 1987,
17 however, no entity otherwise eligible for this exemption
18 shall make tax-free purchases unless it has an active
19 identification number issued by the Department.

20 (12) (Blank).

21 (12-5) On and after July 1, 2003 and through June 30,
22 2004, motor vehicles of the second division with a gross
23 vehicle weight in excess of 8,000 pounds that are subject
24 to the commercial distribution fee imposed under Section
25 3-815.1 of the Illinois Vehicle Code. Beginning on July 1,
26 2004 and through June 30, 2005, the use in this State of

1 motor vehicles of the second division: (i) with a gross
2 vehicle weight rating in excess of 8,000 pounds; (ii) that
3 are subject to the commercial distribution fee imposed
4 under Section 3-815.1 of the Illinois Vehicle Code; and
5 (iii) that are primarily used for commercial purposes.
6 Through June 30, 2005, this exemption applies to repair and
7 replacement parts added after the initial purchase of such
8 a motor vehicle if that motor vehicle is used in a manner
9 that would qualify for the rolling stock exemption
10 otherwise provided for in this Act. For purposes of this
11 paragraph, "used for commercial purposes" means the
12 transportation of persons or property in furtherance of any
13 commercial or industrial enterprise whether for-hire or
14 not.

15 (13) Proceeds from sales to owners, lessors, or
16 shippers of tangible personal property that is utilized by
17 interstate carriers for hire for use as rolling stock
18 moving in interstate commerce and equipment operated by a
19 telecommunications provider, licensed as a common carrier
20 by the Federal Communications Commission, which is
21 permanently installed in or affixed to aircraft moving in
22 interstate commerce.

23 (14) Machinery and equipment that will be used by the
24 purchaser, or a lessee of the purchaser, primarily in the
25 process of manufacturing or assembling tangible personal
26 property for wholesale or retail sale or lease, whether the

1 sale or lease is made directly by the manufacturer or by
2 some other person, whether the materials used in the
3 process are owned by the manufacturer or some other person,
4 or whether the sale or lease is made apart from or as an
5 incident to the seller's engaging in the service occupation
6 of producing machines, tools, dies, jigs, patterns,
7 gauges, or other similar items of no commercial value on
8 special order for a particular purchaser. The exemption
9 provided by this paragraph (14) does not include machinery
10 and equipment used in (i) the generation of electricity for
11 wholesale or retail sale; (ii) the generation or treatment
12 of natural or artificial gas for wholesale or retail sale
13 that is delivered to customers through pipes, pipelines, or
14 mains; or (iii) the treatment of water for wholesale or
15 retail sale that is delivered to customers through pipes,
16 pipelines, or mains. The provisions of Public Act 98-583
17 are declaratory of existing law as to the meaning and scope
18 of this exemption. Beginning on July 1, 2017, the exemption
19 provided by this paragraph (14) includes, but is not
20 limited to, graphic arts machinery and equipment, as
21 defined in paragraph (4) of this Section.

22 (15) Proceeds of mandatory service charges separately
23 stated on customers' bills for purchase and consumption of
24 food and beverages, to the extent that the proceeds of the
25 service charge are in fact turned over as tips or as a
26 substitute for tips to the employees who participate

1 directly in preparing, serving, hosting or cleaning up the
2 food or beverage function with respect to which the service
3 charge is imposed.

4 (16) Tangible personal property ~~Petroleum products~~
5 sold to a purchaser if the purchaser is exempt from use tax
6 ~~seller is prohibited~~ by operation of federal law ~~from~~
7 ~~charging tax to the purchaser~~. This paragraph is exempt
8 from the provisions of Section 2-70.

9 (17) Tangible personal property sold to a common
10 carrier by rail or motor that receives the physical
11 possession of the property in Illinois and that transports
12 the property, or shares with another common carrier in the
13 transportation of the property, out of Illinois on a
14 standard uniform bill of lading showing the seller of the
15 property as the shipper or consignor of the property to a
16 destination outside Illinois, for use outside Illinois.

17 (18) Legal tender, currency, medallions, or gold or
18 silver coinage issued by the State of Illinois, the
19 government of the United States of America, or the
20 government of any foreign country, and bullion.

21 (19) Until July 1, 2003, oil field exploration,
22 drilling, and production equipment, including (i) rigs and
23 parts of rigs, rotary rigs, cable tool rigs, and workover
24 rigs, (ii) pipe and tubular goods, including casing and
25 drill strings, (iii) pumps and pump-jack units, (iv)
26 storage tanks and flow lines, (v) any individual

1 replacement part for oil field exploration, drilling, and
2 production equipment, and (vi) machinery and equipment
3 purchased for lease; but excluding motor vehicles required
4 to be registered under the Illinois Vehicle Code.

5 (20) Photoprocessing machinery and equipment,
6 including repair and replacement parts, both new and used,
7 including that manufactured on special order, certified by
8 the purchaser to be used primarily for photoprocessing, and
9 including photoprocessing machinery and equipment
10 purchased for lease.

11 (21) Coal and aggregate exploration, mining,
12 off-highway hauling, processing, maintenance, and
13 reclamation equipment, including replacement parts and
14 equipment, and including equipment purchased for lease,
15 but excluding motor vehicles required to be registered
16 under the Illinois Vehicle Code. The changes made to this
17 Section by Public Act 97-767 apply on and after July 1,
18 2003, but no claim for credit or refund is allowed on or
19 after August 16, 2013 (the effective date of Public Act
20 98-456) for such taxes paid during the period beginning
21 July 1, 2003 and ending on August 16, 2013 (the effective
22 date of Public Act 98-456).

23 (22) Until June 30, 2013, fuel and petroleum products
24 sold to or used by an air carrier, certified by the carrier
25 to be used for consumption, shipment, or storage in the
26 conduct of its business as an air common carrier, for a

1 flight destined for or returning from a location or
2 locations outside the United States without regard to
3 previous or subsequent domestic stopovers.

4 Beginning July 1, 2013, fuel and petroleum products
5 sold to or used by an air carrier, certified by the carrier
6 to be used for consumption, shipment, or storage in the
7 conduct of its business as an air common carrier, for a
8 flight that (i) is engaged in foreign trade or is engaged
9 in trade between the United States and any of its
10 possessions and (ii) transports at least one individual or
11 package for hire from the city of origination to the city
12 of final destination on the same aircraft, without regard
13 to a change in the flight number of that aircraft.

14 (23) A transaction in which the purchase order is
15 received by a florist who is located outside Illinois, but
16 who has a florist located in Illinois deliver the property
17 to the purchaser or the purchaser's donee in Illinois.

18 (24) Fuel consumed or used in the operation of ships,
19 barges, or vessels that are used primarily in or for the
20 transportation of property or the conveyance of persons for
21 hire on rivers bordering on this State if the fuel is
22 delivered by the seller to the purchaser's barge, ship, or
23 vessel while it is afloat upon that bordering river.

24 (25) Except as provided in item (25-5) of this Section,
25 a motor vehicle sold in this State to a nonresident even
26 though the motor vehicle is delivered to the nonresident in

1 this State, if the motor vehicle is not to be titled in
2 this State, and if a drive-away permit is issued to the
3 motor vehicle as provided in Section 3-603 of the Illinois
4 Vehicle Code or if the nonresident purchaser has vehicle
5 registration plates to transfer to the motor vehicle upon
6 returning to his or her home state. The issuance of the
7 drive-away permit or having the out-of-state registration
8 plates to be transferred is prima facie evidence that the
9 motor vehicle will not be titled in this State.

10 (25-5) The exemption under item (25) does not apply if
11 the state in which the motor vehicle will be titled does
12 not allow a reciprocal exemption for a motor vehicle sold
13 and delivered in that state to an Illinois resident but
14 titled in Illinois. The tax collected under this Act on the
15 sale of a motor vehicle in this State to a resident of
16 another state that does not allow a reciprocal exemption
17 shall be imposed at a rate equal to the state's rate of tax
18 on taxable property in the state in which the purchaser is
19 a resident, except that the tax shall not exceed the tax
20 that would otherwise be imposed under this Act. At the time
21 of the sale, the purchaser shall execute a statement,
22 signed under penalty of perjury, of his or her intent to
23 title the vehicle in the state in which the purchaser is a
24 resident within 30 days after the sale and of the fact of
25 the payment to the State of Illinois of tax in an amount
26 equivalent to the state's rate of tax on taxable property

1 in his or her state of residence and shall submit the
2 statement to the appropriate tax collection agency in his
3 or her state of residence. In addition, the retailer must
4 retain a signed copy of the statement in his or her
5 records. Nothing in this item shall be construed to require
6 the removal of the vehicle from this state following the
7 filing of an intent to title the vehicle in the purchaser's
8 state of residence if the purchaser titles the vehicle in
9 his or her state of residence within 30 days after the date
10 of sale. The tax collected under this Act in accordance
11 with this item (25-5) shall be proportionately distributed
12 as if the tax were collected at the 6.25% general rate
13 imposed under this Act.

14 (25-7) Beginning on July 1, 2007, no tax is imposed
15 under this Act on the sale of an aircraft, as defined in
16 Section 3 of the Illinois Aeronautics Act, if all of the
17 following conditions are met:

18 (1) the aircraft leaves this State within 15 days
19 after the later of either the issuance of the final
20 billing for the sale of the aircraft, or the authorized
21 approval for return to service, completion of the
22 maintenance record entry, and completion of the test
23 flight and ground test for inspection, as required by
24 14 C.F.R. 91.407;

25 (2) the aircraft is not based or registered in this
26 State after the sale of the aircraft; and

1 (3) the seller retains in his or her books and
2 records and provides to the Department a signed and
3 dated certification from the purchaser, on a form
4 prescribed by the Department, certifying that the
5 requirements of this item (25-7) are met. The
6 certificate must also include the name and address of
7 the purchaser, the address of the location where the
8 aircraft is to be titled or registered, the address of
9 the primary physical location of the aircraft, and
10 other information that the Department may reasonably
11 require.

12 For purposes of this item (25-7):

13 "Based in this State" means hangared, stored, or
14 otherwise used, excluding post-sale customizations as
15 defined in this Section, for 10 or more days in each
16 12-month period immediately following the date of the sale
17 of the aircraft.

18 "Registered in this State" means an aircraft
19 registered with the Department of Transportation,
20 Aeronautics Division, or titled or registered with the
21 Federal Aviation Administration to an address located in
22 this State.

23 This paragraph (25-7) is exempt from the provisions of
24 Section 2-70.

25 (26) Semen used for artificial insemination of
26 livestock for direct agricultural production.

1 (27) Horses, or interests in horses, registered with
2 and meeting the requirements of any of the Arabian Horse
3 Club Registry of America, Appaloosa Horse Club, American
4 Quarter Horse Association, United States Trotting
5 Association, or Jockey Club, as appropriate, used for
6 purposes of breeding or racing for prizes. This item (27)
7 is exempt from the provisions of Section 2-70, and the
8 exemption provided for under this item (27) applies for all
9 periods beginning May 30, 1995, but no claim for credit or
10 refund is allowed on or after January 1, 2008 (the
11 effective date of Public Act 95-88) for such taxes paid
12 during the period beginning May 30, 2000 and ending on
13 January 1, 2008 (the effective date of Public Act 95-88).

14 (28) Computers and communications equipment utilized
15 for any hospital purpose and equipment used in the
16 diagnosis, analysis, or treatment of hospital patients
17 sold to a lessor who leases the equipment, under a lease of
18 one year or longer executed or in effect at the time of the
19 purchase, to a hospital that has been issued an active tax
20 exemption identification number by the Department under
21 Section 1g of this Act.

22 (29) Personal property sold to a lessor who leases the
23 property, under a lease of one year or longer executed or
24 in effect at the time of the purchase, to a governmental
25 body that has been issued an active tax exemption
26 identification number by the Department under Section 1g of

1 this Act.

2 (30) Beginning with taxable years ending on or after
3 December 31, 1995 and ending with taxable years ending on
4 or before December 31, 2004, personal property that is
5 donated for disaster relief to be used in a State or
6 federally declared disaster area in Illinois or bordering
7 Illinois by a manufacturer or retailer that is registered
8 in this State to a corporation, society, association,
9 foundation, or institution that has been issued a sales tax
10 exemption identification number by the Department that
11 assists victims of the disaster who reside within the
12 declared disaster area.

13 (31) Beginning with taxable years ending on or after
14 December 31, 1995 and ending with taxable years ending on
15 or before December 31, 2004, personal property that is used
16 in the performance of infrastructure repairs in this State,
17 including but not limited to municipal roads and streets,
18 access roads, bridges, sidewalks, waste disposal systems,
19 water and sewer line extensions, water distribution and
20 purification facilities, storm water drainage and
21 retention facilities, and sewage treatment facilities,
22 resulting from a State or federally declared disaster in
23 Illinois or bordering Illinois when such repairs are
24 initiated on facilities located in the declared disaster
25 area within 6 months after the disaster.

26 (32) Beginning July 1, 1999, game or game birds sold at

1 a "game breeding and hunting preserve area" as that term is
2 used in the Wildlife Code. This paragraph is exempt from
3 the provisions of Section 2-70.

4 (33) A motor vehicle, as that term is defined in
5 Section 1-146 of the Illinois Vehicle Code, that is donated
6 to a corporation, limited liability company, society,
7 association, foundation, or institution that is determined
8 by the Department to be organized and operated exclusively
9 for educational purposes. For purposes of this exemption,
10 "a corporation, limited liability company, society,
11 association, foundation, or institution organized and
12 operated exclusively for educational purposes" means all
13 tax-supported public schools, private schools that offer
14 systematic instruction in useful branches of learning by
15 methods common to public schools and that compare favorably
16 in their scope and intensity with the course of study
17 presented in tax-supported schools, and vocational or
18 technical schools or institutes organized and operated
19 exclusively to provide a course of study of not less than 6
20 weeks duration and designed to prepare individuals to
21 follow a trade or to pursue a manual, technical,
22 mechanical, industrial, business, or commercial
23 occupation.

24 (34) Beginning January 1, 2000, personal property,
25 including food, purchased through fundraising events for
26 the benefit of a public or private elementary or secondary

1 school, a group of those schools, or one or more school
2 districts if the events are sponsored by an entity
3 recognized by the school district that consists primarily
4 of volunteers and includes parents and teachers of the
5 school children. This paragraph does not apply to
6 fundraising events (i) for the benefit of private home
7 instruction or (ii) for which the fundraising entity
8 purchases the personal property sold at the events from
9 another individual or entity that sold the property for the
10 purpose of resale by the fundraising entity and that
11 profits from the sale to the fundraising entity. This
12 paragraph is exempt from the provisions of Section 2-70.

13 (35) Beginning January 1, 2000 and through December 31,
14 2001, new or used automatic vending machines that prepare
15 and serve hot food and beverages, including coffee, soup,
16 and other items, and replacement parts for these machines.
17 Beginning January 1, 2002 and through June 30, 2003,
18 machines and parts for machines used in commercial,
19 coin-operated amusement and vending business if a use or
20 occupation tax is paid on the gross receipts derived from
21 the use of the commercial, coin-operated amusement and
22 vending machines. This paragraph is exempt from the
23 provisions of Section 2-70.

24 (35-5) Beginning August 23, 2001 and through June 30,
25 2016, food for human consumption that is to be consumed off
26 the premises where it is sold (other than alcoholic

1 beverages, soft drinks, and food that has been prepared for
2 immediate consumption) and prescription and
3 nonprescription medicines, drugs, medical appliances, and
4 insulin, urine testing materials, syringes, and needles
5 used by diabetics, for human use, when purchased for use by
6 a person receiving medical assistance under Article V of
7 the Illinois Public Aid Code who resides in a licensed
8 long-term care facility, as defined in the Nursing Home
9 Care Act, or a licensed facility as defined in the ID/DD
10 Community Care Act, the MC/DD Act, or the Specialized
11 Mental Health Rehabilitation Act of 2013.

12 (36) Beginning August 2, 2001, computers and
13 communications equipment utilized for any hospital purpose
14 and equipment used in the diagnosis, analysis, or treatment
15 of hospital patients sold to a lessor who leases the
16 equipment, under a lease of one year or longer executed or
17 in effect at the time of the purchase, to a hospital that
18 has been issued an active tax exemption identification
19 number by the Department under Section 1g of this Act. This
20 paragraph is exempt from the provisions of Section 2-70.

21 (37) Beginning August 2, 2001, personal property sold
22 to a lessor who leases the property, under a lease of one
23 year or longer executed or in effect at the time of the
24 purchase, to a governmental body that has been issued an
25 active tax exemption identification number by the
26 Department under Section 1g of this Act. This paragraph is

1 exempt from the provisions of Section 2-70.

2 (38) Beginning on January 1, 2002 and through June 30,
3 2016, tangible personal property purchased from an
4 Illinois retailer by a taxpayer engaged in centralized
5 purchasing activities in Illinois who will, upon receipt of
6 the property in Illinois, temporarily store the property in
7 Illinois (i) for the purpose of subsequently transporting
8 it outside this State for use or consumption thereafter
9 solely outside this State or (ii) for the purpose of being
10 processed, fabricated, or manufactured into, attached to,
11 or incorporated into other tangible personal property to be
12 transported outside this State and thereafter used or
13 consumed solely outside this State. The Director of Revenue
14 shall, pursuant to rules adopted in accordance with the
15 Illinois Administrative Procedure Act, issue a permit to
16 any taxpayer in good standing with the Department who is
17 eligible for the exemption under this paragraph (38). The
18 permit issued under this paragraph (38) shall authorize the
19 holder, to the extent and in the manner specified in the
20 rules adopted under this Act, to purchase tangible personal
21 property from a retailer exempt from the taxes imposed by
22 this Act. Taxpayers shall maintain all necessary books and
23 records to substantiate the use and consumption of all such
24 tangible personal property outside of the State of
25 Illinois.

26 (39) Beginning January 1, 2008, tangible personal

1 property used in the construction or maintenance of a
2 community water supply, as defined under Section 3.145 of
3 the Environmental Protection Act, that is operated by a
4 not-for-profit corporation that holds a valid water supply
5 permit issued under Title IV of the Environmental
6 Protection Act. This paragraph is exempt from the
7 provisions of Section 2-70.

8 (40) Beginning January 1, 2010, materials, parts,
9 equipment, components, and furnishings incorporated into
10 or upon an aircraft as part of the modification,
11 refurbishment, completion, replacement, repair, or
12 maintenance of the aircraft. This exemption includes
13 consumable supplies used in the modification,
14 refurbishment, completion, replacement, repair, and
15 maintenance of aircraft, but excludes any materials,
16 parts, equipment, components, and consumable supplies used
17 in the modification, replacement, repair, and maintenance
18 of aircraft engines or power plants, whether such engines
19 or power plants are installed or uninstalled upon any such
20 aircraft. "Consumable supplies" include, but are not
21 limited to, adhesive, tape, sandpaper, general purpose
22 lubricants, cleaning solution, latex gloves, and
23 protective films. This exemption applies only to the sale
24 of qualifying tangible personal property to persons who
25 modify, refurbish, complete, replace, or maintain an
26 aircraft and who (i) hold an Air Agency Certificate and are

1 empowered to operate an approved repair station by the
2 Federal Aviation Administration, (ii) have a Class IV
3 Rating, and (iii) conduct operations in accordance with
4 Part 145 of the Federal Aviation Regulations. The exemption
5 does not include aircraft operated by a commercial air
6 carrier providing scheduled passenger air service pursuant
7 to authority issued under Part 121 or Part 129 of the
8 Federal Aviation Regulations. The changes made to this
9 paragraph (40) by Public Act 98-534 are declarative of
10 existing law.

11 (41) Tangible personal property sold to a
12 public-facilities corporation, as described in Section
13 11-65-10 of the Illinois Municipal Code, for purposes of
14 constructing or furnishing a municipal convention hall,
15 but only if the legal title to the municipal convention
16 hall is transferred to the municipality without any further
17 consideration by or on behalf of the municipality at the
18 time of the completion of the municipal convention hall or
19 upon the retirement or redemption of any bonds or other
20 debt instruments issued by the public-facilities
21 corporation in connection with the development of the
22 municipal convention hall. This exemption includes
23 existing public-facilities corporations as provided in
24 Section 11-65-25 of the Illinois Municipal Code. This
25 paragraph is exempt from the provisions of Section 2-70.

26 (42) Beginning January 1, 2017, menstrual pads,

1 tampons, and menstrual cups.

2 (43) Merchandise that is subject to the Rental Purchase
3 Agreement Occupation and Use Tax. The purchaser must
4 certify that the item is purchased to be rented subject to
5 a rental purchase agreement, as defined in the Rental
6 Purchase Agreement Act, and provide proof of registration
7 under the Rental Purchase Agreement Occupation and Use Tax
8 Act. This paragraph is exempt from the provisions of
9 Section 2-70.

10 (Source: P.A. 99-180, eff. 7-29-15; 99-855, eff. 8-19-16;
11 100-22, eff. 7-6-17; 100-321, eff. 8-24-17; 100-437, eff.
12 1-1-18; revised 9-26-17.)

13 (35 ILCS 120/2-5.5)

14 Sec. 2-5.5. Food and drugs sold by not-for-profit
15 organizations; exemption. The Department shall not collect the
16 1% tax imposed under this Act ~~on food for human consumption~~
17 ~~that is to be consumed off the premises where it is sold (other~~
18 ~~than alcoholic beverages, soft drinks, and food that has been~~
19 ~~prepared for immediate consumption) and prescription and~~
20 ~~nonprescription medicines, drugs, medical appliances, and~~
21 ~~insulin, urine testing materials, syringes, and needles used by~~
22 ~~diabetics, for human use~~ from any not-for-profit organization,
23 that sells food in a food distribution program at a price below
24 the retail cost of the food to purchasers who, as a condition
25 of participation in the program, are required to perform

1 community service, located in a county or municipality that
2 notifies the Department, in writing, that the county or
3 municipality does not want the tax to be collected from any of
4 such organizations located in the county or municipality.

5 (Source: P.A. 88-374.)

6 (35 ILCS 120/3) (from Ch. 120, par. 442)

7 (Text of Section before amendment by P.A. 100-363)

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

13 1. The name of the seller;

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

19 3. Total amount of receipts received by him during the
20 preceding calendar month or quarter, as the case may be,
21 from sales of tangible personal property, and from services
22 furnished, by him during such preceding calendar month or
23 quarter;

24 4. Total amount received by him during the preceding
25 calendar month or quarter on charge and time sales of

1 tangible personal property, and from services furnished,
2 by him prior to the month or quarter for which the return
3 is filed;

4 5. Deductions allowed by law;

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

8 7. The amount of credit provided in Section 2d of this
9 Act;

10 8. The amount of tax due;

11 9. The signature of the taxpayer; and

12 10. Such other reasonable information as the
13 Department may require.

14 On and after January 1, 2018, except for returns for motor
15 vehicles, watercraft, aircraft, and trailers that are required
16 to be registered with an agency of this State, with respect to
17 retailers whose annual gross receipts average \$20,000 or more,
18 all returns required to be filed pursuant to this Act shall be
19 filed electronically. Retailers who demonstrate that they do
20 not have access to the Internet or demonstrate hardship in
21 filing electronically may petition the Department to waive the
22 electronic filing requirement.

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

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

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

25 The Department may require returns to be filed on a
26 quarterly basis. If so required, a return for each calendar

1 quarter shall be filed on or before the twentieth day of the
2 calendar month following the end of such calendar quarter. The
3 taxpayer shall also file a return with the Department for each
4 of the first two months of each calendar quarter, on or before
5 the twentieth day of the following calendar month, stating:

6 1. The name of the seller;

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

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

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

17 5. The amount of tax due; and

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

20 Beginning on October 1, 2003, any person who is not a
21 licensed distributor, importing distributor, or manufacturer,
22 as defined in the Liquor Control Act of 1934, but is engaged in
23 the business of selling, at retail, alcoholic liquor shall file
24 a statement with the Department of Revenue, in a format and at
25 a time prescribed by the Department, showing the total amount
26 paid for alcoholic liquor purchased during the preceding month

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 returns.

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

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

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

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

11 In addition, with respect to motor vehicles, watercraft,
12 aircraft, and trailers that are required to be registered with
13 an agency of this State, every person who is engaged in the
14 business of leasing or renting such items and who, in
15 connection with such business, sells any such item to a
16 retailer for the purpose of resale is, notwithstanding any
17 other provision of this Section to the contrary, authorized to
18 meet the return-filing requirement of this Act by reporting the
19 transfer of all the aircraft, watercraft, motor vehicles, or
20 trailers transferred for resale during a month to the
21 Department on the same uniform invoice-transaction reporting
22 return form on or before the 20th day of the month following
23 the month in which the transfer takes place. Notwithstanding
24 any other provision of this Act to the contrary, all returns
25 filed under this paragraph must be filed by electronic means in
26 the manner and form as required by the Department.

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

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

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

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

20 Such transaction reporting return shall be filed not later
21 than 20 days after the day of delivery of the item that is
22 being sold, but may be filed by the retailer at any time sooner
23 than that if he chooses to do so. The transaction reporting
24 return and tax remittance or proof of exemption from the
25 Illinois use tax may be transmitted to the Department by way of
26 the State agency with which, or State officer with whom the

1 tangible personal property must be titled or registered (if
2 titling or registration is required) if the Department and such
3 agency or State officer determine that this procedure will
4 expedite the processing of applications for title or
5 registration.

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

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

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

19 Refunds made by the seller during the preceding return
20 period to purchasers, on account of tangible personal property
21 returned to the seller, shall be allowed as a deduction under
22 subdivision 5 of his monthly or quarterly return, as the case
23 may be, in case the seller had theretofore included the
24 receipts from the sale of such tangible personal property in a
25 return filed by him and had paid the tax imposed by this Act
26 with respect to such receipts.

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

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

9 Except as provided in this Section, the retailer filing the
10 return under this Section shall, at the time of filing such
11 return, pay to the Department the amount of tax imposed by this
12 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
13 on and after January 1, 1990, or \$5 per calendar year,
14 whichever is greater, which is allowed to reimburse the
15 retailer for the expenses incurred in keeping records,
16 preparing and filing returns, remitting the tax and supplying
17 data to the Department on request. Any prepayment made pursuant
18 to Section 2d of this Act shall be included in the amount on
19 which such 2.1% or 1.75% discount is computed. In the case of
20 retailers who report and pay the tax on a transaction by
21 transaction basis, as provided in this Section, such discount
22 shall be taken with each such tax remittance instead of when
23 such retailer files his periodic return. The discount allowed
24 under this Section is allowed only for returns that are filed
25 in the manner required by this Act. The Department may disallow
26 the discount for retailers whose certificate of registration is

1 revoked at the time the return is filed, but only if the
2 Department's decision to revoke the certificate of
3 registration has become final.

4 Before October 1, 2000, if the taxpayer's average monthly
5 tax liability to the Department under this Act, the Use Tax
6 Act, the Service Occupation Tax Act, and the Service Use Tax
7 Act, excluding any liability for prepaid sales tax to be
8 remitted in accordance with Section 2d of this Act, was \$10,000
9 or more during the preceding 4 complete calendar quarters, he
10 shall file a return with the Department each month by the 20th
11 day of the month next following the month during which such tax
12 liability is incurred and shall make payments to the Department
13 on or before the 7th, 15th, 22nd and last day of the month
14 during which such liability is incurred. On and after October
15 1, 2000, if the taxpayer's average monthly tax liability to the
16 Department under this Act, the Use Tax Act, the Service
17 Occupation Tax Act, and the Service Use Tax Act, excluding any
18 liability for prepaid sales tax to be remitted in accordance
19 with Section 2d of this Act, was \$20,000 or more during the
20 preceding 4 complete calendar quarters, he shall file a return
21 with the Department each month by the 20th day of the month
22 next following the month during which such tax liability is
23 incurred and shall make payment to the Department on or before
24 the 7th, 15th, 22nd and last day of the month during which such
25 liability is incurred. If the month during which such tax
26 liability is incurred began prior to January 1, 1985, each

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

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

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

1 The provisions of this paragraph apply before October 1,
2 2001. Without regard to whether a taxpayer is required to make
3 quarter monthly payments as specified above, any taxpayer who
4 is required by Section 2d of this Act to collect and remit
5 prepaid taxes and has collected prepaid taxes which average in
6 excess of \$25,000 per month during the preceding 2 complete
7 calendar quarters, shall file a return with the Department as
8 required by Section 2f and shall make payments to the
9 Department on or before the 7th, 15th, 22nd and last day of the
10 month during which such liability is incurred. If the month
11 during which such tax liability is incurred began prior to
12 September 1, 1985 (the effective date of Public Act 84-221),
13 each payment shall be in an amount not less than 22.5% of the
14 taxpayer's actual liability under Section 2d. If the month
15 during which such tax liability is incurred begins on or after
16 January 1, 1986, each payment shall be in an amount equal to
17 22.5% of the taxpayer's actual liability for the month or 27.5%
18 of the taxpayer's liability for the same calendar month of the
19 preceding calendar year. If the month during which such tax
20 liability is incurred begins on or after January 1, 1987, each
21 payment shall be in an amount equal to 22.5% of the taxpayer's
22 actual liability for the month or 26.25% of the taxpayer's
23 liability for the same calendar month of the preceding year.
24 The amount of such quarter monthly payments shall be credited
25 against the final tax liability of the taxpayer's return for
26 that month filed under this Section or Section 2f, as the case

1 may be. Once applicable, the requirement of the making of
2 quarter monthly payments to the Department pursuant to this
3 paragraph shall continue until such taxpayer's average monthly
4 prepaid tax collections during the preceding 2 complete
5 calendar quarters is \$25,000 or less. If any such quarter
6 monthly payment is not paid at the time or in the amount
7 required, the taxpayer shall be liable for penalties and
8 interest on such difference, except insofar as the taxpayer has
9 previously made payments for that month in excess of the
10 minimum payments previously due.

11 The provisions of this paragraph apply on and after October
12 1, 2001. Without regard to whether a taxpayer is required to
13 make quarter monthly payments as specified above, any taxpayer
14 who is required by Section 2d of this Act to collect and remit
15 prepaid taxes and has collected prepaid taxes that average in
16 excess of \$20,000 per month during the preceding 4 complete
17 calendar quarters shall file a return with the Department as
18 required by Section 2f and shall make payments to the
19 Department on or before the 7th, 15th, 22nd and last day of the
20 month during which the liability is incurred. Each payment
21 shall be in an amount equal to 22.5% of the taxpayer's actual
22 liability for the month or 25% of the taxpayer's liability for
23 the same calendar month of the preceding year. The amount of
24 the quarter monthly payments shall be credited against the
25 final tax liability of the taxpayer's return for that month
26 filed under this Section or Section 2f, as the case may be.

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

15 If any payment provided for in this Section exceeds the
16 taxpayer's liabilities under this Act, the Use Tax Act, the
17 Service Occupation Tax Act and the Service Use Tax Act, as
18 shown on an original monthly return, the Department shall, if
19 requested by the taxpayer, issue to the taxpayer a credit
20 memorandum no later than 30 days after the date of payment. The
21 credit evidenced by such credit memorandum may be assigned by
22 the taxpayer to a similar taxpayer under this Act, the Use Tax
23 Act, the Service Occupation Tax Act or the Service Use Tax Act,
24 in accordance with reasonable rules and regulations to be
25 prescribed by the Department. If no such request is made, the
26 taxpayer may credit such excess payment against tax liability

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

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

16 Beginning January 1, 1990, each month the Department shall
17 pay into the Local Government Tax Fund, a special fund in the
18 State treasury which is hereby created, the net revenue
19 realized for the preceding month from the 1% tax imposed under
20 this Act ~~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, products~~
25 ~~classified as Class III medical devices by the United States~~
26 ~~Food and Drug Administration that are used for cancer treatment~~

1 ~~pursuant to a prescription, as well as any accessories and~~
2 ~~components related to those devices, and insulin, urine testing~~
3 ~~materials, syringes and needles used by diabetics.~~

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

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

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

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

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

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

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

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

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

7 Beginning July 1, 2015, of the remainder of the moneys
8 received by the Department under the Use Tax Act, the Service
9 Use Tax Act, the Service Occupation Tax Act, and this Act, each
10 month the Department shall deposit \$500,000 into the State
11 Crime Laboratory Fund.

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

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

6	Fiscal Year	Annual Specified Amount
7	1986	\$54,800,000
8	1987	\$76,650,000
9	1988	\$80,480,000
10	1989	\$88,510,000
11	1990	\$115,330,000
12	1991	\$145,470,000
13	1992	\$182,730,000
14	1993	\$206,520,000;

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

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

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

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

Fiscal Year	Total Deposit
1993	\$0

1	1994	53,000,000
2	1995	58,000,000
3	1996	61,000,000
4	1997	64,000,000
5	1998	68,000,000
6	1999	71,000,000
7	2000	75,000,000
8	2001	80,000,000
9	2002	93,000,000
10	2003	99,000,000
11	2004	103,000,000
12	2005	108,000,000
13	2006	113,000,000
14	2007	119,000,000
15	2008	126,000,000
16	2009	132,000,000
17	2010	139,000,000
18	2011	146,000,000
19	2012	153,000,000
20	2013	161,000,000
21	2014	170,000,000
22	2015	179,000,000
23	2016	189,000,000
24	2017	199,000,000
25	2018	210,000,000
26	2019	221,000,000

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

14 and
15 each fiscal year
16 thereafter that bonds
17 are outstanding under
18 Section 13.2 of the
19 Metropolitan Pier and
20 Exposition Authority Act,
21 but not after fiscal year 2060.

22 Beginning July 20, 1993 and in each month of each fiscal
23 year thereafter, one-eighth of the amount requested in the
24 certificate of the Chairman of the Metropolitan Pier and
25 Exposition Authority for that fiscal year, less the amount
26 deposited into the McCormick Place Expansion Project Fund by

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

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

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

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

4 Subject to payment of amounts into the Build Illinois Fund,
5 the McCormick Place Expansion Project Fund, the Illinois Tax
6 Increment Fund, and the Energy Infrastructure Fund pursuant to
7 the preceding paragraphs or in any amendments to this Section
8 hereafter enacted, beginning on the first day of the first
9 calendar month to occur on or after August 26, 2014 (the
10 effective date of Public Act 98-1098), each month, from the
11 collections made under Section 9 of the Use Tax Act, Section 9
12 of the Service Use Tax Act, Section 9 of the Service Occupation
13 Tax Act, and Section 3 of the Retailers' Occupation Tax Act,
14 the Department shall pay into the Tax Compliance and
15 Administration Fund, to be used, subject to appropriation, to
16 fund additional auditors and compliance personnel at the
17 Department of Revenue, an amount equal to $1/12$ of 5% of 80% of
18 the cash receipts collected during the preceding fiscal year by
19 the Audit Bureau of the Department under the Use Tax Act, the
20 Service Use Tax Act, the Service Occupation Tax Act, the
21 Retailers' Occupation Tax Act, and associated local occupation
22 and use taxes administered by the Department.

23 Of the remainder of the moneys received by the Department
24 pursuant to this Act, 75% thereof shall be paid into the State
25 Treasury and 25% shall be reserved in a special account and
26 used only for the transfer to the Common School Fund as part of

1 the monthly transfer from the General Revenue Fund in
2 accordance with Section 8a of the State Finance Act.

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

26 If the annual information return required by this Section

1 is not filed when and as required, the taxpayer shall be liable
2 as follows:

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

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

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

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

25 As soon as possible after the first day of each month, upon
26 certification of the Department of Revenue, the Comptroller

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

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

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

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

1 the dates and location of the event and other reasonable
2 information that the Department may require. The report must be
3 filed not later than the 20th day of the month next following
4 the month during which the event with retail sales was held.
5 Any person who fails to file a report required by this Section
6 commits a business offense and is subject to a fine not to
7 exceed \$250.

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

1 their returns as otherwise required in this Section.

2 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;
3 99-933, eff. 1-27-17; 100-303, eff. 8-24-17.)

4 (Text of Section after amendment by P.A. 100-363)

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

10 1. The name of the seller;

11 2. His residence address and the address of his
12 principal place of business and the address of the
13 principal place of business (if that is a different
14 address) from which he engages in the business of selling
15 tangible personal property at retail in this State;

16 3. Total amount of receipts received by him during the
17 preceding calendar month or quarter, as the case may be,
18 from sales of tangible personal property, and from services
19 furnished, by him during such preceding calendar month or
20 quarter;

21 4. Total amount received by him during the preceding
22 calendar month or quarter on charge and time sales of
23 tangible personal property, and from services furnished,
24 by him prior to the month or quarter for which the return
25 is filed;

- 1 5. Deductions allowed by law;
- 2 6. Gross receipts which were received by him during the
- 3 preceding calendar month or quarter and upon the basis of
- 4 which the tax is imposed;
- 5 7. The amount of credit provided in Section 2d of this
- 6 Act;
- 7 8. The amount of tax due;
- 8 9. The signature of the taxpayer; and
- 9 10. Such other reasonable information as the
- 10 Department may require.

11 On and after January 1, 2018, except for returns for motor
12 vehicles, watercraft, aircraft, and trailers that are required
13 to be registered with an agency of this State, with respect to
14 retailers whose annual gross receipts average \$20,000 or more,
15 all returns required to be filed pursuant to this Act shall be
16 filed electronically. Retailers who demonstrate that they do
17 not have access to the Internet or demonstrate hardship in
18 filing electronically may petition the Department to waive the
19 electronic filing requirement.

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

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

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

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

1 of the first two months of each calendar quarter, on or before
2 the twentieth day of the following calendar month, stating:

3 1. The name of the seller;

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

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

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

14 5. The amount of tax due; and

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

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

1 rules may provide for exceptions from the filing requirements
2 of this paragraph. For the purposes of this paragraph, the term
3 "alcoholic liquor" shall have the meaning prescribed in the
4 Liquor Control Act of 1934.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 Notwithstanding any other provision in this Act concerning
26 the time within which a retailer may file his return, in the

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

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

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

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

8 In addition, with respect to motor vehicles, watercraft,
9 aircraft, and trailers that are required to be registered with
10 an agency of this State, every person who is engaged in the
11 business of leasing or renting such items and who, in
12 connection with such business, sells any such item to a
13 retailer for the purpose of resale is, notwithstanding any
14 other provision of this Section to the contrary, authorized to
15 meet the return-filing requirement of this Act by reporting the
16 transfer of all the aircraft, watercraft, motor vehicles, or
17 trailers transferred for resale during a month to the
18 Department on the same uniform invoice-transaction reporting
19 return form on or before the 20th of the month following the
20 month in which the transfer takes place. Notwithstanding any
21 other provision of this Act to the contrary, all returns filed
22 under this paragraph must be filed by electronic means in the
23 manner and form as required by the Department.

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

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

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

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

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

1 expedite the processing of applications for title or
2 registration.

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

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

24 If the user who would otherwise pay tax to the retailer
25 wants the transaction reporting return filed and the payment of
26 the tax or proof of exemption made to the Department before the

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

16 Refunds made by the seller during the preceding return
17 period to purchasers, on account of tangible personal property
18 returned to the seller, shall be allowed as a deduction under
19 subdivision 5 of his monthly or quarterly return, as the case
20 may be, in case the seller had theretofore included the
21 receipts from the sale of such tangible personal property in a
22 return filed by him and had paid the tax imposed by this Act
23 with respect to such receipts.

24 Where the seller is a corporation, the return filed on
25 behalf of such corporation shall be signed by the president,
26 vice-president, secretary or treasurer or by the properly

1 accredited agent of such corporation.

2 Where the seller is a limited liability company, the return
3 filed on behalf of the limited liability company shall be
4 signed by a manager, member, or properly accredited agent of
5 the limited liability company.

6 Except as provided in this Section, the retailer filing the
7 return under this Section shall, at the time of filing such
8 return, pay to the Department the amount of tax imposed by this
9 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
10 on and after January 1, 1990, or \$5 per calendar year,
11 whichever is greater, which is allowed to reimburse the
12 retailer for the expenses incurred in keeping records,
13 preparing and filing returns, remitting the tax and supplying
14 data to the Department on request. Any prepayment made pursuant
15 to Section 2d of this Act shall be included in the amount on
16 which such 2.1% or 1.75% discount is computed. In the case of
17 retailers who report and pay the tax on a transaction by
18 transaction basis, as provided in this Section, such discount
19 shall be taken with each such tax remittance instead of when
20 such retailer files his periodic return. The discount allowed
21 under this Section is allowed only for returns that are filed
22 in the manner required by this Act. The Department may disallow
23 the discount for retailers whose certificate of registration is
24 revoked at the time the return is filed, but only if the
25 Department's decision to revoke the certificate of
26 registration has become final.

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

1 of the taxpayer to the Department for the preceding 4 complete
2 calendar quarters (excluding the month of highest liability and
3 the month of lowest liability in such 4 quarter period). If the
4 month during which such tax liability is incurred begins on or
5 after January 1, 1985 and prior to January 1, 1987, each
6 payment shall be in an amount equal to 22.5% of the taxpayer's
7 actual liability for the month or 27.5% of the taxpayer's
8 liability for the same calendar month of the preceding year. If
9 the month during which such tax liability is incurred begins on
10 or after January 1, 1987 and prior to January 1, 1988, each
11 payment shall be in an amount equal to 22.5% of the taxpayer's
12 actual liability for the month or 26.25% of the taxpayer's
13 liability for the same calendar month of the preceding year. If
14 the month during which such tax liability is incurred begins on
15 or after January 1, 1988, and prior to January 1, 1989, or
16 begins on or after January 1, 1996, each payment shall be in an
17 amount equal to 22.5% of the taxpayer's actual liability for
18 the month or 25% of the taxpayer's liability for the same
19 calendar month of the preceding year. If the month during which
20 such tax liability is incurred begins on or after January 1,
21 1989, and prior to January 1, 1996, each payment shall be in an
22 amount equal to 22.5% of the taxpayer's actual liability for
23 the month or 25% of the taxpayer's liability for the same
24 calendar month of the preceding year or 100% of the taxpayer's
25 actual liability for the quarter monthly reporting period. The
26 amount of such quarter monthly payments shall be credited

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

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

24 The provisions of this paragraph apply before October 1,
25 2001. Without regard to whether a taxpayer is required to make
26 quarter monthly payments as specified above, any taxpayer who

1 is required by Section 2d of this Act to collect and remit
2 prepaid taxes and has collected prepaid taxes which average in
3 excess of \$25,000 per month during the preceding 2 complete
4 calendar quarters, shall file a return with the Department as
5 required by Section 2f and shall make payments to the
6 Department on or before the 7th, 15th, 22nd and last day of the
7 month during which such liability is incurred. If the month
8 during which such tax liability is incurred began prior to
9 September 1, 1985 (the effective date of Public Act 84-221),
10 each payment shall be in an amount not less than 22.5% of the
11 taxpayer's actual liability under Section 2d. If the month
12 during which such tax liability is incurred begins on or after
13 January 1, 1986, each payment shall be in an amount equal to
14 22.5% of the taxpayer's actual liability for the month or 27.5%
15 of the taxpayer's liability for the same calendar month of the
16 preceding calendar year. If the month during which such tax
17 liability is incurred begins on or after January 1, 1987, each
18 payment shall be in an amount equal to 22.5% of the taxpayer's
19 actual liability for the month or 26.25% of the taxpayer's
20 liability for the same calendar month of the preceding year.
21 The amount of such quarter monthly payments shall be credited
22 against the final tax liability of the taxpayer's return for
23 that month filed under this Section or Section 2f, as the case
24 may be. Once applicable, the requirement of the making of
25 quarter monthly payments to the Department pursuant to this
26 paragraph shall continue until such taxpayer's average monthly

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

8 The provisions of this paragraph apply on and after October
9 1, 2001. Without regard to whether a taxpayer is required to
10 make quarter monthly payments as specified above, any taxpayer
11 who is required by Section 2d of this Act to collect and remit
12 prepaid taxes and has collected prepaid taxes that average in
13 excess of \$20,000 per month during the preceding 4 complete
14 calendar quarters shall file a return with the Department as
15 required by Section 2f and shall make payments to the
16 Department on or before the 7th, 15th, 22nd and last day of the
17 month during which the liability is incurred. Each payment
18 shall be in an amount equal to 22.5% of the taxpayer's actual
19 liability for the month or 25% of the taxpayer's liability for
20 the same calendar month of the preceding year. The amount of
21 the quarter monthly payments shall be credited against the
22 final tax liability of the taxpayer's return for that month
23 filed under this Section or Section 2f, as the case may be.
24 Once applicable, the requirement of the making of quarter
25 monthly payments to the Department pursuant to this paragraph
26 shall continue until the taxpayer's average monthly prepaid tax

1 collections during the preceding 4 complete calendar quarters
2 (excluding the month of highest liability and the month of
3 lowest liability) is less than \$19,000 or until such taxpayer's
4 average monthly liability to the Department as computed for
5 each calendar quarter of the 4 preceding complete calendar
6 quarters is less than \$20,000. If any such quarter monthly
7 payment is not paid at the time or in the amount required, the
8 taxpayer shall be liable for penalties and interest on such
9 difference, except insofar as the taxpayer has previously made
10 payments for that month in excess of the minimum payments
11 previously due.

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

1 regulations prescribed by the Department. If the Department
2 subsequently determined that all or any part of the credit
3 taken was not actually due to the taxpayer, the taxpayer's 2.1%
4 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%
5 of the difference between the credit taken and that actually
6 due, and that taxpayer shall be liable for penalties and
7 interest on such difference.

8 If a retailer of motor fuel is entitled to a credit under
9 Section 2d of this Act which exceeds the taxpayer's liability
10 to the Department under this Act for the month which the
11 taxpayer is filing a return, the Department shall issue the
12 taxpayer a credit memorandum for the excess.

13 Beginning January 1, 1990, each month the Department shall
14 pay into the Local Government Tax Fund, a special fund in the
15 State treasury which is hereby created, the net revenue
16 realized for the preceding month from the 1% tax imposed under
17 this Act ~~on sales of food for human consumption which is to be~~
18 ~~consumed off the premises where it is sold (other than~~
19 ~~alcoholic beverages, soft drinks and food which has been~~
20 ~~prepared for immediate consumption) and prescription and~~
21 ~~nonprescription medicines, drugs, medical appliances, products~~
22 ~~classified as Class III medical devices by the United States~~
23 ~~Food and Drug Administration that are used for cancer treatment~~
24 ~~pursuant to a prescription, as well as any accessories and~~
25 ~~components related to those devices, and insulin, urine testing~~
26 ~~materials, syringes and needles used by diabetics.~~

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

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

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

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

26 Beginning October 1, 2009, each month the Department shall

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

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

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

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

4 Beginning July 1, 2015, of the remainder of the moneys
5 received by the Department under the Use Tax Act, the Service
6 Use Tax Act, the Service Occupation Tax Act, and this Act, each
7 month the Department shall deposit \$500,000 into the State
8 Crime Laboratory Fund.

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

1 "Annual Specified Amount" means the amounts specified below for
2 fiscal years 1986 through 1993:

3	Fiscal Year	Annual Specified Amount
4	1986	\$54,800,000
5	1987	\$76,650,000
6	1988	\$80,480,000
7	1989	\$88,510,000
8	1990	\$115,330,000
9	1991	\$145,470,000
10	1992	\$182,730,000
11	1993	\$206,520,000;

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

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

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

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

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

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

1	2023	275,000,000
2	2024	275,000,000
3	2025	275,000,000
4	2026	279,000,000
5	2027	292,000,000
6	2028	307,000,000
7	2029	322,000,000
8	2030	338,000,000
9	2031	350,000,000
10	2032	350,000,000

11 and
12 each fiscal year
13 thereafter that bonds
14 are outstanding under
15 Section 13.2 of the
16 Metropolitan Pier and
17 Exposition Authority Act,
18 but not after fiscal year 2060.

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

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

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

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

1 Subject to payment of amounts into the Build Illinois Fund,
2 the McCormick Place Expansion Project Fund, the Illinois Tax
3 Increment Fund, and the Energy Infrastructure Fund pursuant to
4 the preceding paragraphs or in any amendments to this Section
5 hereafter enacted, beginning on the first day of the first
6 calendar month to occur on or after August 26, 2014 (the
7 effective date of Public Act 98-1098), each month, from the
8 collections made under Section 9 of the Use Tax Act, Section 9
9 of the Service Use Tax Act, Section 9 of the Service Occupation
10 Tax Act, and Section 3 of the Retailers' Occupation Tax Act,
11 the Department shall pay into the Tax Compliance and
12 Administration Fund, to be used, subject to appropriation, to
13 fund additional auditors and compliance personnel at the
14 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
15 the cash receipts collected during the preceding fiscal year by
16 the Audit Bureau of the Department under the Use Tax Act, the
17 Service Use Tax Act, the Service Occupation Tax Act, the
18 Retailers' Occupation Tax Act, and associated local occupation
19 and use taxes administered by the Department.

20 Subject to payments of amounts into the Build Illinois
21 Fund, the McCormick Place Expansion Project Fund, the Illinois
22 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax
23 Compliance and Administration Fund as provided in this Section,
24 beginning on July 1, 2018 the Department shall pay each month
25 into the Downstate Public Transportation Fund the moneys
26 required to be so paid under Section 2-3 of the Downstate

1 Public Transportation Act.

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

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

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

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

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

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

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

26 The provisions of this Section concerning the filing of an

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

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

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

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

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

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

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

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

7 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;
8 99-933, eff. 1-27-17; 100-303, eff. 8-24-17; 100-363, eff.
9 7-1-18; revised 10-27-17.)

10 (35 ILCS 120/5j) (from Ch. 120, par. 444j)

11 Sec. 5j. If any taxpayer, outside the usual course of his
12 business, sells or transfers the major part of any one or more
13 of (A) the stock of goods which he is engaged in the business
14 of selling, or (B) the furniture or fixtures, (C) the machinery
15 and equipment, or (D) the real property, of any business that
16 is subject to the provisions of this Act, the purchaser or
17 transferee of such asset shall, no later than 10 business days
18 prior to ~~after~~ the sale or transfer, file a notice of sale or
19 transfer of business assets with the ~~Chicago office of the~~
20 Department disclosing the name and address of the seller or
21 transferor, the name and address of the purchaser or
22 transferee, the date of the sale or transfer, a copy of the
23 sales contract and financing agreements which shall include a
24 description of the property sold, the amount of the purchase
25 price or a statement of other consideration for the sale or

1 transfer, the terms for payment of the purchase price, and such
2 other information as the Department may reasonably require. If
3 the purchaser or transferee fails to file the above described
4 notice of sale with the Department within the prescribed time,
5 the purchaser or transferee shall be personally liable for the
6 amount owed hereunder by the seller or transferor to the
7 Department up to the amount of the reasonable value of the
8 property acquired by the purchaser or transferee. The seller or
9 transferor shall pay the Department the amount of tax, penalty
10 and interest (if any) due from him under this Act up to the
11 date of the payment of tax. The seller or transferor, or the
12 purchaser or transferee, at least 10 business days before the
13 date of the sale or transfer, may notify the Department of the
14 intended sale or transfer and request the Department to audit
15 the books and records of the seller or transferor, or to do
16 whatever else may be necessary to determine how much the seller
17 or transferor owes to the Department hereunder up to the date
18 of the sale or transfer. The Department shall take such steps
19 as may be appropriate to comply with such request.

20 Any order issued by the Department pursuant to this Section
21 to withhold from the purchase price shall be issued within 10
22 business days after the Department receives notification of a
23 sale as provided in this Section. The purchaser or transferee
24 shall withhold such portion of the purchase price as may be
25 directed by the Department, but not to exceed a minimum amount
26 varying by type of business, as determined by the Department

1 pursuant to regulations, plus twice the outstanding unpaid
2 liabilities and twice the average liability of preceding
3 filings times the number of unfiled returns, to cover the
4 amount of all tax, penalty and interest due and unpaid by the
5 seller or transferor under this Act or, if the payment of money
6 or property is not involved, shall withhold the performance of
7 the condition that constitutes the consideration for the sale
8 or transfer. Within 60 business days after issuance of the
9 initial order to withhold, the Department shall provide written
10 notice to the purchaser or transferee of the actual amount of
11 all taxes, penalties and interest then due and whether or not
12 additional amounts may become due as a result of unfiled
13 returns, pending assessments and audits not completed. The
14 purchaser or transferee shall continue to withhold the amount
15 directed to be withheld by the initial order or such lesser
16 amount as is specified by the final withholding order or to
17 withhold the performance of the condition which constitutes the
18 consideration for the sale or transfer until the purchaser or
19 transferee receives from the Department a certificate showing
20 that such tax, penalty and interest have been paid or a
21 certificate from the Department showing that no tax, penalty or
22 interest is due from the seller or transferor under this Act.

23 The purchaser or transferee is relieved of any duty to
24 continue to withhold from the purchase price and of any
25 liability for tax, penalty or interest due hereunder from the
26 seller or transferor if the Department fails to notify the

1 purchaser or transferee in the manner provided herein of the
2 amount to be withheld within 10 business days after the sale or
3 transfer has been reported to the Department or within 60
4 business days after issuance of the initial order to withhold,
5 as the case may be. The Department shall have the right to
6 determine amounts claimed on an estimated basis to allow for
7 non-filed periods, pending assessments and audits not
8 completed, however the purchaser or transferee shall be
9 personally liable only for the actual amount due when
10 determined.

11 If the seller or transferor fails to pay the tax, penalty
12 and interest (if any) due from him hereunder and the Department
13 makes timely claim therefor against the purchaser or transferee
14 as hereinabove provided, then the purchaser or transferee shall
15 pay the amount so withheld from the purchase price to the
16 Department. If the purchaser or transferee fails to comply with
17 the requirements of this Section, the purchaser or transferee
18 shall be personally liable to the Department for the amount
19 owed hereunder by the seller or transferor to the Department up
20 to the amount of the reasonable value of the property acquired
21 by the purchaser or transferee.

22 Any person who shall acquire any property or rights thereto
23 which, at the time of such acquisition, is subject to a valid
24 lien in favor of the Department shall be personally liable to
25 the Department for a sum equal to the amount of taxes secured
26 by such lien but not to exceed the reasonable value of such

1 property acquired by him.

2 (Source: P.A. 94-776, eff. 5-19-06.)

3 Section 50. The Cigarette Machine Operators' Occupation
4 Tax Act is amended by changing Section 1-40 as follows:

5 (35 ILCS 128/1-40)

6 Sec. 1-40. Returns.

7 (a) Cigarette machine operators shall file a return and
8 remit the tax imposed by Section 1-10 by the 15th day of each
9 month covering the preceding calendar month. Each such return
10 shall show: the quantity of cigarettes made or fabricated
11 during the period covered by the return; the beginning and
12 ending meter reading for each cigarette machine for the period
13 covered by the return; the quantity of such cigarettes sold or
14 otherwise disposed of during the period covered by the return;
15 the brand family and manufacturer and quantity of tobacco
16 products used to make or fabricate cigarettes by use of a
17 cigarette machine; the license number of each distributor from
18 whom tobacco products are purchased; the type and quantity of
19 cigarette tubes purchased for use in a cigarette machine; the
20 type and quantity of cigarette tubes used in a cigarette
21 machine; and such other information as the Department may
22 require. Such returns shall be filed on forms prescribed and
23 furnished by the Department. The Department may promulgate
24 rules to require that the cigarette machine operator's return

1 be accompanied by appropriate computer-generated magnetic
2 media supporting schedule data in the format required by the
3 Department, unless, as provided by rule, the Department grants
4 an exception upon petition of a cigarette machine operator.

5 Cigarette machine operators shall send a copy of those
6 returns, together with supporting schedule data, to the
7 Attorney General's Office by the 15th day of each month for the
8 period covering the preceding calendar month.

9 (b) Cigarette machine operators may take a credit against
10 any tax due under Section 1-10 of this Act for taxes imposed
11 and paid under the Tobacco Products Tax Act of 1995 on tobacco
12 products sold to a customer and used in a rolling machine
13 located at the cigarette machine operator's place of business.
14 To be eligible for such credit, the tobacco product must meet
15 the requirements of subsection (a) of Section 1-25 of this Act.
16 This subsection (b) is exempt from the provisions of Section
17 1-155 of this Act.

18 (c) If any payment provided for in this Section exceeds the
19 cigarette machine operator's liabilities under this Act, as
20 shown on an original return, the cigarette machine operator may
21 credit such excess payment against liability subsequently to be
22 remitted to the Department under this Act, in accordance with
23 reasonable rules adopted by the Department.

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

25 Section 55. The Cigarette Tax Act is amended by changing

1 Section 2 as follows:

2 (35 ILCS 130/2) (from Ch. 120, par. 453.2)

3 Sec. 2. Tax imposed; rate; collection, payment, and
4 distribution; discount.

5 (a) A tax is imposed upon any person engaged in business as
6 a retailer of cigarettes in this State at the rate of 5 1/2
7 mills per cigarette sold, or otherwise disposed of in the
8 course of such business in this State. In addition to any other
9 tax imposed by this Act, a tax is imposed upon any person
10 engaged in business as a retailer of cigarettes in this State
11 at a rate of 1/2 mill per cigarette sold or otherwise disposed
12 of in the course of such business in this State on and after
13 January 1, 1947, and shall be paid into the Metropolitan Fair
14 and Exposition Authority Reconstruction Fund or as otherwise
15 provided in Section 29. On and after December 1, 1985, in
16 addition to any other tax imposed by this Act, a tax is imposed
17 upon any person engaged in business as a retailer of cigarettes
18 in this State at a rate of 4 mills per cigarette sold or
19 otherwise disposed of in the course of such business in this
20 State. Of the additional tax imposed by this amendatory Act of
21 1985, \$9,000,000 of the moneys received by the Department of
22 Revenue pursuant to this Act shall be paid each month into the
23 Common School Fund. On and after the effective date of this
24 amendatory Act of 1989, in addition to any other tax imposed by
25 this Act, a tax is imposed upon any person engaged in business

1 as a retailer of cigarettes at the rate of 5 mills per
2 cigarette sold or otherwise disposed of in the course of such
3 business in this State. On and after the effective date of this
4 amendatory Act of 1993, in addition to any other tax imposed by
5 this Act, a tax is imposed upon any person engaged in business
6 as a retailer of cigarettes at the rate of 7 mills per
7 cigarette sold or otherwise disposed of in the course of such
8 business in this State. On and after December 15, 1997, in
9 addition to any other tax imposed by this Act, a tax is imposed
10 upon any person engaged in business as a retailer of cigarettes
11 at the rate of 7 mills per cigarette sold or otherwise disposed
12 of in the course of such business of this State. All of the
13 moneys received by the Department of Revenue pursuant to this
14 Act and the Cigarette Use Tax Act from the additional taxes
15 imposed by this amendatory Act of 1997, shall be paid each
16 month into the Common School Fund. On and after July 1, 2002,
17 in addition to any other tax imposed by this Act, a tax is
18 imposed upon any person engaged in business as a retailer of
19 cigarettes at the rate of 20.0 mills per cigarette sold or
20 otherwise disposed of in the course of such business in this
21 State. Beginning on June 24, 2012, in addition to any other tax
22 imposed by this Act, a tax is imposed upon any person engaged
23 in business as a retailer of cigarettes at the rate of 50 mills
24 per cigarette sold or otherwise disposed of in the course of
25 such business in this State. All moneys received by the
26 Department of Revenue under this Act and the Cigarette Use Tax

1 Act from the additional taxes imposed by this amendatory Act of
2 the 97th General Assembly shall be paid each month into the
3 Healthcare Provider Relief Fund. The payment of such taxes
4 shall be evidenced by a stamp affixed to each original package
5 of cigarettes, or an authorized substitute for such stamp
6 imprinted on each original package of such cigarettes
7 underneath the sealed transparent outside wrapper of such
8 original package, as hereinafter provided. However, such taxes
9 are not imposed upon any activity in such business in
10 interstate commerce or otherwise, which activity may not under
11 the Constitution and statutes of the United States be made the
12 subject of taxation by this State.

13 Beginning on the effective date of this amendatory Act of
14 the 92nd General Assembly and through June 30, 2006, all of the
15 moneys received by the Department of Revenue pursuant to this
16 Act and the Cigarette Use Tax Act, other than the moneys that
17 are dedicated to the Common School Fund, shall be distributed
18 each month as follows: first, there shall be paid into the
19 General Revenue Fund an amount which, when added to the amount
20 paid into the Common School Fund for that month, equals
21 \$33,300,000, except that in the month of August of 2004, this
22 amount shall equal \$83,300,000; then, from the moneys
23 remaining, if any amounts required to be paid into the General
24 Revenue Fund in previous months remain unpaid, those amounts
25 shall be paid into the General Revenue Fund; then, beginning on
26 April 1, 2003, from the moneys remaining, \$5,000,000 per month

1 shall be paid into the School Infrastructure Fund; then, if any
2 amounts required to be paid into the School Infrastructure Fund
3 in previous months remain unpaid, those amounts shall be paid
4 into the School Infrastructure Fund; then the moneys remaining,
5 if any, shall be paid into the Long-Term Care Provider Fund. To
6 the extent that more than \$25,000,000 has been paid into the
7 General Revenue Fund and Common School Fund per month for the
8 period of July 1, 1993 through the effective date of this
9 amendatory Act of 1994 from combined receipts of the Cigarette
10 Tax Act and the Cigarette Use Tax Act, notwithstanding the
11 distribution provided in this Section, the Department of
12 Revenue is hereby directed to adjust the distribution provided
13 in this Section to increase the next monthly payments to the
14 Long Term Care Provider Fund by the amount paid to the General
15 Revenue Fund and Common School Fund in excess of \$25,000,000
16 per month and to decrease the next monthly payments to the
17 General Revenue Fund and Common School Fund by that same excess
18 amount.

19 Beginning on July 1, 2006, all of the moneys received by
20 the Department of Revenue pursuant to this Act and the
21 Cigarette Use Tax Act, other than the moneys that are dedicated
22 to the Common School Fund and, beginning on the effective date
23 of this amendatory Act of the 97th General Assembly, other than
24 the moneys from the additional taxes imposed by this amendatory
25 Act of the 97th General Assembly that must be paid each month
26 into the Healthcare Provider Relief Fund, shall be distributed

1 each month as follows: first, there shall be paid into the
2 General Revenue Fund an amount that, when added to the amount
3 paid into the Common School Fund for that month, equals
4 \$29,200,000; then, from the moneys remaining, if any amounts
5 required to be paid into the General Revenue Fund in previous
6 months remain unpaid, those amounts shall be paid into the
7 General Revenue Fund; then from the moneys remaining,
8 \$5,000,000 per month shall be paid into the School
9 Infrastructure Fund; then, if any amounts required to be paid
10 into the School Infrastructure Fund in previous months remain
11 unpaid, those amounts shall be paid into the School
12 Infrastructure Fund; then the moneys remaining, if any, shall
13 be paid into the Long-Term Care Provider Fund.

14 Moneys collected from the tax imposed on little cigars
15 under Section 10-10 of the Tobacco Products Tax Act of 1995
16 shall be included with the moneys collected under the Cigarette
17 Tax Act and the Cigarette Use Tax Act when making distributions
18 to the Common School Fund, the Healthcare Provider Relief Fund,
19 the General Revenue Fund, the School Infrastructure Fund, and
20 the Long-Term Care Provider Fund under this Section.

21 When any tax imposed herein terminates or has terminated,
22 distributors who have bought stamps while such tax was in
23 effect and who therefore paid such tax, but who can show, to
24 the Department's satisfaction, that they sold the cigarettes to
25 which they affixed such stamps after such tax had terminated
26 and did not recover the tax or its equivalent from purchasers,

1 shall be allowed by the Department to take credit for such
2 absorbed tax against subsequent tax stamp purchases from the
3 Department by such distributor.

4 The impact of the tax levied by this Act is imposed upon
5 the retailer and shall be prepaid or pre-collected by the
6 distributor for the purpose of convenience and facility only,
7 and the amount of the tax shall be added to the price of the
8 cigarettes sold by such distributor. Collection of the tax
9 shall be evidenced by a stamp or stamps affixed to each
10 original package of cigarettes, as hereinafter provided. Any
11 distributor who purchases stamps may credit any excess payments
12 verified by the Department against amounts subsequently due for
13 the purchase of additional stamps, until such time as no excess
14 payment remains.

15 Each distributor shall collect the tax from the retailer at
16 or before the time of the sale, shall affix the stamps as
17 hereinafter required, and shall remit the tax collected from
18 retailers to the Department, as hereinafter provided. Any
19 distributor who fails to properly collect and pay the tax
20 imposed by this Act shall be liable for the tax. Any
21 distributor having cigarettes to which stamps have been affixed
22 in his possession for sale on the effective date of this
23 amendatory Act of 1989 shall not be required to pay the
24 additional tax imposed by this amendatory Act of 1989 on such
25 stamped cigarettes. Any distributor having cigarettes to which
26 stamps have been affixed in his or her possession for sale at

1 12:01 a.m. on the effective date of this amendatory Act of
2 1993, is required to pay the additional tax imposed by this
3 amendatory Act of 1993 on such stamped cigarettes. This
4 payment, less the discount provided in subsection (b), shall be
5 due when the distributor first makes a purchase of cigarette
6 tax stamps after the effective date of this amendatory Act of
7 1993, or on the first due date of a return under this Act after
8 the effective date of this amendatory Act of 1993, whichever
9 occurs first. Any distributor having cigarettes to which stamps
10 have been affixed in his possession for sale on December 15,
11 1997 shall not be required to pay the additional tax imposed by
12 this amendatory Act of 1997 on such stamped cigarettes.

13 Any distributor having cigarettes to which stamps have been
14 affixed in his or her possession for sale on July 1, 2002 shall
15 not be required to pay the additional tax imposed by this
16 amendatory Act of the 92nd General Assembly on those stamped
17 cigarettes.

18 Any retailer having cigarettes in his or her possession on
19 June 24, 2012 to which tax stamps have been affixed is not
20 required to pay the additional tax that begins on June 24, 2012
21 imposed by this amendatory Act of the 97th General Assembly on
22 those stamped cigarettes. Any distributor having cigarettes in
23 his or her possession on June 24, 2012 to which tax stamps have
24 been affixed, and any distributor having stamps in his or her
25 possession on June 24, 2012 that have not been affixed to
26 packages of cigarettes before June 24, 2012, is required to pay

1 the additional tax that begins on June 24, 2012 imposed by this
2 amendatory Act of the 97th General Assembly to the extent the
3 calendar year 2012 average monthly volume of cigarette stamps
4 in the distributor's possession exceeds the average monthly
5 volume of cigarette stamps purchased by the distributor in
6 calendar year 2011. This payment, less the discount provided in
7 subsection (b), is due when the distributor first makes a
8 purchase of cigarette stamps on or after June 24, 2012 or on
9 the first due date of a return under this Act occurring on or
10 after June 24, 2012, whichever occurs first. Those distributors
11 may elect to pay the additional tax on packages of cigarettes
12 to which stamps have been affixed and on any stamps in the
13 distributor's possession that have not been affixed to packages
14 of cigarettes over a period not to exceed 12 months from the
15 due date of the additional tax by notifying the Department in
16 writing. The first payment for distributors making such
17 election is due when the distributor first makes a purchase of
18 cigarette tax stamps on or after June 24, 2012 or on the first
19 due date of a return under this Act occurring on or after June
20 24, 2012, whichever occurs first. Distributors making such an
21 election are not entitled to take the discount provided in
22 subsection (b) on such payments.

23 Distributors making sales of cigarettes to secondary
24 distributors shall add the amount of the tax to the price of
25 the cigarettes sold by the distributors. Secondary
26 distributors making sales of cigarettes to retailers shall

1 include the amount of the tax in the price of the cigarettes
2 sold to retailers. The amount of tax shall not be less than the
3 amount of taxes imposed by the State and all local
4 jurisdictions. The amount of local taxes shall be calculated
5 based on the location of the retailer's place of business shown
6 on the retailer's certificate of registration or
7 sub-registration issued to the retailer pursuant to Section 2a
8 of the Retailers' Occupation Tax Act. The original packages of
9 cigarettes sold to the retailer shall bear all the required
10 stamps, or other indicia, for the taxes included in the price
11 of cigarettes.

12 The amount of the Cigarette Tax imposed by this Act shall
13 be separately stated, apart from the price of the goods, by
14 distributors, manufacturer representatives, secondary
15 distributors, and retailers, in all bills and sales invoices.

16 (b) The distributor shall be required to collect the taxes
17 provided under paragraph (a) hereof, and, to cover the costs of
18 such collection, shall be allowed a discount during any year
19 commencing July 1st and ending the following June 30th in
20 accordance with the schedule set out hereinbelow, which
21 discount shall be allowed at the time of purchase of the stamps
22 when purchase is required by this Act, or at the time when the
23 tax is remitted to the Department without the purchase of
24 stamps from the Department when that method of paying the tax
25 is required or authorized by this Act. Prior to December 1,
26 1985, a discount equal to 1 2/3% of the amount of the tax up to

1 and including the first \$700,000 paid hereunder by such
2 distributor to the Department during any such year; 1 1/3% of
3 the next \$700,000 of tax or any part thereof, paid hereunder by
4 such distributor to the Department during any such year; 1% of
5 the next \$700,000 of tax, or any part thereof, paid hereunder
6 by such distributor to the Department during any such year, and
7 2/3 of 1% of the amount of any additional tax paid hereunder by
8 such distributor to the Department during any such year shall
9 apply. On and after December 1, 1985, a discount equal to 1.75%
10 of the amount of the tax payable under this Act up to and
11 including the first \$3,000,000 paid hereunder by such
12 distributor to the Department during any such year and 1.5% of
13 the amount of any additional tax paid hereunder by such
14 distributor to the Department during any such year shall apply.

15 Two or more distributors that use a common means of
16 affixing revenue tax stamps or that are owned or controlled by
17 the same interests shall be treated as a single distributor for
18 the purpose of computing the discount.

19 (c) The taxes herein imposed are in addition to all other
20 occupation or privilege taxes imposed by the State of Illinois,
21 or by any political subdivision thereof, or by any municipal
22 corporation.

23 (Source: P.A. 97-587, eff. 8-26-11; 97-688, eff. 6-14-12;
24 98-273, eff. 8-9-13.)

25 Section 60. The Cigarette Use Tax Act is amended by

1 changing Section 3 as follows:

2 (35 ILCS 135/3) (from Ch. 120, par. 453.33)

3 Sec. 3. Stamp payment. The tax hereby imposed shall be
4 collected by a distributor maintaining a place of business in
5 this State or a distributor authorized by the Department
6 pursuant to Section 7 hereof to collect the tax, and the amount
7 of the tax shall be added to the price of the cigarettes sold
8 by such distributor. Collection of the tax shall be evidenced
9 by a stamp or stamps affixed to each original package of
10 cigarettes or by an authorized substitute for such stamp
11 imprinted on each original package of such cigarettes
12 underneath the sealed transparent outside wrapper of such
13 original package, except as hereinafter provided. Each
14 distributor who is required or authorized to collect the tax
15 herein imposed, before delivering or causing to be delivered
16 any original packages of cigarettes in this State to any
17 purchaser, shall firmly affix a proper stamp or stamps to each
18 such package, or (in the case of manufacturers of cigarettes in
19 original packages which are contained inside a sealed
20 transparent wrapper) shall imprint the required language on the
21 original package of cigarettes beneath such outside wrapper as
22 hereinafter provided. Such stamp or stamps need not be affixed
23 to the original package of any cigarettes with respect to which
24 the distributor is required to affix a like stamp or stamps by
25 virtue of the Cigarette Tax Act, however, and no tax imprint

1 need be placed underneath the sealed transparent wrapper of an
2 original package of cigarettes with respect to which the
3 distributor is required or authorized to employ a like tax
4 imprint by virtue of the Cigarette Tax Act. Any distributor who
5 purchases stamps may credit any excess payments verified by the
6 Department against amounts subsequently due for the purchase of
7 additional stamps, until such time as no excess payment
8 remains.

9 No stamp or imprint may be affixed to, or made upon, any
10 package of cigarettes unless that package complies with all
11 requirements of the federal Cigarette Labeling and Advertising
12 Act, 15 U.S.C. 1331 and following, for the placement of labels,
13 warnings, or any other information upon a package of cigarettes
14 that is sold within the United States. Under the authority of
15 Section 6, the Department shall revoke the license of any
16 distributor that is determined to have violated this paragraph.
17 A person may not affix a stamp on a package of cigarettes,
18 cigarette papers, wrappers, or tubes if that individual package
19 has been marked for export outside the United States with a
20 label or notice in compliance with Section 290.185 of Title 27
21 of the Code of Federal Regulations. It is not a defense to a
22 proceeding for violation of this paragraph that the label or
23 notice has been removed, mutilated, obliterated, or altered in
24 any manner.

25 Only distributors licensed under this Act and
26 transporters, as defined in Section 9c of the Cigarette Tax

1 Act, may possess unstamped original packages of cigarettes.
2 Prior to shipment to an Illinois retailer or secondary
3 distributor, a stamp shall be applied to each original package
4 of cigarettes sold to the retailer or secondary distributor. A
5 distributor may apply a tax stamp only to an original package
6 of cigarettes purchased or obtained directly from an in-state
7 maker, manufacturer, or fabricator licensed as a distributor
8 under Section 4 of this Act or an out-of-state maker,
9 manufacturer, or fabricator holding a permit under Section 7 of
10 this Act. A licensed distributor may ship or otherwise cause to
11 be delivered unstamped original packages of cigarettes in,
12 into, or from this State. A licensed distributor may transport
13 unstamped original packages of cigarettes to a facility,
14 wherever located, owned or controlled by such distributor;
15 however, a distributor may not transport unstamped original
16 packages of cigarettes to a facility where retail sales of
17 cigarettes take place or to a facility where a secondary
18 distributor makes sales for resale. Any licensed distributor
19 that ships or otherwise causes to be delivered unstamped
20 original packages of cigarettes into, within, or from this
21 State shall ensure that the invoice or equivalent documentation
22 and the bill of lading or freight bill for the shipment
23 identifies the true name and address of the consignor or
24 seller, the true name and address of the consignee or
25 purchaser, and the quantity by brand style of the cigarettes so
26 transported, provided that this Section shall not be construed

1 as to impose any requirement or liability upon any common or
2 contract carrier.

3 Distributors making sales of cigarettes to secondary
4 distributors shall add the amount of the tax to the price of
5 the cigarettes sold by the distributors. Secondary
6 distributors making sales of cigarettes to retailers shall
7 include the amount of the tax in the price of the cigarettes
8 sold to retailers. The amount of tax shall not be less than the
9 amount of taxes imposed by the State and all local
10 jurisdictions. The amount of local taxes shall be calculated
11 based on the location of the retailer's place of business shown
12 on the retailer's certificate of registration or
13 sub-registration issued to the retailer pursuant to Section 2a
14 of the Retailers' Occupation Tax Act. The original packages of
15 cigarettes sold by the retailer shall bear all the required
16 stamps, or other indicia, for the taxes included in the price
17 of cigarettes.

18 Stamps, when required hereunder, shall be purchased from
19 the Department, or any person authorized by the Department, by
20 distributors. On and after July 1, 2003, payment for such
21 stamps must be made by means of electronic funds transfer. The
22 Department may refuse to sell stamps to any person who does not
23 comply with the provisions of this Act. Beginning on June 6,
24 2002 and through June 30, 2002, persons holding valid licenses
25 as distributors may purchase cigarette tax stamps up to an
26 amount equal to 115% of the distributor's average monthly

1 cigarette tax stamp purchases over the 12 calendar months prior
2 to June 6, 2002.

3 Prior to December 1, 1985, the Department shall allow a
4 distributor 21 days in which to make final payment of the
5 amount to be paid for such stamps, by allowing the distributor
6 to make payment for the stamps at the time of purchasing them
7 with a draft which shall be in such form as the Department
8 prescribes, and which shall be payable within 21 days
9 thereafter: Provided that such distributor has filed with the
10 Department, and has received the Department's approval of, a
11 bond, which is in addition to the bond required under Section 4
12 of this Act, payable to the Department in an amount equal to
13 80% of such distributor's average monthly tax liability to the
14 Department under this Act during the preceding calendar year or
15 \$500,000, whichever is less. The bond shall be joint and
16 several and shall be in the form of a surety company bond in
17 such form as the Department prescribes, or it may be in the
18 form of a bank certificate of deposit or bank letter of credit.
19 The bond shall be conditioned upon the distributor's payment of
20 the amount of any 21-day draft which the Department accepts
21 from that distributor for the delivery of stamps to that
22 distributor under this Act. The distributor's failure to pay
23 any such draft, when due, shall also make such distributor
24 automatically liable to the Department for a penalty equal to
25 25% of the amount of such draft.

26 On and after December 1, 1985 and until July 1, 2003, the

1 Department shall allow a distributor 30 days in which to make
2 final payment of the amount to be paid for such stamps, by
3 allowing the distributor to make payment for the stamps at the
4 time of purchasing them with a draft which shall be in such
5 form as the Department prescribes, and which shall be payable
6 within 30 days thereafter, and beginning on January 1, 2003 and
7 thereafter, the draft shall be payable by means of electronic
8 funds transfer: Provided that such distributor has filed with
9 the Department, and has received the Department's approval of,
10 a bond, which is in addition to the bond required under Section
11 4 of this Act, payable to the Department in an amount equal to
12 150% of such distributor's average monthly tax liability to the
13 Department under this Act during the preceding calendar year or
14 \$750,000, whichever is less, except that as to bonds filed on
15 or after January 1, 1987, such additional bond shall be in an
16 amount equal to 100% of such distributor's average monthly tax
17 liability under this Act during the preceding calendar year or
18 \$750,000, whichever is less. The bond shall be joint and
19 several and shall be in the form of a surety company bond in
20 such form as the Department prescribes, or it may be in the
21 form of a bank certificate of deposit or bank letter of credit.
22 The bond shall be conditioned upon the distributor's payment of
23 the amount of any 30-day draft which the Department accepts
24 from that distributor for the delivery of stamps to that
25 distributor under this Act. The distributor's failure to pay
26 any such draft, when due, shall also make such distributor

1 automatically liable to the Department for a penalty equal to
2 25% of the amount of such draft.

3 Every prior continuous compliance taxpayer shall be exempt
4 from all requirements under this Section concerning the
5 furnishing of such bond, as defined in this Section, as a
6 condition precedent to his being authorized to engage in the
7 business licensed under this Act. This exemption shall continue
8 for each such taxpayer until such time as he may be determined
9 by the Department to be delinquent in the filing of any
10 returns, or is determined by the Department (either through the
11 Department's issuance of a final assessment which has become
12 final under the Act, or by the taxpayer's filing of a return
13 which admits tax to be due that is not paid) to be delinquent
14 or deficient in the paying of any tax under this Act, at which
15 time that taxpayer shall become subject to the bond
16 requirements of this Section and, as a condition of being
17 allowed to continue to engage in the business licensed under
18 this Act, shall be required to furnish bond to the Department
19 in such form as provided in this Section. Such taxpayer shall
20 furnish such bond for a period of 2 years, after which, if the
21 taxpayer has not been delinquent in the filing of any returns,
22 or delinquent or deficient in the paying of any tax under this
23 Act, the Department may reinstate such person as a prior
24 continuance compliance taxpayer. Any taxpayer who fails to pay
25 an admitted or established liability under this Act may also be
26 required to post bond or other acceptable security with the

1 Department guaranteeing the payment of such admitted or
2 established liability.

3 Except as otherwise provided in this Section, any person
4 aggrieved by any decision of the Department under this Section
5 may, within the time allowed by law, protest and request a
6 hearing before the Department, whereupon the Department shall
7 give notice and shall hold a hearing in conformity with the
8 provisions of this Act and then issue its final administrative
9 decision in the matter to such person. Effective July 1, 2013,
10 protests concerning matters that are subject to the
11 jurisdiction of the Illinois Independent Tax Tribunal shall be
12 filed in accordance with the Illinois Independent Tax Tribunal
13 Act of 2012, and hearings concerning those matters shall be
14 held before the Tribunal in accordance with that Act. With
15 respect to protests filed with the Department prior to July 1,
16 2013 that would otherwise be subject to the jurisdiction of the
17 Illinois Independent Tax Tribunal, the person filing the
18 protest may elect to be subject to the provisions of the
19 Illinois Independent Tax Tribunal Act of 2012 at any time on or
20 after July 1, 2013, but not later than 30 days after the date
21 on which the protest was filed. If made, the election shall be
22 irrevocable. In the absence of such a protest filed within the
23 time allowed by law, the Department's decision shall become
24 final without any further determination being made or notice
25 given.

26 The Department shall discharge any surety and shall release

1 and return any bond or security deposited, assigned, pledged,
2 or otherwise provided to it by a taxpayer under this Section
3 within 30 days after:

4 (1) such Taxpayer becomes a prior continuous
5 compliance taxpayer; or

6 (2) such taxpayer has ceased to collect receipts on
7 which he is required to remit tax to the Department, has
8 filed a final tax return, and has paid to the Department an
9 amount sufficient to discharge his remaining tax liability
10 as determined by the Department under this Act. The
11 Department shall make a final determination of the
12 taxpayer's outstanding tax liability as expeditiously as
13 possible after his final tax return has been filed. If the
14 Department cannot make such final determination within 45
15 days after receiving the final tax return, within such
16 period it shall so notify the taxpayer, stating its reasons
17 therefor.

18 At the time of purchasing such stamps from the Department
19 when purchase is required by this Act, or at the time when the
20 tax which he has collected is remitted by a distributor to the
21 Department without the purchase of stamps from the Department
22 when that method of remitting the tax that has been collected
23 is required or authorized by this Act, the distributor shall be
24 allowed a discount during any year commencing July 1 and ending
25 the following June 30 in accordance with the schedule set out
26 hereinbelow, from the amount to be paid by him to the

1 Department for such stamps, or to be paid by him to the
2 Department on the basis of monthly remittances (as the case may
3 be), to cover the cost, to such distributor, of collecting the
4 tax herein imposed by affixing such stamps to the original
5 packages of cigarettes sold by such distributor or by placing
6 tax imprints underneath the sealed transparent wrapper of
7 original packages of cigarettes sold by such distributor (as
8 the case may be): (1) Prior to December 1, 1985, a discount
9 equal to 1-2/3% of the amount of the tax up to and including
10 the first \$700,000 paid hereunder by such distributor to the
11 Department during any such year; 1-1/3% of the next \$700,000 of
12 tax or any part thereof, paid hereunder by such distributor to
13 the Department during any such year; 1% of the next \$700,000 of
14 tax, or any part thereof, paid hereunder by such distributor to
15 the Department during any such year; and 2/3 of 1% of the
16 amount of any additional tax paid hereunder by such distributor
17 to the Department during any such year or (2) On and after
18 December 1, 1985, a discount equal to 1.75% of the amount of
19 the tax payable under this Act up to and including the first
20 \$3,000,000 paid hereunder by such distributor to the Department
21 during any such year and 1.5% of the amount of any additional
22 tax paid hereunder by such distributor to the Department during
23 any such year.

24 Two or more distributors that use a common means of
25 affixing revenue tax stamps or that are owned or controlled by
26 the same interests shall be treated as a single distributor for

1 the purpose of computing the discount.

2 Cigarette manufacturers who are distributors under Section
3 7(a) of this Act, and who place their cigarettes in original
4 packages which are contained inside a sealed transparent
5 wrapper, shall be required to remit the tax which they are
6 required to collect under this Act to the Department by
7 remitting the amount thereof to the Department by the 5th day
8 of each month, covering cigarettes shipped or otherwise
9 delivered to points in Illinois to purchasers during the
10 preceding calendar month, but a distributor need not remit to
11 the Department the tax so collected by him from purchasers
12 under this Act to the extent to which such distributor is
13 required to remit the tax imposed by the Cigarette Tax Act to
14 the Department with respect to the same cigarettes. All taxes
15 upon cigarettes under this Act are a direct tax upon the retail
16 consumer and shall conclusively be presumed to be precollected
17 for the purpose of convenience and facility only. Cigarette
18 manufacturers that are distributors licensed under Section
19 7(a) of this Act and who place their cigarettes in original
20 packages which are contained inside a sealed transparent
21 wrapper, before delivering such cigarettes or causing such
22 cigarettes to be delivered in this State to purchasers, shall
23 evidence their obligation to collect and remit the tax due with
24 respect to such cigarettes by imprinting language to be
25 prescribed by the Department on each original package of such
26 cigarettes underneath the sealed transparent outside wrapper

1 of such original package, in such place thereon and in such
2 manner as the Department may prescribe; provided (as stated
3 hereinbefore) that this requirement does not apply when such
4 distributor is required or authorized by the Cigarette Tax Act
5 to place the tax imprint provided for in the last paragraph of
6 Section 3 of that Act underneath the sealed transparent wrapper
7 of such original package of cigarettes. Such imprinted language
8 shall acknowledge the manufacturer's collection and payment of
9 or liability for the tax imposed by this Act with respect to
10 such cigarettes.

11 The Department shall adopt the design or designs of the tax
12 stamps and shall procure the printing of such stamps in such
13 amounts and denominations as it deems necessary to provide for
14 the affixation of the proper amount of tax stamps to each
15 original package of cigarettes.

16 Where tax stamps are required, the Department may authorize
17 distributors to affix revenue tax stamps by imprinting tax
18 meter stamps upon original packages of cigarettes. The
19 Department shall adopt rules and regulations relating to the
20 imprinting of such tax meter stamps as will result in payment
21 of the proper taxes as herein imposed. No distributor may affix
22 revenue tax stamps to original packages of cigarettes by
23 imprinting meter stamps thereon unless such distributor has
24 first obtained permission from the Department to employ this
25 method of affixation. The Department shall regulate the use of
26 tax meters and may, to assure the proper collection of the

1 taxes imposed by this Act, revoke or suspend the privilege,
2 theretofore granted by the Department to any distributor, to
3 imprint tax meter stamps upon original packages of cigarettes.

4 The tax hereby imposed and not paid pursuant to this
5 Section shall be paid to the Department directly by any person
6 using such cigarettes within this State, pursuant to Section 12
7 hereof.

8 A distributor shall not affix, or cause to be affixed, any
9 stamp or imprint to a package of cigarettes, as provided for in
10 this Section, if the tobacco product manufacturer, as defined
11 in Section 10 of the Tobacco Product Manufacturers' Escrow Act,
12 that made or sold the cigarettes has failed to become a
13 participating manufacturer, as defined in subdivision (a)(1)
14 of Section 15 of the Tobacco Product Manufacturers' Escrow Act,
15 or has failed to create a qualified escrow fund for any
16 cigarettes manufactured by the tobacco product manufacturer
17 and sold in this State or otherwise failed to bring itself into
18 compliance with subdivision (a)(2) of Section 15 of the Tobacco
19 Product Manufacturers' Escrow Act.

20 (Source: P.A. 96-782, eff. 1-1-10; 96-1027, eff. 7-12-10;
21 97-1129, eff. 8-28-12.)

22 Section 65. The Tobacco Products Tax Act of 1995 is amended
23 by changing Section 10-30 as follows:

24 (35 ILCS 143/10-30)

1 Sec. 10-30. Returns.

2 (a) Every distributor shall, on or before the 15th day of
3 each month, file a return with the Department covering the
4 preceding calendar month. The return shall disclose the
5 wholesale price for all tobacco products other than moist snuff
6 and the quantity in ounces of moist snuff sold or otherwise
7 disposed of and other information that the Department may
8 reasonably require. The return shall be filed upon a form
9 prescribed and furnished by the Department.

10 (b) In addition to the information required under
11 subsection (a), on or before the 15th day of each month,
12 covering the preceding calendar month, each stamping
13 distributor shall, on forms prescribed and furnished by the
14 Department, report the quantity of little cigars sold or
15 otherwise disposed of, including the number of packages of
16 little cigars sold or disposed of during the month containing
17 20 or 25 little cigars.

18 (c) At the time when any return of any distributor is due
19 to be filed with the Department, the distributor shall also
20 remit to the Department the tax liability that the distributor
21 has incurred for transactions occurring in the preceding
22 calendar month.

23 (d) The Department may adopt rules to require the
24 electronic filing of any return or document required to be
25 filed under this Act. Those rules may provide for exceptions
26 from the filing requirement set forth in this paragraph for

1 persons who demonstrate that they do not have access to the
2 Internet and petition the Department to waive the electronic
3 filing requirement.

4 (e) If any payment provided for in this Section exceeds the
5 distributor's liabilities under this Act, as shown on an
6 original return, the distributor may credit such excess payment
7 against liability subsequently to be remitted to the Department
8 under this Act, in accordance with reasonable rules adopted by
9 the Department.

10 (Source: P.A. 97-688, eff. 6-14-12; 98-273, eff. 8-9-13.)

11 Section 70. The Hotel Operators' Occupation Tax Act is
12 amended by changing Section 6 as follows:

13 (35 ILCS 145/6) (from Ch. 120, par. 481b.36)

14 Sec. 6. Filing of returns and distribution of proceeds.

15 Except as provided hereinafter in this Section, on or
16 before the last day of each calendar month, every person
17 engaged in the business of renting, leasing or letting rooms in
18 a hotel in this State during the preceding calendar month shall
19 file a return with the Department, stating:

20 1. The name of the operator;

21 2. His residence address and the address of his
22 principal place of business and the address of the
23 principal place of business (if that is a different
24 address) from which he engages in the business of renting,

1 leasing or letting rooms in a hotel in this State;

2 3. Total amount of rental receipts received by him
3 during the preceding calendar month from renting, leasing
4 or letting rooms during such preceding calendar month;

5 4. Total amount of rental receipts received by him
6 during the preceding calendar month from renting, leasing
7 or letting rooms to permanent residents during such
8 preceding calendar month;

9 5. Total amount of other exclusions from gross rental
10 receipts allowed by this Act;

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

14 7. The amount of tax due;

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

17 If the operator's average monthly tax liability to the
18 Department does not exceed \$200, the Department may authorize
19 his returns to be filed on a quarter annual basis, with the
20 return for January, February and March of a given year being
21 due by April 30 of such year; with the return for April, May
22 and June of a given year being due by July 31 of such year; with
23 the return for July, August and September of a given year being
24 due by October 31 of such year, and with the return for
25 October, November and December of a given year being due by
26 January 31 of the following year.

1 If the operator's average monthly tax liability to the
2 Department does not exceed \$50, the Department may authorize
3 his returns to be filed on an annual basis, with the return for
4 a given year being due by January 31 of the following year.

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

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

15 Where the same person has more than 1 business registered
16 with the Department under separate registrations under this
17 Act, such person shall not file each return that is due as a
18 single return covering all such registered businesses, but
19 shall file separate returns for each such registered business.

20 In his return, the operator shall determine the value of
21 any consideration other than money received by him in
22 connection with the renting, leasing or letting of rooms in the
23 course of his business and he shall include such value in his
24 return. Such determination shall be subject to review and
25 revision by the Department in the manner hereinafter provided
26 for the correction of returns.

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

5 The person filing the return herein provided for shall, at
6 the time of filing such return, pay to the Department the
7 amount of tax herein imposed. The operator filing the return
8 under this Section shall, at the time of filing such return,
9 pay to the Department the amount of tax imposed by this Act
10 less a discount of 2.1% or \$25 per calendar year, whichever is
11 greater, which is allowed to reimburse the operator for the
12 expenses incurred in keeping records, preparing and filing
13 returns, remitting the tax and supplying data to the Department
14 on request.

15 If any payment provided for in this Section exceeds the
16 operator's liabilities under this Act, as shown on an original
17 return, the Department may authorize the operator to credit
18 such excess payment against liability subsequently to be
19 remitted to the Department under this Act, in accordance with
20 reasonable rules adopted by the Department. If the Department
21 subsequently determines that all or any part of the credit
22 taken was not actually due to the operator, the operator's
23 discount shall be reduced by an amount equal to the difference
24 between the discount as applied to the credit taken and that
25 actually due, and that operator shall be liable for penalties
26 and interest on such difference.

1 There shall be deposited in the Build Illinois Fund in the
2 State Treasury for each State fiscal year 40% of the amount of
3 total net proceeds from the tax imposed by subsection (a) of
4 Section 3. Of the remaining 60%, \$5,000,000 shall be deposited
5 in the Illinois Sports Facilities Fund and credited to the
6 Subsidy Account each fiscal year by making monthly deposits in
7 the amount of 1/8 of \$5,000,000 plus cumulative deficiencies in
8 such deposits for prior months, and an additional \$8,000,000
9 shall be deposited in the Illinois Sports Facilities Fund and
10 credited to the Advance Account each fiscal year by making
11 monthly deposits in the amount of 1/8 of \$8,000,000 plus any
12 cumulative deficiencies in such deposits for prior months;
13 provided, that for fiscal years ending after June 30, 2001, the
14 amount to be so deposited into the Illinois Sports Facilities
15 Fund and credited to the Advance Account each fiscal year shall
16 be increased from \$8,000,000 to the then applicable Advance
17 Amount and the required monthly deposits beginning with July
18 2001 shall be in the amount of 1/8 of the then applicable
19 Advance Amount plus any cumulative deficiencies in those
20 deposits for prior months. (The deposits of the additional
21 \$8,000,000 or the then applicable Advance Amount, as
22 applicable, during each fiscal year shall be treated as
23 advances of funds to the Illinois Sports Facilities Authority
24 for its corporate purposes to the extent paid to the Authority
25 or its trustee and shall be repaid into the General Revenue
26 Fund in the State Treasury by the State Treasurer on behalf of

1 the Authority pursuant to Section 19 of the Illinois Sports
2 Facilities Authority Act, as amended. If in any fiscal year the
3 full amount of the then applicable Advance Amount is not repaid
4 into the General Revenue Fund, then the deficiency shall be
5 paid from the amount in the Local Government Distributive Fund
6 that would otherwise be allocated to the City of Chicago under
7 the State Revenue Sharing Act.)

8 For purposes of the foregoing paragraph, the term "Advance
9 Amount" means, for fiscal year 2002, \$22,179,000, and for
10 subsequent fiscal years through fiscal year 2032, 105.615% of
11 the Advance Amount for the immediately preceding fiscal year,
12 rounded up to the nearest \$1,000.

13 Of the remaining 60% of the amount of total net proceeds
14 prior to August 1, 2011 from the tax imposed by subsection (a)
15 of Section 3 after all required deposits in the Illinois Sports
16 Facilities Fund, the amount equal to 8% of the net revenue
17 realized from this Act plus an amount equal to 8% of the net
18 revenue realized from any tax imposed under Section 4.05 of the
19 Chicago World's Fair-1992 Authority Act during the preceding
20 month shall be deposited in the Local Tourism Fund each month
21 for purposes authorized by Section 605-705 of the Department of
22 Commerce and Economic Opportunity Law (20 ILCS 605/605-705). Of
23 the remaining 60% of the amount of total net proceeds beginning
24 on August 1, 2011 from the tax imposed by subsection (a) of
25 Section 3 after all required deposits in the Illinois Sports
26 Facilities Fund, an amount equal to 8% of the net revenue

1 realized from this Act plus an amount equal to 8% of the net
2 revenue realized from any tax imposed under Section 4.05 of the
3 Chicago World's Fair-1992 Authority Act during the preceding
4 month shall be deposited as follows: 18% of such amount shall
5 be deposited into the Chicago Travel Industry Promotion Fund
6 for the purposes described in subsection (n) of Section 5 of
7 the Metropolitan Pier and Exposition Authority Act and the
8 remaining 82% of such amount shall be deposited into the Local
9 Tourism Fund each month for purposes authorized by Section
10 605-705 of the Department of Commerce and Economic Opportunity
11 Law. Beginning on August 1, 1999 and ending on July 31, 2011,
12 an amount equal to 4.5% of the net revenue realized from the
13 Hotel Operators' Occupation Tax Act during the preceding month
14 shall be deposited into the International Tourism Fund for the
15 purposes authorized in Section 605-707 of the Department of
16 Commerce and Economic Opportunity Law. Beginning on August 1,
17 2011, an amount equal to 4.5% of the net revenue realized from
18 this Act during the preceding month shall be deposited as
19 follows: 55% of such amount shall be deposited into the Chicago
20 Travel Industry Promotion Fund for the purposes described in
21 subsection (n) of Section 5 of the Metropolitan Pier and
22 Exposition Authority Act and the remaining 45% of such amount
23 deposited into the International Tourism Fund for the purposes
24 authorized in Section 605-707 of the Department of Commerce and
25 Economic Opportunity Law. "Net revenue realized for a month"
26 means the revenue collected by the State under that Act during

1 the previous month less the amount paid out during that same
2 month as refunds to taxpayers for overpayment of liability
3 under that Act.

4 After making all these deposits, all other proceeds of the
5 tax imposed under subsection (a) of Section 3 shall be
6 deposited in the Tourism Promotion Fund in the State Treasury.
7 All moneys received by the Department from the additional tax
8 imposed under subsection (b) of Section 3 shall be deposited
9 into the Build Illinois Fund in the State Treasury.

10 The Department may, upon separate written notice to a
11 taxpayer, require the taxpayer to prepare and file with the
12 Department on a form prescribed by the Department within not
13 less than 60 days after receipt of the notice an annual
14 information return for the tax year specified in the notice.
15 Such annual return to the Department shall include a statement
16 of gross receipts as shown by the operator's last State income
17 tax return. If the total receipts of the business as reported
18 in the State income tax return do not agree with the gross
19 receipts reported to the Department for the same period, the
20 operator shall attach to his annual information return a
21 schedule showing a reconciliation of the 2 amounts and the
22 reasons for the difference. The operator's annual information
23 return to the Department shall also disclose pay roll
24 information of the operator's business during the year covered
25 by such return and any additional reasonable information which
26 the Department deems would be helpful in determining the

1 accuracy of the monthly, quarterly or annual tax returns by
2 such operator as hereinbefore provided for in this Section.

3 If the annual information return required by this Section
4 is not filed when and as required the taxpayer shall be liable
5 for a penalty in an amount determined in accordance with
6 Section 3-4 of the Uniform Penalty and Interest Act until such
7 return is filed as required, the penalty to be assessed and
8 collected in the same manner as any other penalty provided for
9 in this Act.

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

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

22 (Source: P.A. 100-23, eff. 7-6-17.)

23 Section 75. The Live Adult Entertainment Facility
24 Surcharge Act is amended by changing Section 10 as follows:

1 (35 ILCS 175/10)

2 Sec. 10. Surcharge imposed; returns.

3 (a) An annual surcharge is imposed upon each operator who
4 operates a live adult entertainment facility in this State. By
5 January 20, 2014, and by January 20 of each year thereafter,
6 each operator shall elect to pay the surcharge according to
7 either item (1) or item (2) of this subsection.

8 (1) An operator who elects to be subject to this item

9 (1) shall pay to the Department a surcharge imposed upon
10 admissions to a live adult entertainment facility operated
11 by the operator in this State in an amount equal to \$3 per
12 person admitted to that live adult entertainment facility.
13 This item (1) does not require a live entertainment
14 facility to impose a fee on a customer of the facility. An
15 operator has the discretion to determine the manner in
16 which the facility derives the moneys required to pay the
17 surcharge imposed under this Section. In the event that an
18 operator has not filed the applicable returns under the
19 Retailers' Occupation Tax Act for a full calendar year
20 prior to any January 20, then such operator shall pay the
21 surcharge under this Act pursuant to this item (1) for
22 moneys owed to the Department subject to this Act for the
23 previous calendar year.

24 (2) An operator may, in the alternative, pay to the
25 Department the surcharge as follows:

26 (A) If the gross receipts received by the live

1 adult entertainment facility during the preceding
2 calendar year, upon the basis of which a tax is imposed
3 under Section 2 of the Retailers' Occupation Tax Act,
4 are equal or greater than \$2,000,000 during the
5 preceding calendar year, and if the operator elects to
6 be subject to this item (2), then the operator shall
7 pay the Department a surcharge of \$25,000.

8 (B) If the gross receipts received by the live
9 adult entertainment facility during the preceding
10 calendar year, upon the basis of which a tax is imposed
11 under Section 2 of the Retailers' Occupation Tax Act,
12 are equal to or greater than \$500,000 but less than
13 \$2,000,000 during the preceding calendar year, and if
14 the operator elects to be subject to this item (2),
15 then the operator shall pay to the Department a
16 surcharge of \$15,000.

17 (C) If the gross receipts received by the live
18 adult entertainment facility during the preceding
19 calendar year, upon the basis of which a tax is imposed
20 under Section 2 of the Retailers' Occupation Tax Act,
21 are less than \$500,000 during the preceding calendar
22 year, and if the operator elects to be subject to this
23 item (2), then the operator shall pay the Department a
24 surcharge of \$5,000.

25 (b) For each live adult entertainment facility paying the
26 surcharge as set forth in item (1) of subsection (a) of this

1 Section, the operator must file a return electronically as
2 provided by the Department and remit payment to the Department
3 on an annual basis no later than January 20 covering the
4 previous calendar year. Each return made to the Department must
5 state the following:

6 (1) the name of the operator;

7 (2) the address of the live adult entertainment
8 facility and the address of the principal place of business
9 (if that is a different address) of the operator;

10 (3) the total number of admissions to the facility in
11 the preceding calendar year; and

12 (4) the total amount of surcharge collected in the
13 preceding calendar year.

14 Notwithstanding any other provision of this subsection
15 concerning the time within which an operator may file his or
16 her return, if an operator ceases to operate a live adult
17 entertainment facility, then he or she must file a final return
18 under this Act with the Department not more than one calendar
19 month after discontinuing that business.

20 (c) For each live adult entertainment facility paying the
21 surcharge as set forth in item (2) of subsection (a) of this
22 Section, the operator must file a return electronically as
23 provided by the Department and remit payment to the Department
24 on an annual basis no later than January 20 covering the
25 previous calendar year. Each return made to the Department must
26 state the following:

- 1 (1) the name of the operator;
- 2 (2) the address of the live adult entertainment
3 facility and the address of the principal place of business
4 (if that is a different address) of the operator;
- 5 (3) the gross receipts received by the live adult
6 entertainment facility during the preceding calendar year,
7 upon the basis of which tax is imposed under Section 2 of
8 the Retailers' Occupation Tax Act; and
- 9 (4) the applicable surcharge from Section 10(a)(2) of
10 this Act to be paid by the operator.

11 Notwithstanding any other provision of this subsection
12 concerning the time within which an operator may file his or
13 her return, if an operator ceases to operate a live adult
14 entertainment facility, then he or she must file a final return
15 under this Act with the Department not more than one calendar
16 month after discontinuing that business.

17 (d) Beginning January 1, 2014, the Department shall pay all
18 proceeds collected from the surcharge imposed under this Act
19 into the Sexual Assault Services and Prevention Fund, less 2%
20 of those proceeds, which shall be paid into the Tax Compliance
21 and Administration Fund in the State treasury from which it
22 shall be appropriated to the Department to cover the costs of
23 the Department in administering and enforcing the provisions of
24 this Act.

25 (e) If any payment provided for in this Section exceeds the
26 operator's liabilities under this Act, as shown on an original

1 return, the operator may credit such excess payment against
2 liability subsequently to be remitted to the Department under
3 this Act, in accordance with reasonable rules adopted by the
4 Department.

5 (Source: P.A. 97-1035, eff. 1-1-13.)

6 Section 80. The Illinois Hydraulic Fracturing Tax Act is
7 amended by changing Sections 2-45 and 2-50 as follows:

8 (35 ILCS 450/2-45)

9 Sec. 2-45. Purchaser's return and tax remittance. Each
10 purchaser shall make a return to the Department showing the
11 quantity of oil or gas purchased during the month for which the
12 return is filed, the price paid therefor, total value, the name
13 and address of the operator or other person from whom the same
14 was purchased, a description of the production unit in the
15 manner prescribed by the Department from which such oil or gas
16 was severed and the amount of tax due from each production unit
17 for each calendar month. All taxes due, or to be remitted, by
18 the purchaser shall accompany this return. The return shall be
19 filed on or before the last day of the month after the calendar
20 month for which the return is required. The Department shall
21 forward the necessary information to each Chief County
22 Assessment Officer for the administration and application of ad
23 valorem real property taxes at the county level. This
24 information shall be forwarded to the Chief County Assessment

1 Officers in a yearly summary before March 1 of the following
2 calendar year. The Department may require any additional report
3 or information it may deem necessary for the proper
4 administration of this Act.

5 Such returns shall be filed electronically in the manner
6 prescribed by the Department. Purchasers shall make all
7 payments of that tax to the Department by electronic funds
8 transfer unless, as provided by rule, the Department grants an
9 exception upon petition of a purchaser. Purchasers' returns
10 must be accompanied by appropriate computer generated magnetic
11 media supporting schedule data in the format required by the
12 Department, unless, as provided by rule, the Department grants
13 an exception upon petition of a purchaser.

14 If any payment provided for in this Section exceeds the
15 purchaser's liabilities under this Act, as shown on an original
16 return, the purchaser may credit such excess payment against
17 liability subsequently to be remitted to the Department under
18 this Act, in accordance with reasonable rules adopted by the
19 Department.

20 (Source: P.A. 98-22, eff. 6-17-13; 98-23, eff. 6-17-13; 98-756,
21 eff. 7-16-14.)

22 (35 ILCS 450/2-50)

23 Sec. 2-50. Operator returns; payment of tax.

24 (a) If, on or after July 1, 2013, oil or gas is transported
25 off the production unit where severed by the operator, used on

1 the production unit where severed, or if the manufacture and
2 conversion of oil and gas into refined products occurs on the
3 production unit where severed, the operator is responsible for
4 remitting the tax imposed under subsection (a) of Section 2-15,
5 on or before the last day of the month following the end of the
6 calendar month in which the oil and gas is removed from the
7 production unit, and such payment shall be accompanied by a
8 return to the Department showing the gross quantity of oil or
9 gas removed during the month for which the return is filed, the
10 price paid therefor, and if no price is paid therefor, the
11 value of the oil and gas, a description of the production unit
12 from which such oil or gas was severed, and the amount of tax.
13 The Department may require any additional information it may
14 deem necessary for the proper administration of this Act.

15 (b) Operators shall file all returns electronically in the
16 manner prescribed by the Department unless, as provided by
17 rule, the Department grants an exception upon petition of an
18 operator. Operators shall make all payments of that tax to the
19 Department by electronic funds transfer unless, as provided by
20 rule, the Department grants an exception upon petition of an
21 operator. Operators' returns must be accompanied by
22 appropriate computer generated magnetic media supporting
23 schedule data in the format required by the Department, unless,
24 as provided by rule, the Department grants an exception upon
25 petition of a purchaser.

26 (c) Any operator who makes a monetary payment to a producer

1 for his or her portion of the value of products from a
2 production unit shall withhold from such payment the amount of
3 tax due from the producer. Any operator who pays any tax due
4 from a producer shall be entitled to reimbursement from the
5 producer for the tax so paid and may take credit for such
6 amount from any monetary payment to the producer for the value
7 of products. To the extent that an operator required to collect
8 the tax imposed by this Act has actually collected that tax,
9 such tax is held in trust for the benefit of the State of
10 Illinois.

11 (d) In the event the operator fails to make payment of the
12 tax to the State as required herein, the operator shall be
13 liable for the tax. A producer shall be entitled to bring an
14 action against such operator to recover the amount of tax so
15 withheld together with penalties and interest which may have
16 accrued by failure to make such payment. A producer shall be
17 entitled to all attorney fees and court costs incurred in such
18 action. To the extent that a producer liable for the tax
19 imposed by this Act collects the tax, and any penalties and
20 interest, from an operator, such tax, penalties, and interest
21 are held in trust by the producer for the benefit of the State
22 of Illinois.

23 (e) When the title to any oil or gas severed from the earth
24 or water is in dispute and the operator of such oil or gas is
25 withholding payments on account of litigation, or for any other
26 reason, such operator is hereby authorized, empowered and

1 required to deduct from the gross amount thus held the amount
2 of the tax imposed and to make remittance thereof to the
3 Department as provided in this Section.

4 (f) An operator required to file a return and pay the tax
5 under this Section shall register with the Department.
6 Application for a certificate of registration shall be made to
7 the Department upon forms furnished by the Department and shall
8 contain any reasonable information the Department may require.
9 Upon receipt of the application for a certificate of
10 registration in proper form, the Department shall issue to the
11 applicant a certificate of registration.

12 (g) If oil or gas is transported off the production unit
13 where severed by the operator and sold to a purchaser or
14 refiner, the State shall have a lien on all the oil or gas
15 severed from the production unit in this State in the hands of
16 the operator, the first or any subsequent purchaser thereof, or
17 refiner to secure the payment of the tax. If a lien is filed by
18 the Department, the purchaser or refiner shall withhold from
19 the operator the amount of tax, penalty and interest identified
20 in the lien.

21 (h) If any payment provided for in this Section exceeds the
22 operator's liabilities under this Act, as shown on an original
23 return, the operator may credit such excess payment against
24 liability subsequently to be remitted to the Department under
25 this Act, in accordance with reasonable rules adopted by the
26 Department.

1 (Source: P.A. 98-22, eff. 6-17-13; 98-756, eff. 7-16-14.)

2 Section 83. The Motor Fuel Tax Law is amended by changing
3 Sections 2b, 5, 5a, 13, 13a.4, and 13a.5 as follows:

4 (35 ILCS 505/2b) (from Ch. 120, par. 418b)

5 Sec. 2b. Receiver's monthly return. In addition to the tax
6 collection and reporting responsibilities imposed elsewhere in
7 this Act, a person who is required to pay the tax imposed by
8 Section 2a of this Act shall pay the tax to the Department by
9 return showing all fuel purchased, acquired or received and
10 sold, distributed or used during the preceding calendar month
11 including losses of fuel as the result of evaporation or
12 shrinkage due to temperature variations, and such other
13 reasonable information as the Department may require. Losses of
14 fuel as the result of evaporation or shrinkage due to
15 temperature variations may not exceed 1% of the total gallons
16 in storage at the beginning of the month, plus the receipts of
17 gallonage during the month, minus the gallonage remaining in
18 storage at the end of the month. Any loss reported that is in
19 excess of this amount shall be subject to the tax imposed by
20 Section 2a of this Law. On and after July 1, 2001, for each
21 6-month period January through June, net losses of fuel (for
22 each category of fuel that is required to be reported on a
23 return) as the result of evaporation or shrinkage due to
24 temperature variations may not exceed 1% of the total gallons

1 in storage at the beginning of each January, plus the receipts
2 of gallonage each January through June, minus the gallonage
3 remaining in storage at the end of each June. On and after July
4 1, 2001, for each 6-month period July through December, net
5 losses of fuel (for each category of fuel that is required to
6 be reported on a return) as the result of evaporation or
7 shrinkage due to temperature variations may not exceed 1% of
8 the total gallons in storage at the beginning of each July,
9 plus the receipts of gallonage each July through December,
10 minus the gallonage remaining in storage at the end of each
11 December. Any net loss reported that is in excess of this
12 amount shall be subject to the tax imposed by Section 2a of
13 this Law. For purposes of this Section, "net loss" means the
14 number of gallons gained through temperature variations minus
15 the number of gallons lost through temperature variations or
16 evaporation for each of the respective 6-month periods.

17 The return shall be prescribed by the Department and shall
18 be filed between the 1st and 20th days of each calendar month.
19 The Department may, in its discretion, combine the returns
20 filed under this Section, Section 5, and Section 5a of this
21 Act. The return must be accompanied by appropriate
22 computer-generated magnetic media supporting schedule data in
23 the format required by the Department, unless, as provided by
24 rule, the Department grants an exception upon petition of a
25 taxpayer. If the return is filed timely, the seller shall take
26 a discount of 2% through June 30, 2003 and 1.75% thereafter

1 which is allowed to reimburse the seller for the expenses
2 incurred in keeping records, preparing and filing returns,
3 collecting and remitting the tax and supplying data to the
4 Department on request. The discount, however, shall be
5 applicable only to the amount of payment which accompanies a
6 return that is filed timely in accordance with this Section.

7 If any payment provided for in this Section exceeds the
8 receiver's liabilities under this Act, as shown on an original
9 return, the Department may authorize the receiver to credit
10 such excess payment against liability subsequently to be
11 remitted to the Department under this Act, in accordance with
12 reasonable rules adopted by the Department. If the Department
13 subsequently determines that all or any part of the credit
14 taken was not actually due to the receiver, the receiver's
15 discount shall be reduced by an amount equal to the difference
16 between the discount as applied to the credit taken and that
17 actually due, and that receiver shall be liable for penalties
18 and interest on such difference.

19 (Source: P.A. 92-30, eff. 7-1-01; 93-32, eff. 6-20-03.)

20 (35 ILCS 505/5) (from Ch. 120, par. 421)

21 Sec. 5. Distributor's monthly return. Except as
22 hereinafter provided, a person holding a valid unrevoked
23 license to act as a distributor of motor fuel shall, between
24 the 1st and 20th days of each calendar month, make return to
25 the Department, showing an itemized statement of the number of

1 invoiced gallons of motor fuel of the types specified in this
2 Section which were purchased, acquired, received, or exported
3 during the preceding calendar month; the amount of such motor
4 fuel produced, refined, compounded, manufactured, blended,
5 sold, distributed, exported, and used by the licensed
6 distributor during the preceding calendar month; the amount of
7 such motor fuel lost or destroyed during the preceding calendar
8 month; the amount of such motor fuel on hand at the close of
9 business for such month; and such other reasonable information
10 as the Department may require. If a distributor's only
11 activities with respect to motor fuel are either: (1)
12 production of alcohol in quantities of less than 10,000 proof
13 gallons per year or (2) blending alcohol in quantities of less
14 than 10,000 proof gallons per year which such distributor has
15 produced, he shall file returns on an annual basis with the
16 return for a given year being due by January 20 of the
17 following year. Distributors whose total production of alcohol
18 (whether blended or not) exceeds 10,000 proof gallons per year,
19 based on production during the preceding (calendar) year or as
20 reasonably projected by the Department if one calendar year's
21 record of production cannot be established, shall file returns
22 between the 1st and 20th days of each calendar month as
23 hereinabove provided.

24 The types of motor fuel referred to in the preceding
25 paragraph are: (A) All products commonly or commercially known
26 or sold as gasoline (including casing-head and absorption or

1 natural gasoline), gasohol, motor benzol or motor benzene
2 regardless of their classification or uses; and (B) all
3 combustible gases, not including liquefied natural gas, which
4 exist in a gaseous state at 60 degrees Fahrenheit and at 14.7
5 pounds per square inch absolute including, but not limited to,
6 liquefied petroleum gases used for highway purposes; and (C)
7 special fuel. Only those quantities of combustible gases
8 (example (B) above) which are used or sold by the distributor
9 to be used to propel motor vehicles on the public highways, or
10 which are delivered into a storage tank that is located at a
11 facility that has withdrawal facilities which are readily
12 accessible to and are capable of dispensing combustible gases
13 into the fuel supply tanks of motor vehicles, shall be subject
14 to return. Distributors of liquefied natural gas are not
15 required to make returns under this Section with respect to
16 that liquefied natural gas unless (i) the liquefied natural gas
17 is dispensed into the fuel supply tank of any motor vehicle or
18 (ii) the liquefied natural gas is delivered into a storage tank
19 that is located at a facility that has withdrawal facilities
20 which are readily accessible to and are capable of dispensing
21 liquefied natural gas into the fuel supply tanks of motor
22 vehicles. For purposes of this Section, a facility is
23 considered to have withdrawal facilities that are not "readily
24 accessible to and capable of dispensing combustible gases into
25 the fuel supply tanks of motor vehicles" only if the
26 combustible gases or liquefied natural gas are delivered from:

1 (i) a dispenser hose that is short enough so that it will not
2 reach the fuel supply tank of a motor vehicle or (ii) a
3 dispenser that is enclosed by a fence or other physical barrier
4 so that a vehicle cannot pull alongside the dispenser to permit
5 fueling. For the purposes of this Act, liquefied petroleum
6 gases shall mean and include any material having a vapor
7 pressure not exceeding that allowed for commercial propane
8 composed predominantly of the following hydrocarbons, either
9 by themselves or as mixtures: Propane, Propylene, Butane
10 (normal butane or iso-butane) and Butylene (including
11 isomers).

12 In case of a sale of special fuel to someone other than a
13 licensed distributor, or a licensed supplier, for a use other
14 than in motor vehicles, the distributor shall show in his
15 return the amount of invoiced gallons sold and the name and
16 address of the purchaser in addition to any other information
17 the Department may require.

18 All special fuel sold or used for non-highway purposes must
19 have a dye added in accordance with Section 4d of this Law.

20 In case of a tax-free sale, as provided in Section 6, of
21 motor fuel which the distributor is required by this Section to
22 include in his return to the Department, the distributor in his
23 return shall show: (1) If the sale is made to another licensed
24 distributor the amount sold and the name, address and license
25 number of the purchasing distributor; (2) if the sale is made
26 to a person where delivery is made outside of this State the

1 name and address of such purchaser and the point of delivery
2 together with the date and amount delivered; (3) if the sale is
3 made to the Federal Government or its instrumentalities the
4 amount sold; (4) if the sale is made to a municipal corporation
5 owning and operating a local transportation system for public
6 service in this State the name and address of such purchaser,
7 and the amount sold, as evidenced by official forms of
8 exemption certificates properly executed and furnished by such
9 purchaser; (5) if the sale is made to a privately owned public
10 utility owning and operating 2-axle vehicles designed and used
11 for transporting more than 7 passengers, which vehicles are
12 used as common carriers in general transportation of
13 passengers, are not devoted to any specialized purpose and are
14 operated entirely within the territorial limits of a single
15 municipality or of any group of contiguous municipalities or in
16 a close radius thereof, and the operations of which are subject
17 to the regulations of the Illinois Commerce Commission, then
18 the name and address of such purchaser and the amount sold as
19 evidenced by official forms of exemption certificates properly
20 executed and furnished by the purchaser; (6) if the product
21 sold is special fuel and if the sale is made to a licensed
22 supplier under conditions which qualify the sale for tax
23 exemption under Section 6 of this Act, the amount sold and the
24 name, address and license number of the purchaser; and (7) if a
25 sale of special fuel is made to someone other than a licensed
26 distributor, or a licensed supplier, for a use other than in

1 motor vehicles, by making a specific notation thereof on the
2 invoice or sales slip covering such sales and obtaining such
3 supporting documentation as may be required by the Department.

4 All special fuel sold or used for non-highway purposes must
5 have a dye added in accordance with Section 4d of this Law.

6 A person whose license to act as a distributor of motor
7 fuel has been revoked shall make a return to the Department
8 covering the period from the date of the last return to the
9 date of the revocation of the license, which return shall be
10 delivered to the Department not later than 10 days from the
11 date of the revocation or termination of the license of such
12 distributor; the return shall in all other respects be subject
13 to the same provisions and conditions as returns by
14 distributors licensed under the provisions of this Act.

15 The records, waybills and supporting documents kept by
16 railroads and other common carriers in the regular course of
17 business shall be prima facie evidence of the contents and
18 receipt of cars or tanks covered by those records, waybills or
19 supporting documents.

20 If the Department has reason to believe and does believe
21 that the amount shown on the return as purchased, acquired,
22 received, exported, sold, used, lost or destroyed is incorrect,
23 or that an amount of motor fuel of the types required by the
24 second paragraph of this Section to be reported to the
25 Department has not been correctly reported the Department shall
26 fix an amount for such receipt, sales, export, use, loss or

1 destruction according to its best judgment and information,
2 which amount so fixed by the Department shall be prima facie
3 correct. All returns shall be made on forms prepared and
4 furnished by the Department, and shall contain such other
5 information as the Department may reasonably require. The
6 return must be accompanied by appropriate computer-generated
7 magnetic media supporting schedule data in the format required
8 by the Department, unless, as provided by rule, the Department
9 grants an exception upon petition of a taxpayer. All licensed
10 distributors shall report all losses of motor fuel sustained on
11 account of fire, theft, spillage, spoilage, leakage, or any
12 other provable cause when filing the return for the period
13 during which the loss occurred. If the distributor reports
14 losses due to fire or theft, then the distributor must include
15 fire department or police department reports and any other
16 documentation that the Department may require. The mere making
17 of the report does not assure the allowance of the loss as a
18 reduction in tax liability. Losses of motor fuel as the result
19 of evaporation or shrinkage due to temperature variations may
20 not exceed 1% of the total gallons in storage at the beginning
21 of the month, plus the receipts of gallonage during the month,
22 minus the gallonage remaining in storage at the end of the
23 month. Any loss reported that is in excess of 1% shall be
24 subject to the tax imposed by Section 2 of this Law. On and
25 after July 1, 2001, for each 6-month period January through
26 June, net losses of motor fuel (for each category of motor fuel

1 that is required to be reported on a return) as the result of
2 evaporation or shrinkage due to temperature variations may not
3 exceed 1% of the total gallons in storage at the beginning of
4 each January, plus the receipts of gallonage each January
5 through June, minus the gallonage remaining in storage at the
6 end of each June. On and after July 1, 2001, for each 6-month
7 period July through December, net losses of motor fuel (for
8 each category of motor fuel that is required to be reported on
9 a return) as the result of evaporation or shrinkage due to
10 temperature variations may not exceed 1% of the total gallons
11 in storage at the beginning of each July, plus the receipts of
12 gallonage each July through December, minus the gallonage
13 remaining in storage at the end of each December. Any net loss
14 reported that is in excess of this amount shall be subject to
15 the tax imposed by Section 2 of this Law. For purposes of this
16 Section, "net loss" means the number of gallons gained through
17 temperature variations minus the number of gallons lost through
18 temperature variations or evaporation for each of the
19 respective 6-month periods.

20 If any payment provided for in this Section exceeds the
21 distributor's liabilities under this Act, as shown on an
22 original return, the Department may authorize the distributor
23 to credit such excess payment against liability subsequently to
24 be remitted to the Department under this Act, in accordance
25 with reasonable rules adopted by the Department. If the
26 Department subsequently determines that all or any part of the

1 credit taken was not actually due to the distributor, the
2 distributor's discount shall be reduced by an amount equal to
3 the difference between the discount as applied to the credit
4 taken and that actually due, and that distributor shall be
5 liable for penalties and interest on such difference.

6 (Source: P.A. 100-9, eff. 7-1-17.)

7 (35 ILCS 505/5a) (from Ch. 120, par. 421a)

8 Sec. 5a. Supplier's monthly return. A person holding a
9 valid unrevoked license to act as a supplier of special fuel
10 shall, between the 1st and 20th days of each calendar month,
11 make return to the Department showing an itemized statement of
12 the number of invoiced gallons of special fuel acquired,
13 received, purchased, sold, exported, or used during the
14 preceding calendar month; the amount of special fuel sold,
15 distributed, exported, and used by the licensed supplier during
16 the preceding calendar month; the amount of special fuel lost
17 or destroyed during the preceding calendar month; the amount of
18 special fuel on hand at the close of business for the preceding
19 calendar month; and such other reasonable information as the
20 Department may require.

21 A person whose license to act as a supplier of special fuel
22 has been revoked shall make a return to the Department covering
23 the period from the date of the last return to the date of the
24 revocation of the license, which return shall be delivered to
25 the Department not later than 10 days from the date of the

1 revocation or termination of the license of such supplier. The
2 return shall in all other respects be subject to the same
3 provisions and conditions as returns by suppliers licensed
4 under this Act.

5 The records, waybills and supporting documents kept by
6 railroads and other common carriers in the regular course of
7 business shall be prima facie evidence of the contents and
8 receipt of cars or tanks covered by those records, waybills or
9 supporting documents.

10 If the Department has reason to believe and does believe
11 that the amount shown on the return as purchased, acquired,
12 received, sold, exported, used, or lost is incorrect, or that
13 an amount of special fuel of the type required by the 1st
14 paragraph of this Section to be reported to the Department by
15 suppliers has not been correctly reported as a purchase,
16 receipt, sale, use, export, or loss the Department shall fix an
17 amount for such purchase, receipt, sale, use, export, or loss
18 according to its best judgment and information, which amount so
19 fixed by the Department shall be prima facie correct. All
20 licensed suppliers shall report all losses of special fuel
21 sustained on account of fire, theft, spillage, spoilage,
22 leakage, or any other provable cause when filing the return for
23 the period during which the loss occurred. If the supplier
24 reports losses due to fire or theft, then the supplier must
25 include fire department or police department reports and any
26 other documentation that the Department may require. The mere

1 making of the report does not assure the allowance of the loss
2 as a reduction in tax liability. Losses of special fuel as the
3 result of evaporation or shrinkage due to temperature
4 variations may not exceed 1% of the total gallons in storage at
5 the beginning of the month, plus the receipts of gallonage
6 during the month, minus the gallonage remaining in storage at
7 the end of the month.

8 Any loss reported that is in excess of 1% shall be subject
9 to the tax imposed by Section 2 of this Law. On and after July
10 1, 2001, for each 6-month period January through June, net
11 losses of special fuel (for each category of special fuel that
12 is required to be reported on a return) as the result of
13 evaporation or shrinkage due to temperature variations may not
14 exceed 1% of the total gallons in storage at the beginning of
15 each January, plus the receipts of gallonage each January
16 through June, minus the gallonage remaining in storage at the
17 end of each June. On and after July 1, 2001, for each 6-month
18 period July through December, net losses of special fuel (for
19 each category of special fuel that is required to be reported
20 on a return) as the result of evaporation or shrinkage due to
21 temperature variations may not exceed 1% of the total gallons
22 in storage at the beginning of each July, plus the receipts of
23 gallonage each July through December, minus the gallonage
24 remaining in storage at the end of each December. Any net loss
25 reported that is in excess of this amount shall be subject to
26 the tax imposed by Section 2 of this Law. For purposes of this

1 Section, "net loss" means the number of gallons gained through
2 temperature variations minus the number of gallons lost through
3 temperature variations or evaporation for each of the
4 respective 6-month periods.

5 In case of a sale of special fuel to someone other than a
6 licensed distributor or licensed supplier for a use other than
7 in motor vehicles, the supplier shall show in his return the
8 amount of invoiced gallons sold and the name and address of the
9 purchaser in addition to any other information the Department
10 may require.

11 All special fuel sold or used for non-highway purposes must
12 have a dye added in accordance with Section 4d of this Law.

13 All returns shall be made on forms prepared and furnished
14 by the Department and shall contain such other information as
15 the Department may reasonably require. The return must be
16 accompanied by appropriate computer-generated magnetic media
17 supporting schedule data in the format required by the
18 Department, unless, as provided by rule, the Department grants
19 an exception upon petition of a taxpayer.

20 In case of a tax-free sale, as provided in Section 6a, of
21 special fuel which the supplier is required by this Section to
22 include in his return to the Department, the supplier in his
23 return shall show: (1) If the sale of special fuel is made to
24 the Federal Government or its instrumentalities; (2) if the
25 sale of special fuel is made to a municipal corporation owning
26 and operating a local transportation system for public service

1 in this State, the name and address of such purchaser and the
2 amount sold, as evidenced by official forms of exemption
3 certificates properly executed and furnished by such
4 purchaser; (3) if the sale of special fuel is made to a
5 privately owned public utility owning and operating 2-axle
6 vehicles designed and used for transporting more than 7
7 passengers, which vehicles are used as common carriers in
8 general transportation of passengers, are not devoted to any
9 specialized purpose and are operated entirely within the
10 territorial limits of a single municipality or of any group of
11 contiguous municipalities or in a close radius thereof, and the
12 operations of which are subject to the regulations of the
13 Illinois Commerce Commission, then the name and address of such
14 purchaser and the amount sold, as evidenced by official forms
15 of exemption certificates properly executed and furnished by
16 such purchaser; (4) if the product sold is special fuel and if
17 the sale is made to a licensed supplier or to a licensed
18 distributor under conditions which qualify the sale for tax
19 exemption under Section 6a of this Act, the amount sold and the
20 name, address and license number of such purchaser; (5) if a
21 sale of special fuel is made to a person where delivery is made
22 outside of this State, the name and address of such purchaser
23 and the point of delivery together with the date and amount of
24 invoiced gallons delivered; and (6) if a sale of special fuel
25 is made to someone other than a licensed distributor or a
26 licensed supplier, for a use other than in motor vehicles, by

1 making a specific notation thereof on the invoice or sales slip
2 covering that sale and obtaining such supporting documentation
3 as may be required by the Department.

4 All special fuel sold or used for non-highway purposes must
5 have a dye added in accordance with Section 4d of this Law.

6 If any payment provided for in this Section exceeds the
7 supplier's liabilities under this Act, as shown on an original
8 return, the Department may authorize the supplier to credit
9 such excess payment against liability subsequently to be
10 remitted to the Department under this Act, in accordance with
11 reasonable rules adopted by the Department. If the Department
12 subsequently determines that all or any part of the credit
13 taken was not actually due to the supplier, the supplier's
14 discount shall be reduced by an amount equal to the difference
15 between the discount as applied to the credit taken and that
16 actually due, and that supplier shall be liable for penalties
17 and interest on such difference.

18 (Source: P.A. 96-1384, eff. 7-29-10.)

19 (35 ILCS 505/13) (from Ch. 120, par. 429)

20 Sec. 13. Refund of tax paid. Any person other than a
21 distributor or supplier, who loses motor fuel through any cause
22 or uses motor fuel (upon which he has paid the amount required
23 to be collected under Section 2 of this Act) for any purpose
24 other than operating a motor vehicle upon the public highways
25 or waters, shall be reimbursed and repaid the amount so paid.

1 Any person who purchases motor fuel in Illinois and uses
2 that motor fuel in another state and that other state imposes a
3 tax on the use of such motor fuel shall be reimbursed and
4 repaid the amount of Illinois tax paid under Section 2 of this
5 Act on the motor fuel used in such other state. Reimbursement
6 and repayment shall be made by the Department upon receipt of
7 adequate proof of taxes directly paid to another state and the
8 amount of motor fuel used in that state.

9 Claims based in whole or in part on taxes paid to another
10 state shall include (i) a certified copy of the tax return
11 filed with such other state by the claimant; (ii) a copy of
12 either the cancelled check paying the tax due on such return,
13 or a receipt acknowledging payment of the tax due on such tax
14 return; and (iii) such other information as the Department may
15 reasonably require. This paragraph shall not apply to taxes
16 paid on returns filed under Section 13a.3 of this Act.

17 Any person who purchases motor fuel use tax decals as
18 required by Section 13a.4 and pays an amount of fees for such
19 decals that exceeds the amount due shall be reimbursed and
20 repaid the amount of the decal fees that are deemed by the
21 department to be in excess of the amount due. Alternatively,
22 any person who purchases motor fuel use tax decals as required
23 by Section 13a.4 may credit any excess decal payment verified
24 by the Department against amounts subsequently due for the
25 purchase of additional decals, until such time as no excess
26 payment remains.

1 Claims for such reimbursement must be made to the
2 Department of Revenue, duly verified by the claimant (or by the
3 claimant's legal representative if the claimant has died or
4 become a person under legal disability), upon forms prescribed
5 by the Department. The claim must state such facts relating to
6 the purchase, importation, manufacture or production of the
7 motor fuel by the claimant as the Department may deem
8 necessary, and the time when, and the circumstances of its loss
9 or the specific purpose for which it was used (as the case may
10 be), together with such other information as the Department may
11 reasonably require. No claim based upon idle time shall be
12 allowed. Claims for reimbursement for overpayment of decal fees
13 shall be made to the Department of Revenue, duly verified by
14 the claimant (or by the claimant's legal representative if the
15 claimant has died or become a person under legal disability),
16 upon forms prescribed by the Department. The claim shall state
17 facts relating to the overpayment of decal fees, together with
18 such other information as the Department may reasonably
19 require. Claims for reimbursement of overpayment of decal fees
20 paid on or after January 1, 2011 must be filed not later than
21 one year after the date on which the fees were paid by the
22 claimant. If it is determined that the Department should
23 reimburse a claimant for overpayment of decal fees, the
24 Department shall first apply the amount of such refund against
25 any tax or penalty or interest due by the claimant under
26 Section 13a of this Act.

1 Claims for full reimbursement for taxes paid on or before
2 December 31, 1999 must be filed not later than one year after
3 the date on which the tax was paid by the claimant. If,
4 however, a claim for such reimbursement otherwise meeting the
5 requirements of this Section is filed more than one year but
6 less than 2 years after that date, the claimant shall be
7 reimbursed at the rate of 80% of the amount to which he would
8 have been entitled if his claim had been timely filed.

9 Claims for full reimbursement for taxes paid on or after
10 January 1, 2000 must be filed not later than 2 years after the
11 date on which the tax was paid by the claimant.

12 The Department may make such investigation of the
13 correctness of the facts stated in such claims as it deems
14 necessary. When the Department has approved any such claim, it
15 shall pay to the claimant (or to the claimant's legal
16 representative, as such if the claimant has died or become a
17 person under legal disability) the reimbursement provided in
18 this Section, out of any moneys appropriated to it for that
19 purpose.

20 Any distributor or supplier who has paid the tax imposed by
21 Section 2 of this Act upon motor fuel lost or used by such
22 distributor or supplier for any purpose other than operating a
23 motor vehicle upon the public highways or waters may file a
24 claim for credit or refund to recover the amount so paid. Such
25 claims shall be filed on forms prescribed by the Department.
26 Such claims shall be made to the Department, duly verified by

1 the claimant (or by the claimant's legal representative if the
2 claimant has died or become a person under legal disability),
3 upon forms prescribed by the Department. The claim shall state
4 such facts relating to the purchase, importation, manufacture
5 or production of the motor fuel by the claimant as the
6 Department may deem necessary and the time when the loss or
7 nontaxable use occurred, and the circumstances of its loss or
8 the specific purpose for which it was used (as the case may
9 be), together with such other information as the Department may
10 reasonably require. Claims must be filed not later than one
11 year after the date on which the tax was paid by the claimant.

12 The Department may make such investigation of the
13 correctness of the facts stated in such claims as it deems
14 necessary. When the Department approves a claim, the Department
15 shall issue a refund or credit memorandum as requested by the
16 taxpayer, to the distributor or supplier who made the payment
17 for which the refund or credit is being given or, if the
18 distributor or supplier has died or become incompetent, to such
19 distributor's or supplier's legal representative, as such. The
20 amount of such credit memorandum shall be credited against any
21 tax due or to become due under this Act from the distributor or
22 supplier who made the payment for which credit has been given.

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

26 In case the distributor or supplier requests and the

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

10 In any case in which there has been an erroneous refund of
11 tax or fees payable under this Section, a notice of tax
12 liability may be issued at any time within 3 years from the
13 making of that refund, or within 5 years from the making of
14 that refund if it appears that any part of the refund was
15 induced by fraud or the misrepresentation of material fact. The
16 amount of any proposed assessment set forth by the Department
17 shall be limited to the amount of the erroneous refund.

18 If no tax is due and no proceeding is pending to determine
19 whether such distributor or supplier is indebted to the
20 Department for tax, the credit memorandum so issued may be
21 assigned and set over by the lawful holder thereof, subject to
22 reasonable rules of the Department, to any other licensed
23 distributor or supplier who is subject to this Act, and the
24 amount thereof applied by the Department against any tax due or
25 to become due under this Act from such assignee.

26 If the payment for which the distributor's or supplier's

1 claim is filed is held in the protest fund of the State
2 Treasury during the pendency of the claim for credit
3 proceedings pursuant to the order of the court in accordance
4 with Section 2a of the State Officers and Employees Money
5 Disposition Act and if it is determined by the Department or by
6 the final order of a reviewing court under the Administrative
7 Review Law that the claimant is entitled to all or a part of
8 the credit claimed, the claimant, instead of receiving a credit
9 memorandum from the Department, shall receive a cash refund
10 from the protest fund as provided for in Section 2a of the
11 State Officers and Employees Money Disposition Act.

12 If any person ceases to be licensed as a distributor or
13 supplier while still holding an unused credit memorandum issued
14 under this Act, such person may, at his election (instead of
15 assigning the credit memorandum to a licensed distributor or
16 licensed supplier under this Act), surrender such unused credit
17 memorandum to the Department and receive a refund of the amount
18 to which such person is entitled.

19 For claims based upon taxes paid on or before December 31,
20 2000, a claim based upon the use of undyed diesel fuel shall
21 not be allowed except (i) if allowed under the following
22 paragraph or (ii) for undyed diesel fuel used by a commercial
23 vehicle, as that term is defined in Section 1-111.8 of the
24 Illinois Vehicle Code, for any purpose other than operating the
25 commercial vehicle upon the public highways and unlicensed
26 commercial vehicles operating on private property. Claims

1 shall be limited to commercial vehicles that are operated for
2 both highway purposes and any purposes other than operating
3 such vehicles upon the public highways.

4 For claims based upon taxes paid on or after January 1,
5 2000, a claim based upon the use of undyed diesel fuel shall
6 not be allowed except (i) if allowed under the preceding
7 paragraph or (ii) for claims for the following:

8 (1) Undyed diesel fuel used (i) in a manufacturing
9 process, as defined in Section 2-45 of the Retailers'
10 Occupation Tax Act, wherein the undyed diesel fuel becomes
11 a component part of a product or by-product, other than
12 fuel or motor fuel, when the use of dyed diesel fuel in
13 that manufacturing process results in a product that is
14 unsuitable for its intended use or (ii) for testing
15 machinery and equipment in a manufacturing process, as
16 defined in Section 2-45 of the Retailers' Occupation Tax
17 Act, wherein the testing takes place on private property.

18 (2) Undyed diesel fuel used by a manufacturer on
19 private property in the research and development, as
20 defined in Section 1.29, of machinery or equipment intended
21 for manufacture.

22 (3) Undyed diesel fuel used by a single unit
23 self-propelled agricultural fertilizer implement, designed
24 for on and off road use, equipped with flotation tires and
25 specially adapted for the application of plant food
26 materials or agricultural chemicals.

1 (4) Undyed diesel fuel used by a commercial motor
2 vehicle for any purpose other than operating the commercial
3 motor vehicle upon the public highways. Claims shall be
4 limited to commercial motor vehicles that are operated for
5 both highway purposes and any purposes other than operating
6 such vehicles upon the public highways.

7 (5) Undyed diesel fuel used by a unit of local
8 government in its operation of an airport if the undyed
9 diesel fuel is used directly in airport operations on
10 airport property.

11 (6) Undyed diesel fuel used by refrigeration units that
12 are permanently mounted to a semitrailer, as defined in
13 Section 1.28 of this Law, wherein the refrigeration units
14 have a fuel supply system dedicated solely for the
15 operation of the refrigeration units.

16 (7) Undyed diesel fuel used by power take-off equipment
17 as defined in Section 1.27 of this Law.

18 (8) Beginning on the effective date of this amendatory
19 Act of the 94th General Assembly, undyed diesel fuel used
20 by tugs and spotter equipment to shift vehicles or parcels
21 on both private and airport property. Any claim under this
22 item (8) may be made only by a claimant that owns tugs and
23 spotter equipment and operates that equipment on both
24 private and airport property. The aggregate of all credits
25 or refunds resulting from claims filed under this item (8)
26 by a claimant in any calendar year may not exceed \$100,000.

1 A claim may not be made under this item (8) by the same
2 claimant more often than once each quarter. For the
3 purposes of this item (8), "tug" means a vehicle designed
4 for use on airport property that shifts custom-designed
5 containers of parcels from loading docks to aircraft, and
6 "spotter equipment" means a vehicle designed for use on
7 both private and airport property that shifts trailers
8 containing parcels between staging areas and loading
9 docks.

10 Any person who has paid the tax imposed by Section 2 of
11 this Law upon undyed diesel fuel that is unintentionally mixed
12 with dyed diesel fuel and who owns or controls the mixture of
13 undyed diesel fuel and dyed diesel fuel may file a claim for
14 refund to recover the amount paid. The amount of undyed diesel
15 fuel unintentionally mixed must equal 500 gallons or more. Any
16 claim for refund of unintentionally mixed undyed diesel fuel
17 and dyed diesel fuel shall be supported by documentation
18 showing the date and location of the unintentional mixing, the
19 number of gallons involved, the disposition of the mixed diesel
20 fuel, and any other information that the Department may
21 reasonably require. Any unintentional mixture of undyed diesel
22 fuel and dyed diesel fuel shall be sold or used only for
23 non-highway purposes.

24 The Department shall promulgate regulations establishing
25 specific limits on the amount of undyed diesel fuel that may be
26 claimed for refund.

1 For purposes of claims for refund, "loss" means the
2 reduction of motor fuel resulting from fire, theft, spillage,
3 spoilage, leakage, or any other provable cause, but does not
4 include a reduction resulting from evaporation, or shrinkage
5 due to temperature variations. In the case of losses due to
6 fire or theft, the claimant must include fire department or
7 police department reports and any other documentation that the
8 Department may require.

9 (Source: P.A. 96-1384, eff. 7-29-10.)

10 (35 ILCS 505/13a.4) (from Ch. 120, par. 429a4)

11 Sec. 13a.4. Except as provided in Section 13a.5 of this
12 Act, no motor carrier shall operate in Illinois without first
13 securing a motor fuel use tax license and decals from the
14 Department or a motor fuel use tax license and decals issued
15 under the International Fuel Tax Agreement by any member
16 jurisdiction. Notwithstanding any other provision of this
17 Section to the contrary, however, the Director of Revenue or
18 his designee may, upon determining that a disaster exists in
19 Illinois or in any other jurisdiction ~~state~~, temporarily waive
20 the licensing requirements of this Section for commercial motor
21 vehicles that travel through Illinois, or return to Illinois
22 from a point outside Illinois, for the purpose of assisting in
23 disaster relief efforts. Temporary waiver of the licensing
24 requirements of this Section shall not exceed a period of 30
25 days from the date the Director temporarily waives the

1 licensing requirements of this Section. For purposes of this
2 Section, a disaster includes flood, tornado, hurricane, fire,
3 earthquake, or any other disaster that causes or threatens loss
4 of life or destruction or damage to property of such a
5 magnitude as to endanger the public health, safety, and
6 welfare. The licensing requirements of this Section shall be
7 temporarily waived only if the operator of the commercial motor
8 vehicle can provide proof by manifest that the commercial motor
9 vehicle is traveling through Illinois or returning to Illinois
10 from a point outside Illinois for purposes of assisting in
11 disaster relief efforts. Application for such license and
12 decals shall be made annually to the Department on forms
13 prescribed by the Department. The application shall be under
14 oath, and shall contain such information as the Department
15 deems necessary. The Department, for cause, may require an
16 applicant to post a bond on a form to be approved by and with a
17 surety or sureties satisfactory to the Department conditioned
18 upon such applicant paying to the State of Illinois all monies
19 becoming due by reason of the sale or use of motor fuel by the
20 applicant, together with all penalties and interest thereon. If
21 a bond is required, it shall be equal to at least twice the
22 estimated average tax liability of a quarterly return. The
23 Department shall fix the penalty of such bond in each case
24 taking into consideration the amount of motor fuel expected to
25 be used by such applicant and the penalty fixed by the
26 Department shall be such as, in its opinion, will protect the

1 State of Illinois against failure to pay the amount hereinafter
2 provided on motor fuel used. No person who is in default to the
3 State for monies due under this Act for the sale, distribution
4 or use of motor fuel shall receive such a license or decal.

5 Upon receipt of the application for license in proper form,
6 and upon payment of any required \$100 reinstatement fee, and
7 upon approval by the Department of the bond furnished by the
8 applicant, the Department may issue to such applicant a license
9 which allows the operation of commercial motor vehicles in
10 Illinois, and decals for each commercial motor vehicle
11 operating in Illinois. Prior to January 1, 1985, motor fuel use
12 tax licenses shall be conspicuously displayed in the cab of
13 each commercial motor vehicle operating in Illinois. After
14 January 1, 1986, motor fuel use tax licenses shall be carried
15 in the cab of each commercial motor vehicle operating in
16 Illinois.

17 The Department shall, by regulation, provide for the use of
18 reproductions of original motor fuel use tax licenses in lieu
19 of issuing multiple original motor fuel use tax licenses to
20 licensees.

21 On and after January 1, 1985, external motor fuel tax
22 decals shall be conspicuously displayed on the passenger side
23 of each commercial motor vehicle propelled by motor fuel
24 operating in Illinois, except buses, which may display such
25 devices on the driver's side of the vehicle. Beginning with the
26 effective date of this amendatory Act of 1993 or the membership

1 of the State of Illinois in the International Fuel Tax
2 Agreement, whichever is later, the decals issued to the
3 licensee shall be placed on both exterior sides of the cab. In
4 the case of transporters, manufacturers, dealers, or driveway
5 operations, the decals need not be permanently affixed but may
6 be temporarily displayed in a visible manner on the exterior
7 sides of the cab. Failure to display the decals in the required
8 locations may subject the vehicle operator to the purchase of a
9 trip permit and a citation. Such motor fuel tax decals shall be
10 issued by the Department and remain valid for a period of 2
11 calendar years, beginning January 1, 1985. The decals shall
12 expire at the end of the regular 2 year issuance period, with
13 new decals required to be displayed at that time. Beginning
14 January 1, 1993, the motor fuel decals shall be issued by the
15 Department and remain valid for a period of one calendar year.
16 The decals shall expire at the end of the regular one year
17 issuance period, with new decals required to be displayed at
18 that time. Decals shall be no larger than 3 inches by 3 inches.
19 Prior to January 1, 1993, a fee of \$7.50 shall be charged by
20 the Department for each decal issued prior to and during the 2
21 calendar years such decal is valid. Beginning January 1, 1993,
22 a fee of \$3.75 shall be charged by the Department for each
23 decal issued prior to and during the calendar year such decal
24 is valid. Beginning January 1, 1994, \$3.75 shall be charged for
25 a set of 2 decals. The Department may also prescribe procedures
26 for the issuance of replacement decals, with a maximum fee of

1 \$2 for each set of replacement decals issued. The transfer of
2 decals from one vehicle to another vehicle or from one motor
3 carrier to another motor carrier is prohibited. The fees paid
4 for the decals issued under this Section shall be deposited in
5 the Motor Fuel Tax Fund, and may be appropriated to the
6 Department for administration of this Section and enforcement
7 of the tax imposed by Section 13a of this Act.

8 To avoid duplicate reporting of mileage and payment of any
9 tax arising therefrom under Section 13a.3 of this Act, the
10 Department shall, by regulation, provide for the allocation
11 between lessors and lessees of the same commercial motor
12 vehicle or vehicles of the responsibility as a motor carrier
13 for the reporting of mileage and the liability for tax arising
14 under Section 13a.3 of this Act, and for registration,
15 furnishing of bond, carrying of motor fuel use tax licenses,
16 and display of decals under this Section, and for all other
17 duties imposed upon motor carriers by this Act.

18 (Source: P.A. 96-1384, eff. 7-29-10.)

19 (35 ILCS 505/13a.5) (from Ch. 120, par. 429a5)

20 Sec. 13a.5. As to a commercial motor vehicle operated in
21 Illinois in the course of interstate traffic by a motor carrier
22 not holding a motor fuel use tax license issued under this Act,
23 a single trip permit authorizing operation of such commercial
24 motor vehicle for a single trip into the State of Illinois,
25 through the State of Illinois, or from a point on the border of

1 this State to a point within and return to the border may be
2 issued by the Department or its agents after proper
3 application. The fee for each single trip permit shall be \$40
4 and such single trip permit shall be valid for a period of 96
5 hours. This fee shall be in lieu of the tax required by Section
6 13a of this Act, all reports required by Section 13a.3 of this
7 Act, and the registration, decal display and furnishing of bond
8 required by Section 13a.4 of this Act. Notwithstanding any
9 other provision of this Section to the contrary, however, the
10 Director of Revenue or his designee may, upon determining that
11 a disaster exists in Illinois or in any other jurisdiction
12 ~~state~~, temporarily waive the permit provisions of this Section
13 for commercial motor vehicles that travel into the State of
14 Illinois, through Illinois, or return to Illinois from a point
15 outside Illinois, for the purpose of assisting in disaster
16 relief efforts. Temporary waiver of the permit provisions of
17 this Section shall not exceed a period of 30 days from the date
18 the Director waives the permit provisions of this Section. For
19 purposes of this Section, a disaster includes flood, tornado,
20 hurricane, fire, earthquake, or any other disaster that causes
21 or threatens loss of life or destruction or damage to property
22 of such a magnitude as to endanger the public health, safety,
23 and welfare. The permit provisions of this Section shall be
24 temporarily waived only if the operator of the commercial motor
25 vehicle can provide proof by manifest that the commercial motor
26 vehicle is traveling through Illinois or returning to Illinois

1 from a point outside Illinois for purposes of assisting in
2 disaster relief efforts. Rules or regulations promulgated by
3 the Department under this Section shall provide for reasonable
4 and proper limitations and restrictions governing application
5 for and issuance and use of, single trip permits, so as to
6 preclude evasion of the license requirement in Section 13a.4.
7 (Source: P.A. 96-1384, eff. 7-29-10.)

8 Section 85. The Gas Revenue Tax Act is amended by changing
9 Sections 2a.2 and 3 as follows:

10 (35 ILCS 615/2a.2) (from Ch. 120, par. 467.17a.2)

11 Sec. 2a.2. Annual return, collection and payment. - A
12 return with respect to the tax imposed by Section 2a.1 shall be
13 made by every person for any taxable period for which such
14 person is liable for such tax. Such return shall be made on
15 such forms as the Department shall prescribe and shall contain
16 the following information:

17 1. Taxpayer's name;

18 2. Address of taxpayer's principal place of business,
19 and address of the principal place of business (if that is
20 a different address) from which the taxpayer engages in the
21 business of distributing, supplying, furnishing or selling
22 gas in this State;

23 3. The total proprietary capital and total long-term
24 debt as of the beginning and end of the taxable period as

1 set forth on the balance sheets included in the taxpayer's
2 annual report to the Illinois Commerce Commission for the
3 taxable period;

4 4. The taxpayer's base income allocable to Illinois
5 under Sections 301 and 304(a) of the "Illinois Income Tax
6 Act", for the period covered by the return;

7 5. The amount of tax due for the taxable period
8 (computed on the basis of the amounts set forth in Items 3
9 and 4); and

10 6. Such other reasonable information as may be required
11 by forms or regulations prescribed by the Department.

12 The returns prescribed by this Section shall be due and
13 shall be filed with the Department not later than the 15th day
14 of the third month following the close of the taxable period.
15 The taxpayer making the return herein provided for shall, at
16 the time of making such return, pay to the Department the
17 remaining amount of tax herein imposed and due for the taxable
18 period. Each taxpayer shall make estimated quarterly payments
19 on the 15th day of the third, sixth, ninth and twelfth months
20 of each taxable period. Such estimated payments shall be 25% of
21 the tax liability for the immediately preceding taxable period
22 or the tax liability that would have been imposed in the
23 immediately preceding taxable period if this amendatory Act of
24 1979 had been in effect. All moneys received by the Department
25 under Sections 2a.1 and 2a.2 shall be paid into the Personal
26 Property Tax Replacement Fund in the State Treasury.

1 If any payment provided for in this Section exceeds the
2 taxpayer's liabilities under this Act, as shown on an original
3 return, the Department may authorize the taxpayer to credit
4 such excess payment against liability subsequently to be
5 remitted to the Department under this Act, in accordance with
6 reasonable rules adopted by the Department.

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

8 (35 ILCS 615/3) (from Ch. 120, par. 467.18)

9 Sec. 3. Return of taxpayer; payment of tax. Except as
10 provided in this Section, on or before the 15th day of each
11 month, each taxpayer shall make a return to the Department for
12 the preceding calendar month, stating:

13 1. His name;

14 2. The address of his principal place of business, and
15 the address of the principal place of business (if that is
16 a different address) from which he engages in the business
17 of distributing, supplying, furnishing or selling gas in
18 this State;

19 3. The total number of therms for which payment was
20 received by him from customers during the preceding
21 calendar month and upon the basis of which the tax is
22 imposed;

23 4. Gross receipts which were received by him from
24 customers during the preceding calendar month from such
25 business, including budget plan and other customer-owned

1 amounts applied during such month in payment of charges
2 includible in gross receipts, and upon the basis of which
3 the tax is imposed;

4 5. Amount of tax (computed upon Items 3 and 4);

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

7 In making such return the taxpayer may use any reasonable
8 method to derive reportable "therms" and "gross receipts" from
9 his billing and payment records.

10 Any taxpayer required to make payments under this Section
11 may make the payments by electronic funds transfer. The
12 Department shall adopt rules necessary to effectuate a program
13 of electronic funds transfer.

14 If the taxpayer's average monthly tax liability to the
15 Department does not exceed \$100.00, the Department may
16 authorize his returns to be filed on a quarter annual basis,
17 with the return for January, February and March of a given year
18 being due by April 30 of such year; with the return for April,
19 May and June of a given year being due by July 31 of such year;
20 with the return for July, August and September of a given year
21 being due by October 31 of such year, and with the return for
22 October, November and December of a given year being due by
23 January 31 of the following year.

24 If the taxpayer's average monthly tax liability to the
25 Department does not exceed \$20.00, the Department may authorize
26 his returns to be filed on an annual basis, with the return for

1 a given year being due by January 31 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 monthly
4 returns.

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

12 In making such return the taxpayer shall determine the
13 value of any reportable consideration other than money received
14 by him and shall include such value in his return. Such
15 determination shall be subject to review and revision by the
16 Department in the same manner as is provided in this Act for
17 the correction of returns.

18 Each taxpayer whose average monthly liability to the
19 Department under this Act was \$10,000 or more during the
20 preceding calendar year, excluding the month of highest
21 liability and the month of lowest liability in such calendar
22 year, and who is not operated by a unit of local government,
23 shall make estimated payments to the Department on or before
24 the 7th, 15th, 22nd and last day of the month during which tax
25 liability to the Department is incurred in an amount not less
26 than the lower of either 22.5% of the taxpayer's actual tax

1 liability for the month or 25% of the taxpayer's actual tax
2 liability for the same calendar month of the preceding year.
3 The amount of such quarter monthly payments shall be credited
4 against the final tax liability of the taxpayer's return for
5 that month. Any outstanding credit, approved by the Department,
6 arising from the taxpayer's overpayment of its final tax
7 liability for any month may be applied to reduce the amount of
8 any subsequent quarter monthly payment or credited against the
9 final tax liability of the taxpayer's return for any subsequent
10 month. If any quarter monthly payment is not paid at the time
11 or in the amount required by this Section, the taxpayer shall
12 be liable for penalty and interest on the difference between
13 the minimum amount due as a payment and the amount of such
14 payment actually and timely paid, except insofar as the
15 taxpayer has previously made payments for that month to the
16 Department in excess of the minimum payments previously due.

17 If the Director finds that the information required for the
18 making of an accurate return cannot reasonably be compiled by a
19 taxpayer within 15 days after the close of the calendar month
20 for which a return is to be made, he may grant an extension of
21 time for the filing of such return for a period of not to
22 exceed 31 calendar days. The granting of such an extension may
23 be conditioned upon the deposit by the taxpayer with the
24 Department of an amount of money not exceeding the amount
25 estimated by the Director to be due with the return so
26 extended. All such deposits, including any made before the

1 effective date of this amendatory Act of 1975 with the
2 Department, shall be credited against the taxpayer's
3 liabilities under this Act. If any such deposit exceeds the
4 taxpayer's present and probable future liabilities under this
5 Act, the Department shall issue to the taxpayer a credit
6 memorandum, which may be assigned by the taxpayer to a similar
7 taxpayer under this Act, in accordance with reasonable rules
8 and regulations to be prescribed by the Department.

9 The taxpayer making the return provided for in this Section
10 shall, at the time of making such return, pay to the Department
11 the amount of tax imposed by this Act. All moneys received by
12 the Department under this Act shall be paid into the General
13 Revenue Fund in the State Treasury, except as otherwise
14 provided.

15 If any payment provided for in this Section exceeds the
16 taxpayer's liabilities under this Act, as shown on an original
17 return, the Department may authorize the taxpayer to credit
18 such excess payment against liability subsequently to be
19 remitted to the Department under this Act, in accordance with
20 reasonable rules adopted by the Department.

21 (Source: P.A. 90-16, eff. 6-16-97.)

22 Section 90. The Public Utilities Revenue Act is amended by
23 changing Section 2a.2 as follows:

24 (35 ILCS 620/2a.2) (from Ch. 120, par. 469a.2)

1 Sec. 2a.2. Annual return, collection and payment. A return
2 with respect to the tax imposed by Section 2a.1 shall be made
3 by every person for any taxable period for which such person is
4 liable for such tax. Such return shall be made on such forms as
5 the Department shall prescribe and shall contain the following
6 information:

7 1. Taxpayer's name;

8 2. Address of taxpayer's principal place of business,
9 and address of the principal place of business (if that is
10 a different address) from which the taxpayer engages in the
11 business of distributing electricity in this State;

12 3. The total equity, in the case of electric
13 cooperatives, in the annual reports filed with the Rural
14 Utilities Service for the taxable period;

15 3a. The total kilowatt-hours of electricity
16 distributed by a taxpayer, other than an electric
17 cooperative, in this State for the taxable period covered
18 by the return;

19 4. The amount of tax due for the taxable period
20 (computed on the basis of the amounts set forth in Items 3
21 and 3a); and

22 5. Such other reasonable information as may be required
23 by forms or regulations prescribed by the Department.

24 The returns prescribed by this Section shall be due and
25 shall be filed with the Department not later than the 15th day
26 of the third month following the close of the taxable period.

1 The taxpayer making the return herein provided for shall, at
2 the time of making such return, pay to the Department the
3 remaining amount of tax herein imposed and due for the taxable
4 period. Each taxpayer shall make estimated quarterly payments
5 on the 15th day of the third, sixth, ninth and twelfth months
6 of each taxable period. Such estimated payments shall be 25% of
7 the tax liability for the immediately preceding taxable period
8 or the tax liability that would have been imposed in the
9 immediately preceding taxable period if this amendatory Act of
10 1979 had been in effect. All moneys received by the Department
11 under Sections 2a.1 and 2a.2 shall be paid into the Personal
12 Property Tax Replacement Fund in the State Treasury.

13 If any payment provided for in this Section exceeds the
14 taxpayer's liabilities under this Act, as shown on an original
15 return, the taxpayer may credit such excess payment against
16 liability subsequently to be remitted to the Department under
17 this Act, in accordance with reasonable rules adopted by the
18 Department.

19 (Source: P.A. 90-561, eff. 1-1-98.)

20 Section 95. The Telecommunications Excise Tax Act is
21 amended by changing Section 6 as follows:

22 (35 ILCS 630/6) (from Ch. 120, par. 2006)

23 Sec. 6. Returns; payments. Except as provided hereinafter
24 in this Section, on or before the last day of each month, each

1 retailer maintaining a place of business in this State shall
2 make a return to the Department for the preceding calendar
3 month, stating:

4 1. His name;

5 2. The address of his principal place of business, or
6 the address of the principal place of business (if that is
7 a different address) from which he engages in the business
8 of transmitting telecommunications;

9 3. Total amount of gross charges billed by him during
10 the preceding calendar month for providing
11 telecommunications during such calendar month;

12 4. Total amount received by him during the preceding
13 calendar month on credit extended;

14 5. Deductions allowed by law;

15 6. Gross charges which were billed by him during the
16 preceding calendar month and upon the basis of which the
17 tax is imposed;

18 7. Amount of tax (computed upon Item 6);

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

21 Any taxpayer required to make payments under this Section
22 may make the payments by electronic funds transfer. The
23 Department shall adopt rules necessary to effectuate a program
24 of electronic funds transfer. Any taxpayer who has average
25 monthly tax billings due to the Department under this Act and
26 the Simplified Municipal Telecommunications Tax Act that

1 exceed \$1,000 shall make all payments by electronic funds
2 transfer as required by rules of the Department and shall file
3 the return required by this Section by electronic means as
4 required by rules of the Department.

5 If the retailer's average monthly tax billings due to the
6 Department under this Act and the Simplified Municipal
7 Telecommunications Tax Act do not exceed \$1,000, the Department
8 may authorize his returns to be filed on a quarter annual
9 basis, with the return for January, February and March of a
10 given year being due by April 30 of such year; with the return
11 for April, May and June of a given year being due by July 31st
12 of such year; with the return for July, August and September of
13 a given year being due by October 31st of such year; and with
14 the return of October, November and December of a given year
15 being due by January 31st of the following year.

16 If the retailer is otherwise required to file a monthly or
17 quarterly return and if the retailer's average monthly tax
18 billings due to the Department under this Act and the
19 Simplified Municipal Telecommunications Tax Act do not exceed
20 \$400, the Department may authorize his or her return to be
21 filed on an annual basis, with the return for a given year
22 being due by January 31st of the following year.

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

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

4 In making such return, the retailer shall determine the
5 value of any consideration other than money received by him and
6 he shall include such value in his return. Such determination
7 shall be subject to review and revision by the Department in
8 the manner hereinafter provided for the correction of returns.

9 Each retailer whose average monthly liability to the
10 Department under this Article and the Simplified Municipal
11 Telecommunications Tax Act was \$25,000 or more during the
12 preceding calendar year, excluding the month of highest
13 liability and the month of lowest liability in such calendar
14 year, and who is not operated by a unit of local government,
15 shall make estimated payments to the Department on or before
16 the 7th, 15th, 22nd and last day of the month during which tax
17 collection liability to the Department is incurred in an amount
18 not less than the lower of either 22.5% of the retailer's
19 actual tax collections for the month or 25% of the retailer's
20 actual tax collections for the same calendar month of the
21 preceding year. The amount of such quarter monthly payments
22 shall be credited against the final liability of the retailer's
23 return for that month. Any outstanding credit, approved by the
24 Department, arising from the retailer's overpayment of its
25 final liability for any month may be applied to reduce the
26 amount of any subsequent quarter monthly payment or credited

1 against the final liability of the retailer's return for any
2 subsequent month. If any quarter monthly payment is not paid at
3 the time or in the amount required by this Section, the
4 retailer shall be liable for penalty and interest on the
5 difference between the minimum amount due as a payment and the
6 amount of such payment actually and timely paid, except insofar
7 as the retailer has previously made payments for that month to
8 the Department in excess of the minimum payments previously
9 due.

10 The retailer making the return herein provided for shall,
11 at the time of making such return, pay to the Department the
12 amount of tax herein imposed, less a discount of 1% which is
13 allowed to reimburse the retailer for the expenses incurred in
14 keeping records, billing the customer, preparing and filing
15 returns, remitting the tax, and supplying data to the
16 Department upon request. No discount may be claimed by a
17 retailer on returns not timely filed and for taxes not timely
18 remitted.

19 If any payment provided for in this Section exceeds the
20 retailer's liabilities under this Act, as shown on an original
21 return, the Department may authorize the retailer to credit
22 such excess payment against liability subsequently to be
23 remitted to the Department under this Act, in accordance with
24 reasonable rules adopted by the Department. If the Department
25 subsequently determines that all or any part of the credit
26 taken was not actually due to the retailer, the retailer's

1 discount shall be reduced by an amount equal to the difference
2 between the discount as applied to the credit taken and that
3 actually due, and that retailer shall be liable for penalties
4 and interest on such difference.

5 On and after the effective date of this Article of 1985, of
6 the moneys received by the Department of Revenue pursuant to
7 this Article, other than moneys received pursuant to the
8 additional taxes imposed by Public Act 90-548:

9 (1) \$1,000,000 shall be paid each month into the Common
10 School Fund;

11 (2) beginning on the first day of the first calendar
12 month to occur on or after the effective date of this
13 amendatory Act of the 98th General Assembly, an amount
14 equal to 1/12 of 5% of the cash receipts collected during
15 the preceding fiscal year by the Audit Bureau of the
16 Department from the tax under this Act and the Simplified
17 Municipal Telecommunications Tax Act shall be paid each
18 month into the Tax Compliance and Administration Fund;
19 those moneys shall be used, subject to appropriation, to
20 fund additional auditors and compliance personnel at the
21 Department of Revenue; and

22 (3) the remainder shall be deposited into the General
23 Revenue Fund.

24 On and after February 1, 1998, however, of the moneys
25 received by the Department of Revenue pursuant to the
26 additional taxes imposed by Public Act 90-548, one-half shall

1 be deposited into the School Infrastructure Fund and one-half
2 shall be deposited into the Common School Fund. On and after
3 the effective date of this amendatory Act of the 91st General
4 Assembly, if in any fiscal year the total of the moneys
5 deposited into the School Infrastructure Fund under this Act is
6 less than the total of the moneys deposited into that Fund from
7 the additional taxes imposed by Public Act 90-548 during fiscal
8 year 1999, then, as soon as possible after the close of the
9 fiscal year, the Comptroller shall order transferred and the
10 Treasurer shall transfer from the General Revenue Fund to the
11 School Infrastructure Fund an amount equal to the difference
12 between the fiscal year total deposits and the total amount
13 deposited into the Fund in fiscal year 1999.

14 (Source: P.A. 98-1098, eff. 8-26-14.)

15 Section 100. The Electricity Excise Tax Law is amended by
16 changing Sections 2-9 and 2-11 as follows:

17 (35 ILCS 640/2-9)

18 Sec. 2-9. Return and payment of tax by delivering supplier.
19 Each delivering supplier who is required or authorized to
20 collect the tax imposed by this Law shall make a return to the
21 Department on or before the 15th day of each month for the
22 preceding calendar month stating the following:

23 (1) The delivering supplier's name.

24 (2) The address of the delivering supplier's principal

1 place of business and the address of the principal place of
2 business (if that is a different address) from which the
3 delivering supplier engaged in the business of delivering
4 electricity in this State.

5 (3) The total number of kilowatt-hours which the
6 supplier delivered to or for purchasers during the
7 preceding calendar month and upon the basis of which the
8 tax is imposed.

9 (4) Amount of tax, computed upon Item (3) at the rates
10 stated in Section 2-4.

11 (5) An adjustment for uncollectible amounts of tax in
12 respect of prior period kilowatt-hour deliveries,
13 determined in accordance with rules and regulations
14 promulgated by the Department.

15 (5.5) The amount of credits to which the taxpayer is
16 entitled on account of purchases made under Section 8-403.1
17 of the Public Utilities Act.

18 (6) Such other information as the Department
19 reasonably may require.

20 In making such return the delivering supplier may use any
21 reasonable method to derive reportable "kilowatt-hours" from
22 the delivering supplier's records.

23 If the average monthly tax liability to the Department of
24 the delivering supplier does not exceed \$2,500, the Department
25 may authorize the delivering supplier's returns to be filed on
26 a quarter-annual basis, with the return for January, February

1 and March of a given year being due by April 30 of such year;
2 with the return for April, May and June of a given year being
3 due by July 31 of such year; with the return for July, August
4 and September of a given year being due by October 31 of such
5 year; and with the return for October, November and December of
6 a given year being due by January 31 of the following year.

7 If the average monthly tax liability to the Department of
8 the delivering supplier does not exceed \$1,000, the Department
9 may authorize the delivering supplier's returns to be filed on
10 an annual basis, with the return for a given year being due by
11 January 31 of the following year.

12 Such quarter-annual and annual returns, as to form and
13 substance, shall be subject to the same requirements as monthly
14 returns.

15 Notwithstanding any other provision in this Law concerning
16 the time within which a delivering supplier may file a return,
17 any such delivering supplier who ceases to engage in a kind of
18 business which makes the person responsible for filing returns
19 under this Law shall file a final return under this Law with
20 the Department not more than one month after discontinuing such
21 business.

22 Each delivering supplier whose average monthly liability
23 to the Department under this Law was \$10,000 or more during the
24 preceding calendar year, excluding the month of highest
25 liability and the month of lowest liability in such calendar
26 year, and who is not operated by a unit of local government,

1 shall make estimated payments to the Department on or before
2 the 7th, 15th, 22nd and last day of the month during which tax
3 liability to the Department is incurred in an amount not less
4 than the lower of either 22.5% of such delivering supplier's
5 actual tax liability for the month or 25% of such delivering
6 supplier's actual tax liability for the same calendar month of
7 the preceding year. The amount of such quarter-monthly payments
8 shall be credited against the final tax liability of such
9 delivering supplier's return for that month. An outstanding
10 credit approved by the Department or a credit memorandum issued
11 by the Department arising from such delivering supplier's
12 overpayment of his or her final tax liability for any month may
13 be applied to reduce the amount of any subsequent
14 quarter-monthly payment or credited against the final tax
15 liability of such delivering supplier's return for any
16 subsequent month. If any quarter-monthly payment is not paid at
17 the time or in the amount required by this Section, such
18 delivering supplier shall be liable for penalty and interest on
19 the difference between the minimum amount due as a payment and
20 the amount of such payment actually and timely paid, except
21 insofar as such delivering supplier has previously made
22 payments for that month to the Department in excess of the
23 minimum payments previously due.

24 If the Director finds that the information required for the
25 making of an accurate return cannot reasonably be compiled by
26 such delivering supplier within 15 days after the close of the

1 calendar month for which a return is to be made, the Director
2 may grant an extension of time for the filing of such return
3 for a period not to exceed 31 calendar days. The granting of
4 such an extension may be conditioned upon the deposit by such
5 delivering supplier with the Department of an amount of money
6 not exceeding the amount estimated by the Director to be due
7 with the return so extended. All such deposits shall be
8 credited against such delivering supplier's liabilities under
9 this Law. If the deposit exceeds such delivering supplier's
10 present and probable future liabilities under this Law, the
11 Department shall issue to such delivering supplier a credit
12 memorandum, which may be assigned by such delivering supplier
13 to a similar person under this Law, in accordance with
14 reasonable rules and regulations to be prescribed by the
15 Department.

16 The delivering supplier making the return provided for in
17 this Section shall, at the time of making such return, pay to
18 the Department the amount of tax imposed by this Law.

19 Until October 1, 2002, a delivering supplier who has an
20 average monthly tax liability of \$10,000 or more shall make all
21 payments required by rules of the Department by electronic
22 funds transfer. The term "average monthly tax liability" shall
23 be the sum of the delivering supplier's liabilities under this
24 Law for the immediately preceding calendar year divided by 12.
25 Beginning on October 1, 2002, a taxpayer who has a tax
26 liability in the amount set forth in subsection (b) of Section

1 2505-210 of the Department of Revenue Law shall make all
2 payments required by rules of the Department by electronic
3 funds transfer. Any delivering supplier not required to make
4 payments by electronic funds transfer may make payments by
5 electronic funds transfer with the permission of the
6 Department. All delivering suppliers required to make payments
7 by electronic funds transfer and any delivering suppliers
8 authorized to voluntarily make payments by electronic funds
9 transfer shall make those payments in the manner authorized by
10 the Department.

11 If any payment provided for in this Section exceeds the
12 delivering supplier's liabilities under this Act, as shown on
13 an original return, the Department may authorize the delivering
14 supplier to credit such excess payment against liability
15 subsequently to be remitted to the Department under this Act,
16 in accordance with reasonable rules adopted by the Department.

17 Through June 30, 2004, each month the Department shall pay
18 into the Public Utility Fund in the State treasury an amount
19 determined by the Director to be equal to 3.0% of the funds
20 received by the Department pursuant to this Section. Through
21 June 30, 2004, the remainder of all moneys received by the
22 Department under this Section shall be paid into the General
23 Revenue Fund in the State treasury. Beginning on July 1, 2004,
24 of the 3% of the funds received pursuant to this Section, each
25 month the Department shall pay \$416,667 into the General
26 Revenue Fund and the balance shall be paid into the Public

1 Utility Fund in the State treasury.

2 (Source: P.A. 92-492, eff. 1-1-02; 93-839, eff. 7-30-04.)

3 (35 ILCS 640/2-11)

4 Sec. 2-11. Direct return and payment by self-assessing
5 purchaser. When electricity is used or consumed by a
6 self-assessing purchaser subject to the tax imposed by this Law
7 who did not pay the tax to a delivering supplier maintaining a
8 place of business within this State and required or authorized
9 to collect the tax, that self-assessing purchaser shall, on or
10 before the 15th day of each month, make a return to the
11 Department for the preceding calendar month, stating all of the
12 following:

13 (1) The self-assessing purchaser's name and principal
14 address.

15 (2) The aggregate purchase price paid by the
16 self-assessing purchaser for the distribution, supply,
17 furnishing, sale, transmission and delivery of such
18 electricity to or for the purchaser during the preceding
19 calendar month, including budget plan and other
20 purchaser-owned amounts applied during such month in
21 payment of charges includible in the purchase price, and
22 upon the basis of which the tax is imposed.

23 (3) Amount of tax, computed upon item (2) at the rate
24 stated in Section 2-4.

25 (4) Such other information as the Department

1 reasonably may require.

2 In making such return the self-assessing purchaser may use
3 any reasonable method to derive reportable "purchase price"
4 from the self-assessing purchaser's records.

5 If the average monthly tax liability of the self-assessing
6 purchaser to the Department does not exceed \$2,500, the
7 Department may authorize the self-assessing purchaser's
8 returns to be filed on a quarter-annual basis, with the return
9 for January, February and March of a given year being due by
10 April 30 of such year; with the return for April, May and June
11 of a given year being due by July 31 of such year; with the
12 return for July, August, and September of a given year being
13 due by October 31 of such year; and with the return for
14 October, November and December of a given year being due by
15 January 31 of the following year.

16 If the average monthly tax liability of the self-assessing
17 purchaser to the Department does not exceed \$1,000, the
18 Department may authorize the self-assessing purchaser's
19 returns to be filed on an annual basis, with the return for a
20 given year being due by January 31 of the following year.

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

24 Notwithstanding any other provision in this Law concerning
25 the time within which a self-assessing purchaser may file a
26 return, any such self-assessing purchaser who ceases to be

1 responsible for filing returns under this Law shall file a
2 final return under this Law with the Department not more than
3 one month thereafter.

4 Each self-assessing purchaser whose average monthly
5 liability to the Department pursuant to this Section was
6 \$10,000 or more during the preceding calendar year, excluding
7 the month of highest liability and the month of lowest
8 liability during such calendar year, and which is not operated
9 by a unit of local government, shall make estimated payments to
10 the Department on or before the 7th, 15th, 22nd and last day of
11 the month during which tax liability to the Department is
12 incurred in an amount not less than the lower of either 22.5%
13 of such self-assessing purchaser's actual tax liability for the
14 month or 25% of such self-assessing purchaser's actual tax
15 liability for the same calendar month of the preceding year.
16 The amount of such quarter-monthly payments shall be credited
17 against the final tax liability of the self-assessing
18 purchaser's return for that month. An outstanding credit
19 approved by the Department or a credit memorandum issued by the
20 Department arising from the self-assessing purchaser's
21 overpayment of the self-assessing purchaser's final tax
22 liability for any month may be applied to reduce the amount of
23 any subsequent quarter-monthly payment or credited against the
24 final tax liability of such self-assessing purchaser's return
25 for any subsequent month. If any quarter-monthly payment is not
26 paid at the time or in the amount required by this Section,

1 such person shall be liable for penalty and interest on the
2 difference between the minimum amount due as a payment and the
3 amount of such payment actually and timely paid, except insofar
4 as such person has previously made payments for that month to
5 the Department in excess of the minimum payments previously
6 due.

7 If the Director finds that the information required for the
8 making of an accurate return cannot reasonably be compiled by a
9 self-assessing purchaser within 15 days after the close of the
10 calendar month for which a return is to be made, the Director
11 may grant an extension of time for the filing of such return
12 for a period of not to exceed 31 calendar days. The granting of
13 such an extension may be conditioned upon the deposit by such
14 self-assessing purchaser with the Department of an amount of
15 money not exceeding the amount estimated by the Director to be
16 due with the return so extended. All such deposits shall be
17 credited against such self-assessing purchaser's liabilities
18 under this Law. If the deposit exceeds such self-assessing
19 purchaser's present and probable future liabilities under this
20 Law, the Department shall issue to such self-assessing
21 purchaser a credit memorandum, which may be assigned by such
22 self-assessing purchaser to a similar person under this Law, in
23 accordance with reasonable rules and regulations to be
24 prescribed by the Department.

25 The self-assessing purchaser making the return provided
26 for in this Section shall, at the time of making such return,

1 pay to the Department the amount of tax imposed by this Law.

2 Until October 1, 2002, a self-assessing purchaser who has
3 an average monthly tax liability of \$10,000 or more shall make
4 all payments required by rules of the Department by electronic
5 funds transfer. The term "average monthly tax liability" shall
6 be the sum of the self-assessing purchaser's liabilities under
7 this Law for the immediately preceding calendar year divided by
8 12. Beginning on October 1, 2002, a taxpayer who has a tax
9 liability in the amount set forth in subsection (b) of Section
10 2505-210 of the Department of Revenue Law shall make all
11 payments required by rules of the Department by electronic
12 funds transfer. Any self-assessing purchaser not required to
13 make payments by electronic funds transfer may make payments by
14 electronic funds transfer with the permission of the
15 Department. All self-assessing purchasers required to make
16 payments by electronic funds transfer and any self-assessing
17 purchasers authorized to voluntarily make payments by
18 electronic funds transfer shall make those payments in the
19 manner authorized by the Department.

20 If any payment provided for in this Section exceeds the
21 self-assessing purchaser's liabilities under this Act, as
22 shown on an original return, the Department may authorize the
23 self-assessing purchaser to credit such excess payment against
24 liability subsequently to be remitted to the Department under
25 this Act, in accordance with reasonable rules adopted by the
26 Department.

1 Through June 30, 2004, each month the Department shall pay
2 into the Public Utility Fund in the State treasury an amount
3 determined by the Director to be equal to 3.0% of the funds
4 received by the Department pursuant to this Section. Through
5 June 30, 2004, the remainder of all moneys received by the
6 Department under this Section shall be paid into the General
7 Revenue Fund in the State treasury. Beginning on July 1, 2004,
8 of the 3% of the funds received pursuant to this Section, each
9 month the Department shall pay \$416,667 into the General
10 Revenue Fund and the balance shall be paid into the Public
11 Utility Fund in the State treasury.

12 (Source: P.A. 92-492, eff. 1-1-02; 93-839, eff. 7-30-04.)

13 Section 103. The Innovation Development and Economy Act is
14 amended by changing Section 31 as follows:

15 (50 ILCS 470/31)

16 Sec. 31. STAR bond occupation taxes.

17 (a) If the corporate authorities of a political subdivision
18 have established a STAR bond district and have elected to
19 impose a tax by ordinance pursuant to subsection (b) or (c) of
20 this Section, each year after the date of the adoption of the
21 ordinance and until all STAR bond project costs and all
22 political subdivision obligations financing the STAR bond
23 project costs, if any, have been paid in accordance with the
24 STAR bond project plans, but in no event longer than the

1 maximum maturity date of the last of the STAR bonds issued for
2 projects in the STAR bond district, all amounts generated by
3 the retailers' occupation tax and service occupation tax shall
4 be collected and the tax shall be enforced by the Department of
5 Revenue in the same manner as all retailers' occupation taxes
6 and service occupation taxes imposed in the political
7 subdivision imposing the tax. The corporate authorities of the
8 political subdivision shall deposit the proceeds of the taxes
9 imposed under subsections (b) and (c) into either (i) a special
10 fund held by the corporate authorities of the political
11 subdivision called the STAR Bonds Tax Allocation Fund for the
12 purpose of paying STAR bond project costs and obligations
13 incurred in the payment of those costs if such taxes are
14 designated as pledged STAR revenues by resolution or ordinance
15 of the political subdivision or (ii) the political
16 subdivision's general corporate fund if such taxes are not
17 designated as pledged STAR revenues by resolution or ordinance.

18 The tax imposed under this Section by a municipality may be
19 imposed only on the portion of a STAR bond district that is
20 within the boundaries of the municipality. For any part of a
21 STAR bond district that lies outside of the boundaries of that
22 municipality, the municipality in which the other part of the
23 STAR bond district lies (or the county, in cases where a
24 portion of the STAR bond district lies in the unincorporated
25 area of a county) is authorized to impose the tax under this
26 Section on that part of the STAR bond district.

1 (b) The corporate authorities of a political subdivision
2 that has established a STAR bond district under this Act may,
3 by ordinance or resolution, impose a STAR Bond Retailers'
4 Occupation Tax upon all persons engaged in the business of
5 selling tangible personal property, other than an item of
6 tangible personal property titled or registered with an agency
7 of this State's government, at retail in the STAR bond district
8 at a rate not to exceed 1% of the gross receipts from the sales
9 made in the course of that business, to be imposed only in
10 0.25% increments. The tax may not be imposed on tangible
11 personal property taxed at the 1% rate under the Retailers'
12 Occupation Tax Act ~~food for human consumption that is to be~~
13 ~~consumed off the premises where it is sold (other than~~
14 ~~alcoholic beverages, soft drinks, and food that has been~~
15 ~~prepared for immediate consumption), prescription and~~
16 ~~nonprescription medicines, drugs, medical appliances,~~
17 ~~modifications to a motor vehicle for the purpose of rendering~~
18 ~~it usable by a person with a disability, and insulin, urine~~
19 ~~testing materials, syringes, and needles used by diabetics, for~~
20 ~~human use.~~

21 The tax imposed under this subsection and all civil
22 penalties that may be assessed as an incident thereof shall be
23 collected and enforced by the Department of Revenue. The
24 certificate of registration that is issued by the Department to
25 a retailer under the Retailers' Occupation Tax Act shall permit
26 the retailer to engage in a business that is taxable under any

1 ordinance or resolution enacted pursuant to this subsection
2 without registering separately with the Department under such
3 ordinance or resolution or under this subsection. The
4 Department of Revenue shall have full power to administer and
5 enforce this subsection, to collect all taxes and penalties due
6 under this subsection in the manner hereinafter provided, and
7 to determine all rights to credit memoranda arising on account
8 of the erroneous payment of tax or penalty under this
9 subsection. In the administration of, and compliance with, this
10 subsection, the Department and persons who are subject to this
11 subsection shall have the same rights, remedies, privileges,
12 immunities, powers, and duties, and be subject to the same
13 conditions, restrictions, limitations, penalties, exclusions,
14 exemptions, and definitions of terms and employ the same modes
15 of procedure, as are prescribed in Sections 1, 1a through 1o, 2
16 through 2-65 (in respect to all provisions therein other than
17 the State rate of tax), 2c through 2h, 3 (except as to the
18 disposition of taxes and penalties collected), 4, 5, 5a, 5b,
19 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10,
20 11, 12, 13, and 14 of the Retailers' Occupation Tax Act and all
21 provisions of the Uniform Penalty and Interest Act, as fully as
22 if those provisions were set forth herein.

23 If a tax is imposed under this subsection (b), a tax shall
24 also be imposed under subsection (c) of this Section.

25 (c) If a tax has been imposed under subsection (b), a STAR
26 Bond Service Occupation Tax shall also be imposed upon all

1 persons engaged, in the STAR bond district, in the business of
2 making sales of service, who, as an incident to making those
3 sales of service, transfer tangible personal property within
4 the STAR bond district, either in the form of tangible personal
5 property or in the form of real estate as an incident to a sale
6 of service. The tax shall be imposed at the same rate as the
7 tax imposed in subsection (b) and shall not exceed 1% of the
8 selling price of tangible personal property so transferred
9 within the STAR bond district, to be imposed only in 0.25%
10 increments. The tax may not be imposed on tangible personal
11 property taxed at the 1% rate under the Service Occupation Tax
12 Act ~~food for human consumption that is to be consumed off the~~
13 ~~premises where it is sold (other than alcoholic beverages, soft~~
14 ~~drinks, and food that has been prepared for immediate~~
15 ~~consumption), prescription and nonprescription medicines,~~
16 ~~drugs, medical appliances, modifications to a motor vehicle for~~
17 ~~the purpose of rendering it usable by a person with a~~
18 ~~disability, and insulin, urine testing materials, syringes,~~
19 ~~and needles used by diabetics, for human use.~~

20 The tax imposed under this subsection and all civil
21 penalties that may be assessed as an incident thereof shall be
22 collected and enforced by the Department of Revenue. The
23 certificate of registration that is issued by the Department to
24 a retailer under the Retailers' Occupation Tax Act or under the
25 Service Occupation Tax Act shall permit the registrant to
26 engage in a business that is taxable under any ordinance or

1 resolution enacted pursuant to this subsection without
2 registering separately with the Department under that
3 ordinance or resolution or under this subsection. The
4 Department of Revenue shall have full power to administer and
5 enforce this subsection, to collect all taxes and penalties due
6 under this subsection, to dispose of taxes and penalties so
7 collected in the manner hereinafter provided, and to determine
8 all rights to credit memoranda arising on account of the
9 erroneous payment of tax or penalty under this subsection. In
10 the administration of, and compliance with this subsection, the
11 Department and persons who are subject to this subsection shall
12 have the same rights, remedies, privileges, immunities,
13 powers, and duties, and be subject to the same conditions,
14 restrictions, limitations, penalties, exclusions, exemptions,
15 and definitions of terms and employ the same modes of procedure
16 as are prescribed in Sections 2, 2a through 2d, 3 through 3-50
17 (in respect to all provisions therein other than the State rate
18 of tax), 4 (except that the reference to the State shall be to
19 the STAR bond district), 5, 7, 8 (except that the jurisdiction
20 to which the tax shall be a debt to the extent indicated in
21 that Section 8 shall be the political subdivision), 9 (except
22 as to the disposition of taxes and penalties collected, and
23 except that the returned merchandise credit for this tax may
24 not be taken against any State tax), 10, 11, 12 (except the
25 reference therein to Section 2b of the Retailers' Occupation
26 Tax Act), 13 (except that any reference to the State shall mean

1 the political subdivision), the first paragraph of Section 15,
2 and Sections 16, 17, 18, 19 and 20 of the Service Occupation
3 Tax Act and all provisions of the Uniform Penalty and Interest
4 Act, as fully as if those provisions were set forth herein.

5 If a tax is imposed under this subsection (c), a tax shall
6 also be imposed under subsection (b) of this Section.

7 (d) Persons subject to any tax imposed under this Section
8 may reimburse themselves for their seller's tax liability under
9 this Section by separately stating the tax as an additional
10 charge, which charge may be stated in combination, in a single
11 amount, with State taxes that sellers are required to collect
12 under the Use Tax Act, in accordance with such bracket
13 schedules as the Department may prescribe.

14 Whenever the Department determines that a refund should be
15 made under this Section to a claimant instead of issuing a
16 credit memorandum, the Department shall notify the State
17 Comptroller, who shall cause the order to be drawn for the
18 amount specified and to the person named in the notification
19 from the Department. The refund shall be paid by the State
20 Treasurer out of the STAR Bond Retailers' Occupation Tax Fund.

21 The Department shall immediately pay over to the State
22 Treasurer, ex officio, as trustee, all taxes, penalties, and
23 interest collected under this Section for deposit into the STAR
24 Bond Retailers' Occupation Tax Fund. On or before the 25th day
25 of each calendar month, the Department shall prepare and
26 certify to the Comptroller the disbursement of stated sums of

1 money to named political subdivisions from the STAR Bond
2 Retailers' Occupation Tax Fund, the political subdivisions to
3 be those from which retailers have paid taxes or penalties
4 under this Section to the Department during the second
5 preceding calendar month. The amount to be paid to each
6 political subdivision shall be the amount (not including credit
7 memoranda) collected under this Section during the second
8 preceding calendar month by the Department plus an amount the
9 Department determines is necessary to offset any amounts that
10 were erroneously paid to a different taxing body, and not
11 including an amount equal to the amount of refunds made during
12 the second preceding calendar month by the Department, less 3%
13 of that amount, which shall be deposited into the Tax
14 Compliance and Administration Fund and shall be used by the
15 Department, subject to appropriation, to cover the costs of the
16 Department in administering and enforcing the provisions of
17 this Section, on behalf of such political subdivision, and not
18 including any amount that the Department determines is
19 necessary to offset any amounts that were payable to a
20 different taxing body but were erroneously paid to the
21 political subdivision. Within 10 days after receipt by the
22 Comptroller of the disbursement certification to the political
23 subdivisions provided for in this Section to be given to the
24 Comptroller by the Department, the Comptroller shall cause the
25 orders to be drawn for the respective amounts in accordance
26 with the directions contained in the certification. The

1 proceeds of the tax paid to political subdivisions under this
2 Section shall be deposited into either (i) the STAR Bonds Tax
3 Allocation Fund by the political subdivision if the political
4 subdivision has designated them as pledged STAR revenues by
5 resolution or ordinance or (ii) the political subdivision's
6 general corporate fund if the political subdivision has not
7 designated them as pledged STAR revenues.

8 An ordinance or resolution imposing or discontinuing the
9 tax under this Section or effecting a change in the rate
10 thereof shall either (i) be adopted and a certified copy
11 thereof filed with the Department on or before the first day of
12 April, whereupon the Department, if all other requirements of
13 this Section are met, shall proceed to administer and enforce
14 this Section as of the first day of July next following the
15 adoption and filing; or (ii) be adopted and a certified copy
16 thereof filed with the Department on or before the first day of
17 October, whereupon, if all other requirements of this Section
18 are met, the Department shall proceed to administer and enforce
19 this Section as of the first day of January next following the
20 adoption and filing.

21 The Department of Revenue shall not administer or enforce
22 an ordinance imposing, discontinuing, or changing the rate of
23 the tax under this Section until the political subdivision also
24 provides, in the manner prescribed by the Department, the
25 boundaries of the STAR bond district and each address in the
26 STAR bond district in such a way that the Department can

1 determine by its address whether a business is located in the
2 STAR bond district. The political subdivision must provide this
3 boundary and address information to the Department on or before
4 April 1 for administration and enforcement of the tax under
5 this Section by the Department beginning on the following July
6 1 and on or before October 1 for administration and enforcement
7 of the tax under this Section by the Department beginning on
8 the following January 1. The Department of Revenue shall not
9 administer or enforce any change made to the boundaries of a
10 STAR bond district or any address change, addition, or deletion
11 until the political subdivision reports the boundary change or
12 address change, addition, or deletion to the Department in the
13 manner prescribed by the Department. The political subdivision
14 must provide this boundary change or address change, addition,
15 or deletion information to the Department on or before April 1
16 for administration and enforcement by the Department of the
17 change, addition, or deletion beginning on the following July 1
18 and on or before October 1 for administration and enforcement
19 by the Department of the change, addition, or deletion
20 beginning on the following January 1. The retailers in the STAR
21 bond district shall be responsible for charging the tax imposed
22 under this Section. If a retailer is incorrectly included or
23 excluded from the list of those required to collect the tax
24 under this Section, both the Department of Revenue and the
25 retailer shall be held harmless if they reasonably relied on
26 information provided by the political subdivision.

1 A political subdivision that imposes the tax under this
2 Section must submit to the Department of Revenue any other
3 information as the Department may require that is necessary for
4 the administration and enforcement of the tax.

5 When certifying the amount of a monthly disbursement to a
6 political subdivision under this Section, the Department shall
7 increase or decrease the amount by an amount necessary to
8 offset any misallocation of previous disbursements. The offset
9 amount shall be the amount erroneously disbursed within the
10 previous 6 months from the time a misallocation is discovered.

11 Nothing in this Section shall be construed to authorize the
12 political subdivision to impose a tax upon the privilege of
13 engaging in any business which under the Constitution of the
14 United States may not be made the subject of taxation by this
15 State.

16 (e) When STAR bond project costs, including, without
17 limitation, all political subdivision obligations financing
18 STAR bond project costs, have been paid, any surplus funds then
19 remaining in the STAR Bonds Tax Allocation Fund shall be
20 distributed to the treasurer of the political subdivision for
21 deposit into the political subdivision's general corporate
22 fund. Upon payment of all STAR bond project costs and
23 retirement of obligations, but in no event later than the
24 maximum maturity date of the last of the STAR bonds issued in
25 the STAR bond district, the political subdivision shall adopt
26 an ordinance immediately rescinding the taxes imposed pursuant

1 to this Section and file a certified copy of the ordinance with
2 the Department in the form and manner as described in this
3 Section.

4 (Source: P.A. 99-143, eff. 7-27-15.)

5 Section 105. The Counties Code is amended by changing
6 Sections 5-1006, 5-1006.5, 5-1006.7, 5-1007, and 5-1008.5 as
7 follows:

8 (55 ILCS 5/5-1006) (from Ch. 34, par. 5-1006)

9 Sec. 5-1006. Home Rule County Retailers' Occupation Tax
10 Law. Any county that is a home rule unit may impose a tax upon
11 all persons engaged in the business of selling tangible
12 personal property, other than an item of tangible personal
13 property titled or registered with an agency of this State's
14 government, at retail in the county on the gross receipts from
15 such sales made in the course of their business. If imposed,
16 this tax shall only be imposed in 1/4% increments. On and after
17 September 1, 1991, this additional tax may not be imposed on
18 tangible personal property taxed at the 1% rate under the
19 Retailers' Occupation Tax Act ~~the sales of food for human~~
20 ~~consumption which is to be consumed off the premises where it~~
21 ~~is sold (other than alcoholic beverages, soft drinks and food~~
22 ~~which has been prepared for immediate consumption) and~~
23 ~~prescription and nonprescription medicines, drugs, medical~~
24 ~~appliances and insulin, urine testing materials, syringes and~~

1 ~~needles used by diabetics.~~ The tax imposed by a home rule
2 county pursuant to this Section and all civil penalties that
3 may be assessed as an incident thereof shall be collected and
4 enforced by the State Department of Revenue. The certificate of
5 registration that is issued by the Department to a retailer
6 under the Retailers' Occupation Tax Act shall permit the
7 retailer to engage in a business that is taxable under any
8 ordinance or resolution enacted pursuant to this Section
9 without registering separately with the Department under such
10 ordinance or resolution or under this Section. The Department
11 shall have full power to administer and enforce this Section;
12 to collect all taxes and penalties due hereunder; to dispose of
13 taxes and penalties so collected in the manner hereinafter
14 provided; and to determine all rights to credit memoranda
15 arising on account of the erroneous payment of tax or penalty
16 hereunder. In the administration of, and compliance with, this
17 Section, the Department and persons who are subject to this
18 Section shall have the same rights, remedies, privileges,
19 immunities, powers and duties, and be subject to the same
20 conditions, restrictions, limitations, penalties and
21 definitions of terms, and employ the same modes of procedure,
22 as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j,
23 1k, 1m, 1n, 2 through 2-65 (in respect to all provisions
24 therein other than the State rate of tax), 4, 5, 5a, 5b, 5c,
25 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9,
26 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and

1 Section 3-7 of the Uniform Penalty and Interest Act, as fully
2 as if those provisions were set forth herein.

3 No tax may be imposed by a home rule county pursuant to
4 this Section unless the county also imposes a tax at the same
5 rate pursuant to Section 5-1007.

6 Persons subject to any tax imposed pursuant to the
7 authority granted in this Section may reimburse themselves for
8 their seller's tax liability hereunder by separately stating
9 such tax as an additional charge, which charge may be stated in
10 combination, in a single amount, with State tax which sellers
11 are required to collect under the Use Tax Act, pursuant to such
12 bracket schedules as the Department may prescribe.

13 Whenever the Department determines that a refund should be
14 made under this Section to a claimant instead of issuing a
15 credit memorandum, the Department shall notify the State
16 Comptroller, who shall cause the order to be drawn for the
17 amount specified and to the person named in the notification
18 from the Department. The refund shall be paid by the State
19 Treasurer out of the home rule county retailers' occupation tax
20 fund.

21 The Department shall forthwith pay over to the State
22 Treasurer, ex officio, as trustee, all taxes and penalties
23 collected hereunder.

24 As soon as possible after the first day of each month,
25 beginning January 1, 2011, upon certification of the Department
26 of Revenue, the Comptroller shall order transferred, and the

1 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
2 local sales tax increment, as defined in the Innovation
3 Development and Economy Act, collected under this Section
4 during the second preceding calendar month for sales within a
5 STAR bond district.

6 After the monthly transfer to the STAR Bonds Revenue Fund,
7 on or before the 25th day of each calendar month, the
8 Department shall prepare and certify to the Comptroller the
9 disbursement of stated sums of money to named counties, the
10 counties to be those from which retailers have paid taxes or
11 penalties hereunder to the Department during the second
12 preceding calendar month. The amount to be paid to each county
13 shall be the amount (not including credit memoranda) collected
14 hereunder during the second preceding calendar month by the
15 Department plus an amount the Department determines is
16 necessary to offset any amounts that were erroneously paid to a
17 different taxing body, and not including an amount equal to the
18 amount of refunds made during the second preceding calendar
19 month by the Department on behalf of such county, and not
20 including any amount which the Department determines is
21 necessary to offset any amounts which were payable to a
22 different taxing body but were erroneously paid to the county,
23 and not including any amounts that are transferred to the STAR
24 Bonds Revenue Fund, less 2% of the remainder, which the
25 Department shall transfer into the Tax Compliance and
26 Administration Fund. The Department, at the time of each

1 monthly disbursement to the counties, shall prepare and certify
2 to the State Comptroller the amount to be transferred into the
3 Tax Compliance and Administration Fund under this Section.
4 Within 10 days after receipt, by the Comptroller, of the
5 disbursement certification to the counties and the Tax
6 Compliance and Administration Fund provided for in this Section
7 to be given to the Comptroller by the Department, the
8 Comptroller shall cause the orders to be drawn for the
9 respective amounts in accordance with the directions contained
10 in the certification.

11 In addition to the disbursement required by the preceding
12 paragraph, an allocation shall be made in March of each year to
13 each county that received more than \$500,000 in disbursements
14 under the preceding paragraph in the preceding calendar year.
15 The allocation shall be in an amount equal to the average
16 monthly distribution made to each such county under the
17 preceding paragraph during the preceding calendar year
18 (excluding the 2 months of highest receipts). The distribution
19 made in March of each year subsequent to the year in which an
20 allocation was made pursuant to this paragraph and the
21 preceding paragraph shall be reduced by the amount allocated
22 and disbursed under this paragraph in the preceding calendar
23 year. The Department shall prepare and certify to the
24 Comptroller for disbursement the allocations made in
25 accordance with this paragraph.

26 For the purpose of determining the local governmental unit

1 whose tax is applicable, a retail sale by a producer of coal or
2 other mineral mined in Illinois is a sale at retail at the
3 place where the coal or other mineral mined in Illinois is
4 extracted from the earth. This paragraph does not apply to coal
5 or other mineral when it is delivered or shipped by the seller
6 to the purchaser at a point outside Illinois so that the sale
7 is exempt under the United States Constitution as a sale in
8 interstate or foreign commerce.

9 Nothing in this Section shall be construed to authorize a
10 county to impose a tax upon the privilege of engaging in any
11 business which under the Constitution of the United States may
12 not be made the subject of taxation by this State.

13 An ordinance or resolution imposing or discontinuing a tax
14 hereunder or effecting a change in the rate thereof shall be
15 adopted and a certified copy thereof filed with the Department
16 on or before the first day of June, whereupon the Department
17 shall proceed to administer and enforce this Section as of the
18 first day of September next following such adoption and filing.
19 Beginning January 1, 1992, an ordinance or resolution imposing
20 or discontinuing the tax hereunder or effecting a change in the
21 rate thereof shall be adopted and a certified copy thereof
22 filed with the Department on or before the first day of July,
23 whereupon the Department shall proceed to administer and
24 enforce this Section as of the first day of October next
25 following such adoption and filing. Beginning January 1, 1993,
26 an ordinance or resolution imposing or discontinuing the tax

1 hereunder or effecting a change in the rate thereof shall be
2 adopted and a certified copy thereof filed with the Department
3 on or before the first day of October, whereupon the Department
4 shall proceed to administer and enforce this Section as of the
5 first day of January next following such adoption and filing.
6 Beginning April 1, 1998, an ordinance or resolution imposing or
7 discontinuing the tax hereunder or effecting a change in the
8 rate thereof shall either (i) be adopted and a certified copy
9 thereof filed with the Department on or before the first day of
10 April, whereupon the Department shall proceed to administer and
11 enforce this Section as of the first day of July next following
12 the adoption and filing; or (ii) be adopted and a certified
13 copy thereof filed with the Department on or before the first
14 day of October, whereupon the Department shall proceed to
15 administer and enforce this Section as of the first day of
16 January next following the adoption and filing.

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

23 This Section shall be known and may be cited as the Home
24 Rule County Retailers' Occupation Tax Law.

25 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17.)

1 (55 ILCS 5/5-1006.5)

2 Sec. 5-1006.5. Special County Retailers' Occupation Tax
3 For Public Safety, Public Facilities, or Transportation.

4 (a) The county board of any county may impose a tax upon
5 all persons engaged in the business of selling tangible
6 personal property, other than personal property titled or
7 registered with an agency of this State's government, at retail
8 in the county on the gross receipts from the sales made in the
9 course of business to provide revenue to be used exclusively
10 for public safety, public facility, or transportation purposes
11 in that county, if a proposition for the tax has been submitted
12 to the electors of that county and approved by a majority of
13 those voting on the question. If imposed, this tax shall be
14 imposed only in one-quarter percent increments. By resolution,
15 the county board may order the proposition to be submitted at
16 any election. If the tax is imposed for transportation purposes
17 for expenditures for public highways or as authorized under the
18 Illinois Highway Code, the county board must publish notice of
19 the existence of its long-range highway transportation plan as
20 required or described in Section 5-301 of the Illinois Highway
21 Code and must make the plan publicly available prior to
22 approval of the ordinance or resolution imposing the tax. If
23 the tax is imposed for transportation purposes for expenditures
24 for passenger rail transportation, the county board must
25 publish notice of the existence of its long-range passenger
26 rail transportation plan and must make the plan publicly

1 available prior to approval of the ordinance or resolution
2 imposing the tax.

3 If a tax is imposed for public facilities purposes, then
4 the name of the project may be included in the proposition at
5 the discretion of the county board as determined in the
6 enabling resolution. For example, the "XXX Nursing Home" or the
7 "YYY Museum".

8 The county clerk shall certify the question to the proper
9 election authority, who shall submit the proposition at an
10 election in accordance with the general election law.

11 (1) The proposition for public safety purposes shall be
12 in substantially the following form:

13 "To pay for public safety purposes, shall (name of
14 county) be authorized to impose an increase on its share of
15 local sales taxes by (insert rate)?"

16 As additional information on the ballot below the
17 question shall appear the following:

18 "This would mean that a consumer would pay an
19 additional (insert amount) in sales tax for every \$100 of
20 tangible personal property bought at retail."

21 The county board may also opt to establish a sunset
22 provision at which time the additional sales tax would
23 cease being collected, if not terminated earlier by a vote
24 of the county board. If the county board votes to include a
25 sunset provision, the proposition for public safety
26 purposes shall be in substantially the following form:

1 "To pay for public safety purposes, shall (name of
2 county) be authorized to impose an increase on its share of
3 local sales taxes by (insert rate) for a period not to
4 exceed (insert number of years)?"

5 As additional information on the ballot below the
6 question shall appear the following:

7 "This would mean that a consumer would pay an
8 additional (insert amount) in sales tax for every \$100 of
9 tangible personal property bought at retail. If imposed,
10 the additional tax would cease being collected at the end
11 of (insert number of years), if not terminated earlier by a
12 vote of the county board."

13 For the purposes of the paragraph, "public safety
14 purposes" means crime prevention, detention, fire
15 fighting, police, medical, ambulance, or other emergency
16 services.

17 Votes shall be recorded as "Yes" or "No".

18 Beginning on the January 1 or July 1, whichever is
19 first, that occurs not less than 30 days after May 31, 2015
20 (the effective date of Public Act 99-4), Adams County may
21 impose a public safety retailers' occupation tax and
22 service occupation tax at the rate of 0.25%, as provided in
23 the referendum approved by the voters on April 7, 2015,
24 notwithstanding the omission of the additional information
25 that is otherwise required to be printed on the ballot
26 below the question pursuant to this item (1).

1 (2) The proposition for transportation purposes shall
2 be in substantially the following form:

3 "To pay for improvements to roads and other
4 transportation purposes, shall (name of county) be
5 authorized to impose an increase on its share of local
6 sales taxes by (insert rate)?"

7 As additional information on the ballot below the
8 question shall appear the following:

9 "This would mean that a consumer would pay an
10 additional (insert amount) in sales tax for every \$100 of
11 tangible personal property bought at retail."

12 The county board may also opt to establish a sunset
13 provision at which time the additional sales tax would
14 cease being collected, if not terminated earlier by a vote
15 of the county board. If the county board votes to include a
16 sunset provision, the proposition for transportation
17 purposes shall be in substantially the following form:

18 "To pay for road improvements and other transportation
19 purposes, shall (name of county) be authorized to impose an
20 increase on its share of local sales taxes by (insert rate)
21 for a period not to exceed (insert number of years)?"

22 As additional information on the ballot below the
23 question shall appear the following:

24 "This would mean that a consumer would pay an
25 additional (insert amount) in sales tax for every \$100 of
26 tangible personal property bought at retail. If imposed,

1 the additional tax would cease being collected at the end
2 of (insert number of years), if not terminated earlier by a
3 vote of the county board."

4 For the purposes of this paragraph, transportation
5 purposes means construction, maintenance, operation, and
6 improvement of public highways, any other purpose for which
7 a county may expend funds under the Illinois Highway Code,
8 and passenger rail transportation.

9 The votes shall be recorded as "Yes" or "No".

10 (3) The proposition for public facilities purposes
11 shall be in substantially the following form:

12 "To pay for public facilities purposes, shall (name of
13 county) be authorized to impose an increase on its share of
14 local sales taxes by (insert rate)?"

15 As additional information on the ballot below the
16 question shall appear the following:

17 "This would mean that a consumer would pay an
18 additional (insert amount) in sales tax for every \$100 of
19 tangible personal property bought at retail."

20 The county board may also opt to establish a sunset
21 provision at which time the additional sales tax would
22 cease being collected, if not terminated earlier by a vote
23 of the county board. If the county board votes to include a
24 sunset provision, the proposition for public facilities
25 purposes shall be in substantially the following form:

26 "To pay for public facilities purposes, shall (name of

1 county) be authorized to impose an increase on its share of
2 local sales taxes by (insert rate) for a period not to
3 exceed (insert number of years)?"

4 As additional information on the ballot below the
5 question shall appear the following:

6 "This would mean that a consumer would pay an
7 additional (insert amount) in sales tax for every \$100 of
8 tangible personal property bought at retail. If imposed,
9 the additional tax would cease being collected at the end
10 of (insert number of years), if not terminated earlier by a
11 vote of the county board."

12 For purposes of this Section, "public facilities
13 purposes" means the acquisition, development,
14 construction, reconstruction, rehabilitation, improvement,
15 financing, architectural planning, and installation of
16 capital facilities consisting of buildings, structures,
17 and durable equipment and for the acquisition and
18 improvement of real property and interest in real property
19 required, or expected to be required, in connection with
20 the public facilities, for use by the county for the
21 furnishing of governmental services to its citizens,
22 including but not limited to museums and nursing homes.

23 The votes shall be recorded as "Yes" or "No".

24 If a majority of the electors voting on the proposition
25 vote in favor of it, the county may impose the tax. A county
26 may not submit more than one proposition authorized by this

1 Section to the electors at any one time.

2 This additional tax may not be imposed on tangible personal
3 property taxed at the 1% rate under the Retailers' Occupation
4 Tax Act ~~the sales of food for human consumption that is to be~~
5 ~~consumed off the premises where it is sold (other than~~
6 ~~alcoholic beverages, soft drinks, and food which has been~~
7 ~~prepared for immediate consumption) and prescription and~~
8 ~~non-prescription medicines, drugs, medical appliances and~~
9 ~~insulin, urine testing materials, syringes, and needles used by~~
10 ~~diabetics~~. The tax imposed by a county under this Section and
11 all civil penalties that may be assessed as an incident of the
12 tax shall be collected and enforced by the Illinois Department
13 of Revenue and deposited into a special fund created for that
14 purpose. The certificate of registration that is issued by the
15 Department to a retailer under the Retailers' Occupation Tax
16 Act shall permit the retailer to engage in a business that is
17 taxable without registering separately with the Department
18 under an ordinance or resolution under this Section. The
19 Department has full power to administer and enforce this
20 Section, to collect all taxes and penalties due under this
21 Section, to dispose of taxes and penalties so collected in the
22 manner provided in this Section, and to determine all rights to
23 credit memoranda arising on account of the erroneous payment of
24 a tax or penalty under this Section. In the administration of
25 and compliance with this Section, the Department and persons
26 who are subject to this Section shall (i) have the same rights,

1 remedies, privileges, immunities, powers, and duties, (ii) be
2 subject to the same conditions, restrictions, limitations,
3 penalties, and definitions of terms, and (iii) employ the same
4 modes of procedure as are prescribed in Sections 1, 1a, 1a-1,
5 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-70 (in respect to
6 all provisions contained in those Sections other than the State
7 rate of tax), 2a, 2b, 2c, 3 (except provisions relating to
8 transaction returns and quarter monthly payments), 4, 5, 5a,
9 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,
10 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation
11 Tax Act and Section 3-7 of the Uniform Penalty and Interest Act
12 as if those provisions were set forth in this Section.

13 Persons subject to any tax imposed under the authority
14 granted in this Section may reimburse themselves for their
15 sellers' tax liability by separately stating the tax as an
16 additional charge, which charge may be stated in combination,
17 in a single amount, with State tax which sellers are required
18 to collect under the Use Tax Act, pursuant to such bracketed
19 schedules as the Department may prescribe.

20 Whenever the Department determines that a refund should be
21 made under this Section to a claimant instead of issuing a
22 credit memorandum, the Department shall notify the State
23 Comptroller, who shall cause the order to be drawn for the
24 amount specified and to the person named in the notification
25 from the Department. The refund shall be paid by the State
26 Treasurer out of the County Public Safety or Transportation

1 Retailers' Occupation Tax Fund.

2 (b) If a tax has been imposed under subsection (a), a
3 service occupation tax shall also be imposed at the same rate
4 upon all persons engaged, in the county, in the business of
5 making sales of service, who, as an incident to making those
6 sales of service, transfer tangible personal property within
7 the county as an incident to a sale of service. This tax may
8 not be imposed on tangible personal property taxed at the 1%
9 rate under the Service Occupation Tax Act ~~sales of food for~~
10 ~~human consumption that is to be consumed off the premises where~~
11 ~~it is sold (other than alcoholic beverages, soft drinks, and~~
12 ~~food prepared for immediate consumption) and prescription and~~
13 ~~non-prescription medicines, drugs, medical appliances and~~
14 ~~insulin, urine testing materials, syringes, and needles used by~~
15 ~~diabetics~~. The tax imposed under this subsection and all civil
16 penalties that may be assessed as an incident thereof shall be
17 collected and enforced by the Department of Revenue. The
18 Department has full power to administer and enforce this
19 subsection; to collect all taxes and penalties due hereunder;
20 to dispose of taxes and penalties so collected in the manner
21 hereinafter provided; and to determine all rights to credit
22 memoranda arising on account of the erroneous payment of tax or
23 penalty hereunder. In the administration of, and compliance
24 with this subsection, the Department and persons who are
25 subject to this paragraph shall (i) have the same rights,
26 remedies, privileges, immunities, powers, and duties, (ii) be

1 subject to the same conditions, restrictions, limitations,
2 penalties, exclusions, exemptions, and definitions of terms,
3 and (iii) employ the same modes of procedure as are prescribed
4 in Sections 2 (except that the reference to State in the
5 definition of supplier maintaining a place of business in this
6 State shall mean the county), 2a, 2b, 2c, 3 through 3-50 (in
7 respect to all provisions therein other than the State rate of
8 tax), 4 (except that the reference to the State shall be to the
9 county), 5, 7, 8 (except that the jurisdiction to which the tax
10 shall be a debt to the extent indicated in that Section 8 shall
11 be the county), 9 (except as to the disposition of taxes and
12 penalties collected), 10, 11, 12 (except the reference therein
13 to Section 2b of the Retailers' Occupation Tax Act), 13 (except
14 that any reference to the State shall mean the county), Section
15 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and
16 Section 3-7 of the Uniform Penalty and Interest Act, as fully
17 as if those provisions were set forth herein.

18 Persons subject to any tax imposed under the authority
19 granted in this subsection may reimburse themselves for their
20 serviceman's tax liability by separately stating the tax as an
21 additional charge, which charge may be stated in combination,
22 in a single amount, with State tax that servicemen are
23 authorized to collect under the Service Use Tax Act, in
24 accordance with such bracket schedules as the Department may
25 prescribe.

26 Whenever the Department determines that a refund should be

1 made under this subsection to a claimant instead of issuing a
2 credit memorandum, the Department shall notify the State
3 Comptroller, who shall cause the warrant to be drawn for the
4 amount specified, and to the person named, in the notification
5 from the Department. The refund shall be paid by the State
6 Treasurer out of the County Public Safety or Transportation
7 Retailers' Occupation Fund.

8 Nothing in this subsection shall be construed to authorize
9 the county to impose a tax upon the privilege of engaging in
10 any business which under the Constitution of the United States
11 may not be made the subject of taxation by the State.

12 (c) The Department shall immediately pay over to the State
13 Treasurer, ex officio, as trustee, all taxes and penalties
14 collected under this Section to be deposited into the County
15 Public Safety or Transportation Retailers' Occupation Tax
16 Fund, which shall be an unappropriated trust fund held outside
17 of the State treasury.

18 As soon as possible after the first day of each month,
19 beginning January 1, 2011, upon certification of the Department
20 of Revenue, the Comptroller shall order transferred, and the
21 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
22 local sales tax increment, as defined in the Innovation
23 Development and Economy Act, collected under this Section
24 during the second preceding calendar month for sales within a
25 STAR bond district.

26 After the monthly transfer to the STAR Bonds Revenue Fund,

1 on or before the 25th day of each calendar month, the
2 Department shall prepare and certify to the Comptroller the
3 disbursement of stated sums of money to the counties from which
4 retailers have paid taxes or penalties to the Department during
5 the second preceding calendar month. The amount to be paid to
6 each county, and deposited by the county into its special fund
7 created for the purposes of this Section, shall be the amount
8 (not including credit memoranda) collected under this Section
9 during the second preceding calendar month by the Department
10 plus an amount the Department determines is necessary to offset
11 any amounts that were erroneously paid to a different taxing
12 body, and not including (i) an amount equal to the amount of
13 refunds made during the second preceding calendar month by the
14 Department on behalf of the county, (ii) any amount that the
15 Department determines is necessary to offset any amounts that
16 were payable to a different taxing body but were erroneously
17 paid to the county, (iii) any amounts that are transferred to
18 the STAR Bonds Revenue Fund, and (iv) 2% of the remainder,
19 which shall be transferred into the Tax Compliance and
20 Administration Fund. The Department, at the time of each
21 monthly disbursement to the counties, shall prepare and certify
22 to the State Comptroller the amount to be transferred into the
23 Tax Compliance and Administration Fund under this subsection.
24 Within 10 days after receipt by the Comptroller of the
25 disbursement certification to the counties and the Tax
26 Compliance and Administration Fund provided for in this Section

1 to be given to the Comptroller by the Department, the
2 Comptroller shall cause the orders to be drawn for the
3 respective amounts in accordance with directions contained in
4 the certification.

5 In addition to the disbursement required by the preceding
6 paragraph, an allocation shall be made in March of each year to
7 each county that received more than \$500,000 in disbursements
8 under the preceding paragraph in the preceding calendar year.
9 The allocation shall be in an amount equal to the average
10 monthly distribution made to each such county under the
11 preceding paragraph during the preceding calendar year
12 (excluding the 2 months of highest receipts). The distribution
13 made in March of each year subsequent to the year in which an
14 allocation was made pursuant to this paragraph and the
15 preceding paragraph shall be reduced by the amount allocated
16 and disbursed under this paragraph in the preceding calendar
17 year. The Department shall prepare and certify to the
18 Comptroller for disbursement the allocations made in
19 accordance with this paragraph.

20 A county may direct, by ordinance, that all or a portion of
21 the taxes and penalties collected under the Special County
22 Retailers' Occupation Tax For Public Safety or Transportation
23 be deposited into the Transportation Development Partnership
24 Trust Fund.

25 (d) For the purpose of determining the local governmental
26 unit whose tax is applicable, a retail sale by a producer of

1 coal or another mineral mined in Illinois is a sale at retail
2 at the place where the coal or other mineral mined in Illinois
3 is extracted from the earth. This paragraph does not apply to
4 coal or another mineral when it is delivered or shipped by the
5 seller to the purchaser at a point outside Illinois so that the
6 sale is exempt under the United States Constitution as a sale
7 in interstate or foreign commerce.

8 (e) Nothing in this Section shall be construed to authorize
9 a county to impose a tax upon the privilege of engaging in any
10 business that under the Constitution of the United States may
11 not be made the subject of taxation by this State.

12 (e-5) If a county imposes a tax under this Section, the
13 county board may, by ordinance, discontinue or lower the rate
14 of the tax. If the county board lowers the tax rate or
15 discontinues the tax, a referendum must be held in accordance
16 with subsection (a) of this Section in order to increase the
17 rate of the tax or to reimpose the discontinued tax.

18 (f) Beginning April 1, 1998 and through December 31, 2013,
19 the results of any election authorizing a proposition to impose
20 a tax under this Section or effecting a change in the rate of
21 tax, or any ordinance lowering the rate or discontinuing the
22 tax, shall be certified by the county clerk and filed with the
23 Illinois Department of Revenue either (i) on or before the
24 first day of April, whereupon the Department shall proceed to
25 administer and enforce the tax as of the first day of July next
26 following the filing; or (ii) on or before the first day of

1 October, whereupon the Department shall proceed to administer
2 and enforce the tax as of the first day of January next
3 following the filing.

4 Beginning January 1, 2014, the results of any election
5 authorizing a proposition to impose a tax under this Section or
6 effecting an increase in the rate of tax, along with the
7 ordinance adopted to impose the tax or increase the rate of the
8 tax, or any ordinance adopted to lower the rate or discontinue
9 the tax, shall be certified by the county clerk and filed with
10 the Illinois Department of Revenue either (i) on or before the
11 first day of May, whereupon the Department shall proceed to
12 administer and enforce the tax as of the first day of July next
13 following the adoption and filing; or (ii) on or before the
14 first day of October, whereupon the Department shall proceed to
15 administer and enforce the tax as of the first day of January
16 next following the adoption and filing.

17 (g) When certifying the amount of a monthly disbursement to
18 a county under this Section, the Department shall increase or
19 decrease the amounts by an amount necessary to offset any
20 miscalculation of previous disbursements. The offset amount
21 shall be the amount erroneously disbursed within the previous 6
22 months from the time a miscalculation is discovered.

23 (h) This Section may be cited as the "Special County
24 Occupation Tax For Public Safety, Public Facilities, or
25 Transportation Law".

26 (i) For purposes of this Section, "public safety" includes,

1 but is not limited to, crime prevention, detention, fire
2 fighting, police, medical, ambulance, or other emergency
3 services. The county may share tax proceeds received under this
4 Section for public safety purposes, including proceeds
5 received before August 4, 2009 (the effective date of Public
6 Act 96-124), with any fire protection district located in the
7 county. For the purposes of this Section, "transportation"
8 includes, but is not limited to, the construction, maintenance,
9 operation, and improvement of public highways, any other
10 purpose for which a county may expend funds under the Illinois
11 Highway Code, and passenger rail transportation. For the
12 purposes of this Section, "public facilities purposes"
13 includes, but is not limited to, the acquisition, development,
14 construction, reconstruction, rehabilitation, improvement,
15 financing, architectural planning, and installation of capital
16 facilities consisting of buildings, structures, and durable
17 equipment and for the acquisition and improvement of real
18 property and interest in real property required, or expected to
19 be required, in connection with the public facilities, for use
20 by the county for the furnishing of governmental services to
21 its citizens, including but not limited to museums and nursing
22 homes.

23 (j) The Department may promulgate rules to implement Public
24 Act 95-1002 only to the extent necessary to apply the existing
25 rules for the Special County Retailers' Occupation Tax for
26 Public Safety to this new purpose for public facilities.

1 (Source: P.A. 99-4, eff. 5-31-15; 99-217, eff. 7-31-15; 99-642,
2 eff. 7-28-16; 100-23, eff. 7-6-17.)

3 (55 ILCS 5/5-1006.7)

4 Sec. 5-1006.7. School facility occupation taxes.

5 (a) In any county, a tax shall be imposed upon all persons
6 engaged in the business of selling tangible personal property,
7 other than personal property titled or registered with an
8 agency of this State's government, at retail in the county on
9 the gross receipts from the sales made in the course of
10 business to provide revenue to be used exclusively for school
11 facility purposes if a proposition for the tax has been
12 submitted to the electors of that county and approved by a
13 majority of those voting on the question as provided in
14 subsection (c). The tax under this Section shall be imposed
15 only in one-quarter percent increments and may not exceed 1%.

16 This additional tax may not be imposed on tangible personal
17 property taxed at the 1% rate under the Retailers' Occupation
18 Tax Act ~~the sale of food for human consumption that is to be~~
19 ~~consumed off the premises where it is sold (other than~~
20 ~~alcoholic beverages, soft drinks, and food that has been~~
21 ~~prepared for immediate consumption) and prescription and~~
22 ~~non-prescription medicines, drugs, medical appliances and~~
23 ~~insulin, urine testing materials, syringes and needles used by~~
24 ~~diabetics~~. The Department of Revenue has full power to
25 administer and enforce this subsection, to collect all taxes

1 and penalties due under this subsection, to dispose of taxes
2 and penalties so collected in the manner provided in this
3 subsection, and to determine all rights to credit memoranda
4 arising on account of the erroneous payment of a tax or penalty
5 under this subsection. The Department shall deposit all taxes
6 and penalties collected under this subsection into a special
7 fund created for that purpose.

8 In the administration of and compliance with this
9 subsection, the Department and persons who are subject to this
10 subsection (i) have the same rights, remedies, privileges,
11 immunities, powers, and duties, (ii) are subject to the same
12 conditions, restrictions, limitations, penalties, and
13 definitions of terms, and (iii) shall employ the same modes of
14 procedure as are set forth in Sections 1 through 1o, 2 through
15 2-70 (in respect to all provisions contained in those Sections
16 other than the State rate of tax), 2a through 2h, 3 (except as
17 to the disposition of taxes and penalties collected), 4, 5, 5a,
18 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,
19 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation
20 Tax Act and all provisions of the Uniform Penalty and Interest
21 Act as if those provisions were set forth in this subsection.

22 The certificate of registration that is issued by the
23 Department to a retailer under the Retailers' Occupation Tax
24 Act permits the retailer to engage in a business that is
25 taxable without registering separately with the Department
26 under an ordinance or resolution under this subsection.

1 Persons subject to any tax imposed under the authority
2 granted in this subsection may reimburse themselves for their
3 seller's tax liability by separately stating that tax as an
4 additional charge, which may be stated in combination, in a
5 single amount, with State tax that sellers are required to
6 collect under the Use Tax Act, pursuant to any bracketed
7 schedules set forth by the Department.

8 (b) If a tax has been imposed under subsection (a), then a
9 service occupation tax must also be imposed at the same rate
10 upon all persons engaged, in the county, in the business of
11 making sales of service, who, as an incident to making those
12 sales of service, transfer tangible personal property within
13 the county as an incident to a sale of service.

14 This tax may not be imposed on tangible personal property
15 taxed at the 1% rate under the Service Occupation Tax Act ~~sales~~
16 ~~of food for human consumption that is to be consumed off the~~
17 ~~premises where it is sold (other than alcoholic beverages, soft~~
18 ~~drinks, and food prepared for immediate consumption) and~~
19 ~~prescription and non-prescription medicines, drugs, medical~~
20 ~~appliances and insulin, urine testing materials, syringes, and~~
21 ~~needles used by diabetics.~~

22 The tax imposed under this subsection and all civil
23 penalties that may be assessed as an incident thereof shall be
24 collected and enforced by the Department and deposited into a
25 special fund created for that purpose. The Department has full
26 power to administer and enforce this subsection, to collect all

1 taxes and penalties due under this subsection, to dispose of
2 taxes and penalties so collected in the manner provided in this
3 subsection, and to determine all rights to credit memoranda
4 arising on account of the erroneous payment of a tax or penalty
5 under this subsection.

6 In the administration of and compliance with this
7 subsection, the Department and persons who are subject to this
8 subsection shall (i) have the same rights, remedies,
9 privileges, immunities, powers and duties, (ii) be subject to
10 the same conditions, restrictions, limitations, penalties and
11 definition of terms, and (iii) employ the same modes of
12 procedure as are set forth in Sections 2 (except that that
13 reference to State in the definition of supplier maintaining a
14 place of business in this State means the county), 2a through
15 2d, 3 through 3-50 (in respect to all provisions contained in
16 those Sections other than the State rate of tax), 4 (except
17 that the reference to the State shall be to the county), 5, 7,
18 8 (except that the jurisdiction to which the tax is a debt to
19 the extent indicated in that Section 8 is the county), 9
20 (except as to the disposition of taxes and penalties
21 collected), 10, 11, 12 (except the reference therein to Section
22 2b of the Retailers' Occupation Tax Act), 13 (except that any
23 reference to the State means the county), Section 15, 16, 17,
24 18, 19, and 20 of the Service Occupation Tax Act and all
25 provisions of the Uniform Penalty and Interest Act, as fully as
26 if those provisions were set forth herein.

1 Persons subject to any tax imposed under the authority
2 granted in this subsection may reimburse themselves for their
3 serviceman's tax liability by separately stating the tax as an
4 additional charge, which may be stated in combination, in a
5 single amount, with State tax that servicemen are authorized to
6 collect under the Service Use Tax Act, pursuant to any
7 bracketed schedules set forth by the Department.

8 (c) The tax under this Section may not be imposed until the
9 question of imposing the tax has been submitted to the electors
10 of the county at a regular election and approved by a majority
11 of the electors voting on the question. For all regular
12 elections held prior to August 23, 2011 (the effective date of
13 Public Act 97-542), upon a resolution by the county board or a
14 resolution by school district boards that represent at least
15 51% of the student enrollment within the county, the county
16 board must certify the question to the proper election
17 authority in accordance with the Election Code.

18 For all regular elections held prior to August 23, 2011
19 (the effective date of Public Act 97-542), the election
20 authority must submit the question in substantially the
21 following form:

22 Shall (name of county) be authorized to impose a
23 retailers' occupation tax and a service occupation tax
24 (commonly referred to as a "sales tax") at a rate of
25 (insert rate) to be used exclusively for school facility
26 purposes?

1 The election authority must record the votes as "Yes" or "No".

2 If a majority of the electors voting on the question vote
3 in the affirmative, then the county may, thereafter, impose the
4 tax.

5 For all regular elections held on or after August 23, 2011
6 (the effective date of Public Act 97-542), the regional
7 superintendent of schools for the county must, upon receipt of
8 a resolution or resolutions of school district boards that
9 represent more than 50% of the student enrollment within the
10 county, certify the question to the proper election authority
11 for submission to the electors of the county at the next
12 regular election at which the question lawfully may be
13 submitted to the electors, all in accordance with the Election
14 Code.

15 For all regular elections held on or after August 23, 2011
16 (the effective date of Public Act 97-542), the election
17 authority must submit the question in substantially the
18 following form:

19 Shall a retailers' occupation tax and a service
20 occupation tax (commonly referred to as a "sales tax") be
21 imposed in (name of county) at a rate of (insert rate) to
22 be used exclusively for school facility purposes?

23 The election authority must record the votes as "Yes" or "No".

24 If a majority of the electors voting on the question vote
25 in the affirmative, then the tax shall be imposed at the rate
26 set forth in the question.

1 For the purposes of this subsection (c), "enrollment" means
2 the head count of the students residing in the county on the
3 last school day of September of each year, which must be
4 reported on the Illinois State Board of Education Public School
5 Fall Enrollment/Housing Report.

6 (d) The Department shall immediately pay over to the State
7 Treasurer, ex officio, as trustee, all taxes and penalties
8 collected under this Section to be deposited into the School
9 Facility Occupation Tax Fund, which shall be an unappropriated
10 trust fund held outside the State treasury.

11 On or before the 25th day of each calendar month, the
12 Department shall prepare and certify to the Comptroller the
13 disbursement of stated sums of money to the regional
14 superintendents of schools in counties from which retailers or
15 servicemen have paid taxes or penalties to the Department
16 during the second preceding calendar month. The amount to be
17 paid to each regional superintendent of schools and disbursed
18 to him or her in accordance with Section 3-14.31 of the School
19 Code, is equal to the amount (not including credit memoranda)
20 collected from the county under this Section during the second
21 preceding calendar month by the Department, (i) less 2% of that
22 amount, which shall be deposited into the Tax Compliance and
23 Administration Fund and shall be used by the Department,
24 subject to appropriation, to cover the costs of the Department
25 in administering and enforcing the provisions of this Section,
26 on behalf of the county, (ii) plus an amount that the

1 Department determines is necessary to offset any amounts that
2 were erroneously paid to a different taxing body; (iii) less an
3 amount equal to the amount of refunds made during the second
4 preceding calendar month by the Department on behalf of the
5 county; and (iv) less any amount that the Department determines
6 is necessary to offset any amounts that were payable to a
7 different taxing body but were erroneously paid to the county.
8 When certifying the amount of a monthly disbursement to a
9 regional superintendent of schools under this Section, the
10 Department shall increase or decrease the amounts by an amount
11 necessary to offset any miscalculation of previous
12 disbursements within the previous 6 months from the time a
13 miscalculation is discovered.

14 Within 10 days after receipt by the Comptroller from the
15 Department of the disbursement certification to the regional
16 superintendents of the schools provided for in this Section,
17 the Comptroller shall cause the orders to be drawn for the
18 respective amounts in accordance with directions contained in
19 the certification.

20 If the Department determines that a refund should be made
21 under this Section to a claimant instead of issuing a credit
22 memorandum, then the Department shall notify the Comptroller,
23 who shall cause the order to be drawn for the amount specified
24 and to the person named in the notification from the
25 Department. The refund shall be paid by the Treasurer out of
26 the School Facility Occupation Tax Fund.

1 (e) For the purposes of determining the local governmental
2 unit whose tax is applicable, a retail sale by a producer of
3 coal or another mineral mined in Illinois is a sale at retail
4 at the place where the coal or other mineral mined in Illinois
5 is extracted from the earth. This subsection does not apply to
6 coal or another mineral when it is delivered or shipped by the
7 seller to the purchaser at a point outside Illinois so that the
8 sale is exempt under the United States Constitution as a sale
9 in interstate or foreign commerce.

10 (f) Nothing in this Section may be construed to authorize a
11 tax to be imposed upon the privilege of engaging in any
12 business that under the Constitution of the United States may
13 not be made the subject of taxation by this State.

14 (g) If a county board imposes a tax under this Section
15 pursuant to a referendum held before August 23, 2011 (the
16 effective date of Public Act 97-542) at a rate below the rate
17 set forth in the question approved by a majority of electors of
18 that county voting on the question as provided in subsection
19 (c), then the county board may, by ordinance, increase the rate
20 of the tax up to the rate set forth in the question approved by
21 a majority of electors of that county voting on the question as
22 provided in subsection (c). If a county board imposes a tax
23 under this Section pursuant to a referendum held before August
24 23, 2011 (the effective date of Public Act 97-542), then the
25 board may, by ordinance, discontinue or reduce the rate of the
26 tax. If a tax is imposed under this Section pursuant to a

1 referendum held on or after August 23, 2011 (the effective date
2 of Public Act 97-542), then the county board may reduce or
3 discontinue the tax, but only in accordance with subsection
4 (h-5) of this Section. If, however, a school board issues bonds
5 that are secured by the proceeds of the tax under this Section,
6 then the county board may not reduce the tax rate or
7 discontinue the tax if that rate reduction or discontinuance
8 would adversely affect the school board's ability to pay the
9 principal and interest on those bonds as they become due or
10 necessitate the extension of additional property taxes to pay
11 the principal and interest on those bonds. If the county board
12 reduces the tax rate or discontinues the tax, then a referendum
13 must be held in accordance with subsection (c) of this Section
14 in order to increase the rate of the tax or to reimpose the
15 discontinued tax.

16 Until January 1, 2014, the results of any election that
17 imposes, reduces, or discontinues a tax under this Section must
18 be certified by the election authority, and any ordinance that
19 increases or lowers the rate or discontinues the tax must be
20 certified by the county clerk and, in each case, filed with the
21 Illinois Department of Revenue either (i) on or before the
22 first day of April, whereupon the Department shall proceed to
23 administer and enforce the tax or change in the rate as of the
24 first day of July next following the filing; or (ii) on or
25 before the first day of October, whereupon the Department shall
26 proceed to administer and enforce the tax or change in the rate

1 as of the first day of January next following the filing.

2 Beginning January 1, 2014, the results of any election that
3 imposes, reduces, or discontinues a tax under this Section must
4 be certified by the election authority, and any ordinance that
5 increases or lowers the rate or discontinues the tax must be
6 certified by the county clerk and, in each case, filed with the
7 Illinois Department of Revenue either (i) on or before the
8 first day of May, whereupon the Department shall proceed to
9 administer and enforce the tax or change in the rate as of the
10 first day of July next following the filing; or (ii) on or
11 before the first day of October, whereupon the Department shall
12 proceed to administer and enforce the tax or change in the rate
13 as of the first day of January next following the filing.

14 (h) For purposes of this Section, "school facility
15 purposes" means (i) the acquisition, development,
16 construction, reconstruction, rehabilitation, improvement,
17 financing, architectural planning, and installation of capital
18 facilities consisting of buildings, structures, and durable
19 equipment and for the acquisition and improvement of real
20 property and interest in real property required, or expected to
21 be required, in connection with the capital facilities and (ii)
22 the payment of bonds or other obligations heretofore or
23 hereafter issued, including bonds or other obligations
24 heretofore or hereafter issued to refund or to continue to
25 refund bonds or other obligations issued, for school facility
26 purposes, provided that the taxes levied to pay those bonds are

1 abated by the amount of the taxes imposed under this Section
2 that are used to pay those bonds. "School-facility purposes"
3 also includes fire prevention, safety, energy conservation,
4 accessibility, school security, and specified repair purposes
5 set forth under Section 17-2.11 of the School Code.

6 (h-5) A county board in a county where a tax has been
7 imposed under this Section pursuant to a referendum held on or
8 after August 23, 2011 (the effective date of Public Act 97-542)
9 may, by ordinance or resolution, submit to the voters of the
10 county the question of reducing or discontinuing the tax. In
11 the ordinance or resolution, the county board shall certify the
12 question to the proper election authority in accordance with
13 the Election Code. The election authority must submit the
14 question in substantially the following form:

15 Shall the school facility retailers' occupation tax
16 and service occupation tax (commonly referred to as the
17 "school facility sales tax") currently imposed in (name of
18 county) at a rate of (insert rate) be (reduced to (insert
19 rate)) (discontinued)?

20 If a majority of the electors voting on the question vote in
21 the affirmative, then, subject to the provisions of subsection
22 (g) of this Section, the tax shall be reduced or discontinued
23 as set forth in the question.

24 (i) This Section does not apply to Cook County.

25 (j) This Section may be cited as the County School Facility
26 Occupation Tax Law.

1 (Source: P.A. 98-584, eff. 8-27-13; 99-143, eff. 7-27-15;
2 99-217, eff. 7-31-15; 99-642, eff. 7-28-16.)

3 (55 ILCS 5/5-1007) (from Ch. 34, par. 5-1007)

4 Sec. 5-1007. Home Rule County Service Occupation Tax Law.

5 The corporate authorities of a home rule county may impose a
6 tax upon all persons engaged, in such county, in the business
7 of making sales of service at the same rate of tax imposed
8 pursuant to Section 5-1006 of the selling price of all tangible
9 personal property transferred by such servicemen either in the
10 form of tangible personal property or in the form of real
11 estate as an incident to a sale of service. If imposed, such
12 tax shall only be imposed in 1/4% increments. On and after
13 September 1, 1991, this additional tax may not be imposed on
14 tangible personal property taxed at the 1% rate under the
15 Service Occupation Tax Act ~~the sales of food for human~~
16 ~~consumption which is to be consumed off the premises where it~~
17 ~~is sold (other than alcoholic beverages, soft drinks and food~~
18 ~~which has been prepared for immediate consumption) and~~
19 ~~prescription and nonprescription medicines, drugs, medical~~
20 ~~appliances and insulin, urine testing materials, syringes and~~
21 ~~needles used by diabetics.~~ The tax imposed by a home rule
22 county pursuant to this Section and all civil penalties that
23 may be assessed as an incident thereof shall be collected and
24 enforced by the State Department of Revenue. The certificate of
25 registration which is issued by the Department to a retailer

1 under the Retailers' Occupation Tax Act or under the Service
2 Occupation Tax Act shall permit such registrant to engage in a
3 business which is taxable under any ordinance or resolution
4 enacted pursuant to this Section without registering
5 separately with the Department under such ordinance or
6 resolution or under this Section. The Department shall have
7 full power to administer and enforce this Section; to collect
8 all taxes and penalties due hereunder; to dispose of taxes and
9 penalties so collected in the manner hereinafter provided; and
10 to determine all rights to credit memoranda arising on account
11 of the erroneous payment of tax or penalty hereunder. In the
12 administration of, and compliance with, this Section the
13 Department and persons who are subject to this Section shall
14 have the same rights, remedies, privileges, immunities, powers
15 and duties, and be subject to the same conditions,
16 restrictions, limitations, penalties and definitions of terms,
17 and employ the same modes of procedure, as are prescribed in
18 Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all
19 provisions therein other than the State rate of tax), 4 (except
20 that the reference to the State shall be to the taxing county),
21 5, 7, 8 (except that the jurisdiction to which the tax shall be
22 a debt to the extent indicated in that Section 8 shall be the
23 taxing county), 9 (except as to the disposition of taxes and
24 penalties collected, and except that the returned merchandise
25 credit for this county tax may not be taken against any State
26 tax), 10, 11, 12 (except the reference therein to Section 2b of

1 the Retailers' Occupation Tax Act), 13 (except that any
2 reference to the State shall mean the taxing county), the first
3 paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service
4 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
5 Interest Act, as fully as if those provisions were set forth
6 herein.

7 No tax may be imposed by a home rule county pursuant to
8 this Section unless such county also imposes a tax at the same
9 rate pursuant to Section 5-1006.

10 Persons subject to any tax imposed pursuant to the
11 authority granted in this Section may reimburse themselves for
12 their serviceman's tax liability hereunder by separately
13 stating such tax as an additional charge, which charge may be
14 stated in combination, in a single amount, with State tax which
15 servicemen are authorized to collect under the Service Use Tax
16 Act, pursuant to such bracket schedules as the Department may
17 prescribe.

18 Whenever the Department determines that a refund should be
19 made under this Section to a claimant instead of issuing credit
20 memorandum, the Department shall notify the State Comptroller,
21 who shall cause the order to be drawn for the amount specified,
22 and to the person named, in such notification from the
23 Department. Such refund shall be paid by the State Treasurer
24 out of the home rule county retailers' occupation tax fund.

25 The Department shall forthwith pay over to the State
26 Treasurer, ex-officio, as trustee, all taxes and penalties

1 collected hereunder.

2 As soon as possible after the first day of each month,
3 beginning January 1, 2011, upon certification of the Department
4 of Revenue, the Comptroller shall order transferred, and the
5 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
6 local sales tax increment, as defined in the Innovation
7 Development and Economy Act, collected under this Section
8 during the second preceding calendar month for sales within a
9 STAR bond district.

10 After the monthly transfer to the STAR Bonds Revenue Fund,
11 on or before the 25th day of each calendar month, the
12 Department shall prepare and certify to the Comptroller the
13 disbursement of stated sums of money to named counties, the
14 counties to be those from which suppliers and servicemen have
15 paid taxes or penalties hereunder to the Department during the
16 second preceding calendar month. The amount to be paid to each
17 county shall be the amount (not including credit memoranda)
18 collected hereunder during the second preceding calendar month
19 by the Department, and not including an amount equal to the
20 amount of refunds made during the second preceding calendar
21 month by the Department on behalf of such county, and not
22 including any amounts that are transferred to the STAR Bonds
23 Revenue Fund, less 2% of the remainder, which the Department
24 shall transfer into the Tax Compliance and Administration Fund.
25 The Department, at the time of each monthly disbursement to the
26 counties, shall prepare and certify to the State Comptroller

1 the amount to be transferred into the Tax Compliance and
2 Administration Fund under this Section. Within 10 days after
3 receipt, by the Comptroller, of the disbursement certification
4 to the counties and the Tax Compliance and Administration Fund
5 provided for in this Section to be given to the Comptroller by
6 the Department, the Comptroller shall cause the orders to be
7 drawn for the respective amounts in accordance with the
8 directions contained in such certification.

9 In addition to the disbursement required by the preceding
10 paragraph, an allocation shall be made in each year to each
11 county which received more than \$500,000 in disbursements under
12 the preceding paragraph in the preceding calendar year. The
13 allocation shall be in an amount equal to the average monthly
14 distribution made to each such county under the preceding
15 paragraph during the preceding calendar year (excluding the 2
16 months of highest receipts). The distribution made in March of
17 each year subsequent to the year in which an allocation was
18 made pursuant to this paragraph and the preceding paragraph
19 shall be reduced by the amount allocated and disbursed under
20 this paragraph in the preceding calendar year. The Department
21 shall prepare and certify to the Comptroller for disbursement
22 the allocations made in accordance with this paragraph.

23 Nothing in this Section shall be construed to authorize a
24 county to impose a tax upon the privilege of engaging in any
25 business which under the Constitution of the United States may
26 not be made the subject of taxation by this State.

1 An ordinance or resolution imposing or discontinuing a tax
2 hereunder or effecting a change in the rate thereof shall be
3 adopted and a certified copy thereof filed with the Department
4 on or before the first day of June, whereupon the Department
5 shall proceed to administer and enforce this Section as of the
6 first day of September next following such adoption and filing.
7 Beginning January 1, 1992, an ordinance or resolution imposing
8 or discontinuing the tax hereunder or effecting a change in the
9 rate thereof shall be adopted and a certified copy thereof
10 filed with the Department on or before the first day of July,
11 whereupon the Department shall proceed to administer and
12 enforce this Section as of the first day of October next
13 following such adoption and filing. Beginning January 1, 1993,
14 an ordinance or resolution imposing or discontinuing the tax
15 hereunder or effecting a change in the rate thereof shall be
16 adopted and a certified copy thereof filed with the Department
17 on or before the first day of October, whereupon the Department
18 shall proceed to administer and enforce this Section as of the
19 first day of January next following such adoption and filing.
20 Beginning April 1, 1998, an ordinance or resolution imposing or
21 discontinuing the tax hereunder or effecting a change in the
22 rate thereof shall either (i) be adopted and a certified copy
23 thereof filed with the Department on or before the first day of
24 April, whereupon the Department shall proceed to administer and
25 enforce this Section as of the first day of July next following
26 the adoption and filing; or (ii) be adopted and a certified

1 copy thereof filed with the Department on or before the first
2 day of October, whereupon the Department shall proceed to
3 administer and enforce this Section as of the first day of
4 January next following the adoption and filing.

5 This Section shall be known and may be cited as the Home
6 Rule County Service Occupation Tax Law.

7 (Source: P.A. 100-23, eff. 7-6-17.)

8 (55 ILCS 5/5-1008.5)

9 Sec. 5-1008.5. Use and occupation taxes.

10 (a) The Rock Island County Board may adopt a resolution
11 that authorizes a referendum on the question of whether the
12 county shall be authorized to impose a retailers' occupation
13 tax, a service occupation tax, and a use tax at a rate of 1/4 of
14 1% on behalf of the economic development activities of Rock
15 Island County and communities located within the county. The
16 county board shall certify the question to the proper election
17 authorities who shall submit the question to the voters of the
18 county at the next regularly scheduled election in accordance
19 with the general election law. The question shall be in
20 substantially the following form:

21 Shall Rock Island County be authorized to impose a
22 retailers' occupation tax, a service occupation tax, and a
23 use tax at the rate of 1/4 of 1% for the sole purpose of
24 economic development activities, including creation and
25 retention of job opportunities, support of affordable

1 housing opportunities, and enhancement of quality of life
2 improvements?

3 Votes shall be recorded as "yes" or "no". If a majority of
4 all votes cast on the proposition are in favor of the
5 proposition, the county is authorized to impose the tax.

6 (b) The county shall impose the retailers' occupation tax
7 upon all persons engaged in the business of selling tangible
8 personal property at retail in the county, at the rate approved
9 by referendum, on the gross receipts from the sales made in the
10 course of those businesses within the county. This additional
11 tax may not be imposed on tangible personal property taxed at
12 the 1% rate under the Retailers' Occupation Tax Act ~~the sale of~~
13 ~~food for human consumption that is to be consumed off the~~
14 ~~premises where it is sold (other than alcoholic beverages, soft~~
15 ~~drinks, and food that has been prepared for immediate~~
16 ~~consumption) and prescription and non-prescription medicines,~~
17 ~~drugs, medical appliances and insulin, urine testing~~
18 ~~materials, syringes, and needles used by diabetics.~~ The tax
19 imposed under this Section and all civil penalties that may be
20 assessed as an incident of the tax shall be collected and
21 enforced by the Department of Revenue. The Department has full
22 power to administer and enforce this Section; to collect all
23 taxes and penalties so collected in the manner provided in this
24 Section; and to determine all rights to credit memoranda
25 arising on account of the erroneous payment of tax or penalty
26 under this Section. In the administration of, and compliance

1 with, this Section, the Department and persons who are subject
2 to this Section shall (i) have the same rights, remedies,
3 privileges, immunities, powers and duties, (ii) be subject to
4 the same conditions, restrictions, limitations, penalties,
5 exclusions, exemptions, and definitions of terms, and (iii)
6 employ the same modes of procedure as are prescribed in
7 Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2,
8 2-5, 2-5.5, 2-10 (in respect to all provisions other than the
9 State rate of tax), 2-15 through 2-70, 2a, 2b, 2c, 3 (except as
10 to the disposition of taxes and penalties collected and
11 provisions related to quarter monthly payments), 4, 5, 5a, 5b,
12 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10,
13 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act and
14 Section 3-7 of the Uniform Penalty and Interest Act, as fully
15 as if those provisions were set forth in this subsection.

16 Persons subject to any tax imposed under this subsection
17 may reimburse themselves for their seller's tax liability by
18 separately stating the tax as an additional charge, which
19 charge may be stated in combination, in a single amount, with
20 State taxes that sellers are required to collect, in accordance
21 with bracket schedules prescribed by the Department.

22 Whenever the Department determines that a refund should be
23 made under this subsection to a claimant instead of issuing a
24 credit memorandum, the Department shall notify the State
25 Comptroller, who shall cause the warrant to be drawn for the
26 amount specified, and to the person named, in the notification

1 from the Department. The refund shall be paid by the State
2 Treasurer out of the tax fund referenced under paragraph (g) of
3 this Section.

4 If a tax is imposed under this subsection (b), a tax shall
5 also be imposed at the same rate under subsections (c) and (d)
6 of this Section.

7 For the purpose of determining whether a tax authorized
8 under this Section is applicable, a retail sale, by a producer
9 of coal or another mineral mined in Illinois, is a sale at
10 retail at the place where the coal or other mineral mined in
11 Illinois is extracted from the earth. This paragraph does not
12 apply to coal or another mineral when it is delivered or
13 shipped by the seller to the purchaser at a point outside
14 Illinois so that the sale is exempt under the federal
15 Constitution as a sale in interstate or foreign commerce.

16 Nothing in this Section shall be construed to authorize the
17 county to impose a tax upon the privilege of engaging in any
18 business that under the Constitution of the United States may
19 not be made the subject of taxation by this State.

20 (c) If a tax has been imposed under subsection (b), a
21 service occupation tax shall also be imposed at the same rate
22 upon all persons engaged, in the county, in the business of
23 making sales of service, who, as an incident to making those
24 sales of service, transfer tangible personal property within
25 the county as an incident to a sale of service. This additional
26 tax may not be imposed on tangible personal property taxed at

1 the 1% rate under the Service Occupation Tax Act ~~the sale of~~
2 ~~food for human consumption that is to be consumed off the~~
3 ~~premises where it is sold (other than alcoholic beverages, soft~~
4 ~~drinks, and food that has been prepared for immediate~~
5 ~~consumption) and prescription and non prescription medicines,~~
6 ~~drugs, medical appliances and insulin, urine testing~~
7 ~~materials, syringes, and needles used by diabetics.~~ The tax
8 imposed under this subsection and all civil penalties that may
9 be assessed as an incident of the tax shall be collected and
10 enforced by the Department of Revenue. The Department has full
11 power to administer and enforce this paragraph; to collect all
12 taxes and penalties due under this Section; to dispose of taxes
13 and penalties so collected in the manner provided in this
14 Section; and to determine all rights to credit memoranda
15 arising on account of the erroneous payment of tax or penalty
16 under this Section. In the administration of, and compliance
17 with this paragraph, the Department and persons who are subject
18 to this paragraph shall (i) have the same rights, remedies,
19 privileges, immunities, powers, and duties, (ii) be subject to
20 the same conditions, restrictions, limitations, penalties,
21 exclusions, exemptions, and definitions of terms, and (iii)
22 employ the same modes of procedure as are prescribed in
23 Sections 2 (except that the reference to State in the
24 definition of supplier maintaining a place of business in this
25 State shall mean the county), 2a, 2b, 3 through 3-55 (in
26 respect to all provisions other than the State rate of tax), 4

1 (except that the reference to the State shall be to the
2 county), 5, 7, 8 (except that the jurisdiction to which the tax
3 shall be a debt to the extent indicated in that Section 8 shall
4 be the county), 9 (except as to the disposition of taxes and
5 penalties collected, and except that the returned merchandise
6 credit for this tax may not be taken against any State tax),
7 11, 12 (except the reference to Section 2b of the Retailers'
8 Occupation Tax Act), 13 (except that any reference to the State
9 shall mean the county), 15, 16, 17, 18, 19 and 20 of the
10 Service Occupation Tax Act and Section 3-7 of the Uniform
11 Penalty and Interest Act, as fully as if those provisions were
12 set forth in this subsection.

13 Persons subject to any tax imposed under the authority
14 granted in this subsection may reimburse themselves for their
15 serviceman's tax liability by separately stating the tax as an
16 additional charge, which charge may be stated in combination,
17 in a single amount, with State tax that servicemen are
18 authorized to collect under the Service Use Tax Act, in
19 accordance with bracket schedules prescribed by the
20 Department.

21 Whenever the Department determines that a refund should be
22 made under this subsection to a claimant instead of issuing a
23 credit memorandum, the Department shall notify the State
24 Comptroller, who shall cause the warrant to be drawn for the
25 amount specified, and to the person named, in the notification
26 from the Department. The refund shall be paid by the State

1 Treasurer out of the tax fund referenced under paragraph (g) of
2 this Section.

3 Nothing in this paragraph shall be construed to authorize
4 the county to impose a tax upon the privilege of engaging in
5 any business that under the Constitution of the United States
6 may not be made the subject of taxation by the State.

7 (d) If a tax has been imposed under subsection (b), a use
8 tax shall also be imposed at the same rate upon the privilege
9 of using, in the county, any item of tangible personal property
10 that is purchased outside the county at retail from a retailer,
11 and that is titled or registered at a location within the
12 county with an agency of this State's government. ~~This~~
13 ~~additional tax may not be imposed on the sale of food for human~~
14 ~~consumption that is to be consumed off the premises where it is~~
15 ~~sold (other than alcoholic beverages, soft drinks, and food~~
16 ~~that has been prepared for immediate consumption) and~~
17 ~~prescription and non prescription medicines, drugs, medical~~
18 ~~appliances and insulin, urine testing materials, syringes, and~~
19 ~~needles used by diabetics.~~ "Selling price" is defined as in the
20 Use Tax Act. The tax shall be collected from persons whose
21 Illinois address for titling or registration purposes is given
22 as being in the county. The tax shall be collected by the
23 Department of Revenue for the county. The tax must be paid to
24 the State, or an exemption determination must be obtained from
25 the Department of Revenue, before the title or certificate of
26 registration for the property may be issued. The tax or proof

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

7 The Department has full power to administer and enforce
8 this paragraph; to collect all taxes, penalties, and interest
9 due under this Section; to dispose of taxes, penalties, and
10 interest so collected in the manner provided in this Section;
11 and to determine all rights to credit memoranda or refunds
12 arising on account of the erroneous payment of tax, penalty, or
13 interest under this Section. In the administration of, and
14 compliance with, this subsection, the Department and persons
15 who are subject to this paragraph shall (i) have the same
16 rights, remedies, privileges, immunities, powers, and duties,
17 (ii) be subject to the same conditions, restrictions,
18 limitations, penalties, exclusions, exemptions, and
19 definitions of terms, and (iii) employ the same modes of
20 procedure as are prescribed in Sections 2 (except the
21 definition of "retailer maintaining a place of business in this
22 State"), 3, 3-5, 3-10, 3-45, 3-55, 3-65, 3-70, 3-85, 3a, 4, 6,
23 7, 8 (except that the jurisdiction to which the tax shall be a
24 debt to the extent indicated in that Section 8 shall be the
25 county), 9 (except provisions relating to quarter monthly
26 payments), 10, 11, 12, 12a, 12b, 13, 14, 15, 19, 20, 21, and 22

1 of the Use Tax Act and Section 3-7 of the Uniform Penalty and
2 Interest Act, that are not inconsistent with this paragraph, as
3 fully as if those provisions were set forth in this subsection.

4 Whenever the Department determines that a refund should be
5 made under this subsection to a claimant instead of issuing a
6 credit memorandum, the Department shall notify the State
7 Comptroller, who shall cause the order to be drawn for the
8 amount specified, and to the person named, in the notification
9 from the Department. The refund shall be paid by the State
10 Treasurer out of the tax fund referenced under paragraph (g) of
11 this Section.

12 (e) A certificate of registration issued by the State
13 Department of Revenue to a retailer under the Retailers'
14 Occupation Tax Act or under the Service Occupation Tax Act
15 shall permit the registrant to engage in a business that is
16 taxed under the tax imposed under paragraphs (b), (c), or (d)
17 of this Section and no additional registration shall be
18 required. A certificate issued under the Use Tax Act or the
19 Service Use Tax Act shall be applicable with regard to any tax
20 imposed under paragraph (c) of this Section.

21 (f) The results of any election authorizing a proposition
22 to impose a tax under this Section or effecting a change in the
23 rate of tax shall be certified by the proper election
24 authorities and filed with the Illinois Department on or before
25 the first day of October. In addition, an ordinance imposing,
26 discontinuing, or effecting a change in the rate of tax under

1 this Section shall be adopted and a certified copy of the
2 ordinance filed with the Department on or before the first day
3 of October. After proper receipt of the certifications, the
4 Department shall proceed to administer and enforce this Section
5 as of the first day of January next following the adoption and
6 filing.

7 (g) The Department of Revenue shall, upon collecting any
8 taxes and penalties as provided in this Section, pay the taxes
9 and penalties over to the State Treasurer as trustee for the
10 county. The taxes and penalties shall be held in a trust fund
11 outside the State Treasury. On or before the 25th day of each
12 calendar month, the Department of Revenue shall prepare and
13 certify to the Comptroller of the State of Illinois the amount
14 to be paid to the county, which shall be the balance in the
15 fund, less any amount determined by the Department to be
16 necessary for the payment of refunds. Within 10 days after
17 receipt by the Comptroller of the certification of the amount
18 to be paid to the county, the Comptroller shall cause an order
19 to be drawn for payment for the amount in accordance with the
20 directions contained in the certification. Amounts received
21 from the tax imposed under this Section shall be used only for
22 the economic development activities of the county and
23 communities located within the county.

24 (h) When certifying the amount of a monthly disbursement to
25 the county under this Section, the Department shall increase or
26 decrease the amounts by an amount necessary to offset any

1 miscalculation of previous disbursements. The offset amount
2 shall be the amount erroneously disbursed within the previous 6
3 months from the time a miscalculation is discovered.

4 (i) This Section may be cited as the Rock Island County Use
5 and Occupation Tax Law.

6 (Source: P.A. 90-415, eff. 8-15-97.)

7 Section 110. The Illinois Municipal Code is amended by
8 changing Sections 8-11-1, 8-11-1.3, 8-11-1.4, 8-11-1.6,
9 8-11-1.7, 8-11-5, and 11-74.3-6 as follows:

10 (65 ILCS 5/8-11-1) (from Ch. 24, par. 8-11-1)

11 Sec. 8-11-1. Home Rule Municipal Retailers' Occupation Tax
12 Act. The corporate authorities of a home rule municipality may
13 impose a tax upon all persons engaged in the business of
14 selling tangible personal property, other than an item of
15 tangible personal property titled or registered with an agency
16 of this State's government, at retail in the municipality on
17 the gross receipts from these sales made in the course of such
18 business. If imposed, the tax shall only be imposed in 1/4%
19 increments. On and after September 1, 1991, this additional tax
20 may not be imposed on tangible personal property taxed at the
21 1% rate under the Retailers' Occupation Tax Act ~~the sales of~~
22 ~~food for human consumption that is to be consumed off the~~
23 ~~premises where it is sold (other than alcoholic beverages, soft~~
24 ~~drinks and food that has been prepared for immediate~~

1 ~~consumption) and prescription and nonprescription medicines,~~
2 ~~drugs, medical appliances and insulin, urine testing~~
3 ~~materials, syringes and needles used by diabetics.~~ The tax
4 imposed by a home rule municipality under this Section and all
5 civil penalties that may be assessed as an incident of the tax
6 shall be collected and enforced by the State Department of
7 Revenue. The certificate of registration that is issued by the
8 Department to a retailer under the Retailers' Occupation Tax
9 Act shall permit the retailer to engage in a business that is
10 taxable under any ordinance or resolution enacted pursuant to
11 this Section without registering separately with the
12 Department under such ordinance or resolution or under this
13 Section. The Department shall have full power to administer and
14 enforce this Section; to collect all taxes and penalties due
15 hereunder; to dispose of taxes and penalties so collected in
16 the manner hereinafter provided; and to determine all rights to
17 credit memoranda arising on account of the erroneous payment of
18 tax or penalty hereunder. In the administration of, and
19 compliance with, this Section the Department and persons who
20 are subject to this Section shall have the same rights,
21 remedies, privileges, immunities, powers and duties, and be
22 subject to the same conditions, restrictions, limitations,
23 penalties and definitions of terms, and employ the same modes
24 of procedure, as are prescribed in Sections 1, 1a, 1d, 1e, 1f,
25 1i, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect to all
26 provisions therein other than the State rate of tax), 2c, 3

1 (except as to the disposition of taxes and penalties
2 collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k,
3 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12 and 13 of the
4 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
5 Penalty and Interest Act, as fully as if those provisions were
6 set forth herein.

7 No tax may be imposed by a home rule municipality under
8 this Section unless the municipality also imposes a tax at the
9 same rate under Section 8-11-5 of this Act.

10 Persons subject to any tax imposed under the authority
11 granted in this Section may reimburse themselves for their
12 seller's tax liability hereunder by separately stating that tax
13 as an additional charge, which charge may be stated in
14 combination, in a single amount, with State tax which sellers
15 are required to collect under the Use Tax Act, pursuant to such
16 bracket schedules as the Department may prescribe.

17 Whenever the Department determines that a refund should be
18 made under this Section to a claimant instead of issuing a
19 credit memorandum, the Department shall notify the State
20 Comptroller, who shall cause the order to be drawn for the
21 amount specified and to the person named in the notification
22 from the Department. The refund shall be paid by the State
23 Treasurer out of the home rule municipal retailers' occupation
24 tax fund.

25 The Department shall immediately pay over to the State
26 Treasurer, ex officio, as trustee, all taxes and penalties

1 collected hereunder.

2 As soon as possible after the first day of each month,
3 beginning January 1, 2011, upon certification of the Department
4 of Revenue, the Comptroller shall order transferred, and the
5 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
6 local sales tax increment, as defined in the Innovation
7 Development and Economy Act, collected under this Section
8 during the second preceding calendar month for sales within a
9 STAR bond district.

10 After the monthly transfer to the STAR Bonds Revenue Fund,
11 on or before the 25th day of each calendar month, the
12 Department shall prepare and certify to the Comptroller the
13 disbursement of stated sums of money to named municipalities,
14 the municipalities to be those from which retailers have paid
15 taxes or penalties hereunder to the Department during the
16 second preceding calendar month. The amount to be paid to each
17 municipality shall be the amount (not including credit
18 memoranda) collected hereunder during the second preceding
19 calendar month by the Department plus an amount the Department
20 determines is necessary to offset any amounts that were
21 erroneously paid to a different taxing body, and not including
22 an amount equal to the amount of refunds made during the second
23 preceding calendar month by the Department on behalf of such
24 municipality, and not including any amount that the Department
25 determines is necessary to offset any amounts that were payable
26 to a different taxing body but were erroneously paid to the

1 municipality, and not including any amounts that are
2 transferred to the STAR Bonds Revenue Fund, less 2% of the
3 remainder, which the Department shall transfer into the Tax
4 Compliance and Administration Fund. The Department, at the time
5 of each monthly disbursement to the municipalities, shall
6 prepare and certify to the State Comptroller the amount to be
7 transferred into the Tax Compliance and Administration Fund
8 under this Section. Within 10 days after receipt by the
9 Comptroller of the disbursement certification to the
10 municipalities and the Tax Compliance and Administration Fund
11 provided for in this Section to be given to the Comptroller by
12 the Department, the Comptroller shall cause the orders to be
13 drawn for the respective amounts in accordance with the
14 directions contained in the certification.

15 In addition to the disbursement required by the preceding
16 paragraph and in order to mitigate delays caused by
17 distribution procedures, an allocation shall, if requested, be
18 made within 10 days after January 14, 1991, and in November of
19 1991 and each year thereafter, to each municipality that
20 received more than \$500,000 during the preceding fiscal year,
21 (July 1 through June 30) whether collected by the municipality
22 or disbursed by the Department as required by this Section.
23 Within 10 days after January 14, 1991, participating
24 municipalities shall notify the Department in writing of their
25 intent to participate. In addition, for the initial
26 distribution, participating municipalities shall certify to

1 the Department the amounts collected by the municipality for
2 each month under its home rule occupation and service
3 occupation tax during the period July 1, 1989 through June 30,
4 1990. The allocation within 10 days after January 14, 1991,
5 shall be in an amount equal to the monthly average of these
6 amounts, excluding the 2 months of highest receipts. The
7 monthly average for the period of July 1, 1990 through June 30,
8 1991 will be determined as follows: the amounts collected by
9 the municipality under its home rule occupation and service
10 occupation tax during the period of July 1, 1990 through
11 September 30, 1990, plus amounts collected by the Department
12 and paid to such municipality through June 30, 1991, excluding
13 the 2 months of highest receipts. The monthly average for each
14 subsequent period of July 1 through June 30 shall be an amount
15 equal to the monthly distribution made to each such
16 municipality under the preceding paragraph during this period,
17 excluding the 2 months of highest receipts. The distribution
18 made in November 1991 and each year thereafter under this
19 paragraph and the preceding paragraph shall be reduced by the
20 amount allocated and disbursed under this paragraph in the
21 preceding period of July 1 through June 30. The Department
22 shall prepare and certify to the Comptroller for disbursement
23 the allocations made in accordance with this paragraph.

24 For the purpose of determining the local governmental unit
25 whose tax is applicable, a retail sale by a producer of coal or
26 other mineral mined in Illinois is a sale at retail at the

1 place where the coal or other mineral mined in Illinois is
2 extracted from the earth. This paragraph does not apply to coal
3 or other mineral when it is delivered or shipped by the seller
4 to the purchaser at a point outside Illinois so that the sale
5 is exempt under the United States Constitution as a sale in
6 interstate or foreign commerce.

7 Nothing in this Section shall be construed to authorize a
8 municipality to impose a tax upon the privilege of engaging in
9 any business which under the Constitution of the United States
10 may not be made the subject of taxation by this State.

11 An ordinance or resolution imposing or discontinuing a tax
12 hereunder or effecting a change in the rate thereof shall be
13 adopted and a certified copy thereof filed with the Department
14 on or before the first day of June, whereupon the Department
15 shall proceed to administer and enforce this Section as of the
16 first day of September next following the adoption and filing.
17 Beginning January 1, 1992, an ordinance or resolution imposing
18 or discontinuing the tax hereunder or effecting a change in the
19 rate thereof shall be adopted and a certified copy thereof
20 filed with the Department on or before the first day of July,
21 whereupon the Department shall proceed to administer and
22 enforce this Section as of the first day of October next
23 following such adoption and filing. Beginning January 1, 1993,
24 an ordinance or resolution imposing or discontinuing the tax
25 hereunder or effecting a change in the rate thereof shall be
26 adopted and a certified copy thereof filed with the Department

1 on or before the first day of October, whereupon the Department
2 shall proceed to administer and enforce this Section as of the
3 first day of January next following the adoption and filing.
4 However, a municipality located in a county with a population
5 in excess of 3,000,000 that elected to become a home rule unit
6 at the general primary election in 1994 may adopt an ordinance
7 or resolution imposing the tax under this Section and file a
8 certified copy of the ordinance or resolution with the
9 Department on or before July 1, 1994. The Department shall then
10 proceed to administer and enforce this Section as of October 1,
11 1994. Beginning April 1, 1998, an ordinance or resolution
12 imposing or discontinuing the tax hereunder or effecting a
13 change in the rate thereof shall either (i) be adopted and a
14 certified copy thereof filed with the Department on or before
15 the first day of April, whereupon the Department shall proceed
16 to administer and enforce this Section as of the first day of
17 July next following the adoption and filing; or (ii) be adopted
18 and a certified copy thereof filed with the Department on or
19 before the first day of October, whereupon the Department shall
20 proceed to administer and enforce this Section as of the first
21 day of January next following the adoption and filing.

22 When certifying the amount of a monthly disbursement to a
23 municipality under this Section, the Department shall increase
24 or decrease the amount by an amount necessary to offset any
25 misallocation of previous disbursements. The offset amount
26 shall be the amount erroneously disbursed within the previous 6

1 months from the time a misallocation is discovered.

2 Any unobligated balance remaining in the Municipal
3 Retailers' Occupation Tax Fund on December 31, 1989, which fund
4 was abolished by Public Act 85-1135, and all receipts of
5 municipal tax as a result of audits of liability periods prior
6 to January 1, 1990, shall be paid into the Local Government Tax
7 Fund for distribution as provided by this Section prior to the
8 enactment of Public Act 85-1135. All receipts of municipal tax
9 as a result of an assessment not arising from an audit, for
10 liability periods prior to January 1, 1990, shall be paid into
11 the Local Government Tax Fund for distribution before July 1,
12 1990, as provided by this Section prior to the enactment of
13 Public Act 85-1135; and on and after July 1, 1990, all such
14 receipts shall be distributed as provided in Section 6z-18 of
15 the State Finance Act.

16 As used in this Section, "municipal" and "municipality"
17 means a city, village or incorporated town, including an
18 incorporated town that has superseded a civil township.

19 This Section shall be known and may be cited as the Home
20 Rule Municipal Retailers' Occupation Tax Act.

21 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17.)

22 (65 ILCS 5/8-11-1.3) (from Ch. 24, par. 8-11-1.3)

23 Sec. 8-11-1.3. Non-Home Rule Municipal Retailers'
24 Occupation Tax Act. The corporate authorities of a non-home
25 rule municipality may impose a tax upon all persons engaged in

1 the business of selling tangible personal property, other than
2 on an item of tangible personal property which is titled and
3 registered by an agency of this State's Government, at retail
4 in the municipality for expenditure on public infrastructure or
5 for property tax relief or both as defined in Section 8-11-1.2
6 if approved by referendum as provided in Section 8-11-1.1, of
7 the gross receipts from such sales made in the course of such
8 business. If the tax is approved by referendum on or after July
9 14, 2010 (the effective date of Public Act 96-1057), the
10 corporate authorities of a non-home rule municipality may,
11 until December 31, 2020, use the proceeds of the tax for
12 expenditure on municipal operations, in addition to or in lieu
13 of any expenditure on public infrastructure or for property tax
14 relief. The tax imposed may not be more than 1% and may be
15 imposed only in 1/4% increments. The tax may not be imposed on
16 tangible personal property taxed at the 1% rate under the
17 Retailers' Occupation Tax Act ~~the sale of food for human~~
18 ~~consumption that is to be consumed off the premises where it is~~
19 ~~sold (other than alcoholic beverages, soft drinks, and food~~
20 ~~that has been prepared for immediate consumption) and~~
21 ~~prescription and nonprescription medicines, drugs, medical~~
22 ~~appliances, and insulin, urine testing materials, syringes,~~
23 ~~and needles used by diabetics.~~ The tax imposed by a
24 municipality pursuant to this Section and all civil penalties
25 that may be assessed as an incident thereof shall be collected
26 and enforced by the State Department of Revenue. The

1 certificate of registration which is issued by the Department
2 to a retailer under the Retailers' Occupation Tax Act shall
3 permit such retailer to engage in a business which is taxable
4 under any ordinance or resolution enacted pursuant to this
5 Section without registering separately with the Department
6 under such ordinance or resolution or under this Section. The
7 Department shall have full power to administer and enforce this
8 Section; to collect all taxes and penalties due hereunder; to
9 dispose of taxes and penalties so collected in the manner
10 hereinafter provided, and to determine all rights to credit
11 memoranda, arising on account of the erroneous payment of tax
12 or penalty hereunder. In the administration of, and compliance
13 with, this Section, the Department and persons who are subject
14 to this Section shall have the same rights, remedies,
15 privileges, immunities, powers and duties, and be subject to
16 the same conditions, restrictions, limitations, penalties and
17 definitions of terms, and employ the same modes of procedure,
18 as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j,
19 2 through 2-65 (in respect to all provisions therein other than
20 the State rate of tax), 2c, 3 (except as to the disposition of
21 taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
22 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12
23 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of
24 the Uniform Penalty and Interest Act as fully as if those
25 provisions were set forth herein.

26 No municipality may impose a tax under this Section unless

1 the municipality also imposes a tax at the same rate under
2 Section 8-11-1.4 of this Code.

3 Persons subject to any tax imposed pursuant to the
4 authority granted in this Section may reimburse themselves for
5 their seller's tax liability hereunder by separately stating
6 such tax as an additional charge, which charge may be stated in
7 combination, in a single amount, with State tax which sellers
8 are required to collect under the Use Tax Act, pursuant to such
9 bracket schedules as the Department may prescribe.

10 Whenever the Department determines that a refund should be
11 made under this Section to a claimant instead of issuing a
12 credit memorandum, the Department shall notify the State
13 Comptroller, who shall cause the order to be drawn for the
14 amount specified, and to the person named, in such notification
15 from the Department. Such refund shall be paid by the State
16 Treasurer out of the non-home rule municipal retailers'
17 occupation tax fund.

18 The Department shall forthwith pay over to the State
19 Treasurer, ex officio, as trustee, all taxes and penalties
20 collected hereunder.

21 As soon as possible after the first day of each month,
22 beginning January 1, 2011, upon certification of the Department
23 of Revenue, the Comptroller shall order transferred, and the
24 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
25 local sales tax increment, as defined in the Innovation
26 Development and Economy Act, collected under this Section

1 during the second preceding calendar month for sales within a
2 STAR bond district.

3 After the monthly transfer to the STAR Bonds Revenue Fund,
4 on or before the 25th day of each calendar month, the
5 Department shall prepare and certify to the Comptroller the
6 disbursement of stated sums of money to named municipalities,
7 the municipalities to be those from which retailers have paid
8 taxes or penalties hereunder to the Department during the
9 second preceding calendar month. The amount to be paid to each
10 municipality shall be the amount (not including credit
11 memoranda) collected hereunder during the second preceding
12 calendar month by the Department plus an amount the Department
13 determines is necessary to offset any amounts which were
14 erroneously paid to a different taxing body, and not including
15 an amount equal to the amount of refunds made during the second
16 preceding calendar month by the Department on behalf of such
17 municipality, and not including any amount which the Department
18 determines is necessary to offset any amounts which were
19 payable to a different taxing body but were erroneously paid to
20 the municipality, and not including any amounts that are
21 transferred to the STAR Bonds Revenue Fund, less 2% of the
22 remainder, which the Department shall transfer into the Tax
23 Compliance and Administration Fund. The Department, at the time
24 of each monthly disbursement to the municipalities, shall
25 prepare and certify to the State Comptroller the amount to be
26 transferred into the Tax Compliance and Administration Fund

1 under this Section. Within 10 days after receipt, by the
2 Comptroller, of the disbursement certification to the
3 municipalities and the Tax Compliance and Administration Fund
4 provided for in this Section to be given to the Comptroller by
5 the Department, the Comptroller shall cause the orders to be
6 drawn for the respective amounts in accordance with the
7 directions contained in such certification.

8 For the purpose of determining the local governmental unit
9 whose tax is applicable, a retail sale, by a producer of coal
10 or other mineral mined in Illinois, is a sale at retail at the
11 place where the coal or other mineral mined in Illinois is
12 extracted from the earth. This paragraph does not apply to coal
13 or other mineral when it is delivered or shipped by the seller
14 to the purchaser at a point outside Illinois so that the sale
15 is exempt under the Federal Constitution as a sale in
16 interstate or foreign commerce.

17 Nothing in this Section shall be construed to authorize a
18 municipality to impose a tax upon the privilege of engaging in
19 any business which under the constitution of the United States
20 may not be made the subject of taxation by this State.

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

1 The Department of Revenue shall implement this amendatory
2 Act of the 91st General Assembly so as to collect the tax on
3 and after January 1, 2002.

4 As used in this Section, "municipal" and "municipality"
5 means a city, village or incorporated town, including an
6 incorporated town which has superseded a civil township.

7 This Section shall be known and may be cited as the
8 "Non-Home Rule Municipal Retailers' Occupation Tax Act".

9 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17.)

10 (65 ILCS 5/8-11-1.4) (from Ch. 24, par. 8-11-1.4)

11 Sec. 8-11-1.4. Non-Home Rule Municipal Service Occupation
12 Tax Act. The corporate authorities of a non-home rule
13 municipality may impose a tax upon all persons engaged, in such
14 municipality, in the business of making sales of service for
15 expenditure on public infrastructure or for property tax relief
16 or both as defined in Section 8-11-1.2 if approved by
17 referendum as provided in Section 8-11-1.1, of the selling
18 price of all tangible personal property transferred by such
19 servicemen either in the form of tangible personal property or
20 in the form of real estate as an incident to a sale of service.
21 If the tax is approved by referendum on or after July 14, 2010
22 (the effective date of Public Act 96-1057), the corporate
23 authorities of a non-home rule municipality may, until December
24 31, 2020, use the proceeds of the tax for expenditure on
25 municipal operations, in addition to or in lieu of any

1 expenditure on public infrastructure or for property tax
2 relief. The tax imposed may not be more than 1% and may be
3 imposed only in 1/4% increments. The tax may not be imposed on
4 tangible personal property taxed at the 1% rate under the
5 Service Occupation Tax Act ~~the sale of food for human~~
6 ~~consumption that is to be consumed off the premises where it is~~
7 ~~sold (other than alcoholic beverages, soft drinks, and food~~
8 ~~that has been prepared for immediate consumption) and~~
9 ~~prescription and nonprescription medicines, drugs, medical~~
10 ~~appliances, and insulin, urine testing materials, syringes,~~
11 ~~and needles used by diabetics.~~ The tax imposed by a
12 municipality pursuant to this Section and all civil penalties
13 that may be assessed as an incident thereof shall be collected
14 and enforced by the State Department of Revenue. The
15 certificate of registration which is issued by the Department
16 to a retailer under the Retailers' Occupation Tax Act or under
17 the Service Occupation Tax Act shall permit such registrant to
18 engage in a business which is taxable under any ordinance or
19 resolution enacted pursuant to this Section without
20 registering separately with the Department under such
21 ordinance or resolution or under this Section. The Department
22 shall have full power to administer and enforce this Section;
23 to collect all taxes and penalties due hereunder; to dispose of
24 taxes and penalties so collected in the manner hereinafter
25 provided, and to determine all rights to credit memoranda
26 arising on account of the erroneous payment of tax or penalty

1 hereunder. In the administration of, and compliance with, this
2 Section the Department and persons who are subject to this
3 Section shall have the same rights, remedies, privileges,
4 immunities, powers and duties, and be subject to the same
5 conditions, restrictions, limitations, penalties and
6 definitions of terms, and employ the same modes of procedure,
7 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in
8 respect to all provisions therein other than the State rate of
9 tax), 4 (except that the reference to the State shall be to the
10 taxing municipality), 5, 7, 8 (except that the jurisdiction to
11 which the tax shall be a debt to the extent indicated in that
12 Section 8 shall be the taxing municipality), 9 (except as to
13 the disposition of taxes and penalties collected, and except
14 that the returned merchandise credit for this municipal tax may
15 not be taken against any State tax), 10, 11, 12 (except the
16 reference therein to Section 2b of the Retailers' Occupation
17 Tax Act), 13 (except that any reference to the State shall mean
18 the taxing municipality), the first paragraph of Section 15,
19 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and
20 Section 3-7 of the Uniform Penalty and Interest Act, as fully
21 as if those provisions were set forth herein.

22 No municipality may impose a tax under this Section unless
23 the municipality also imposes a tax at the same rate under
24 Section 8-11-1.3 of this Code.

25 Persons subject to any tax imposed pursuant to the
26 authority granted in this Section may reimburse themselves for

1 their serviceman's tax liability hereunder by separately
2 stating such tax as an additional charge, which charge may be
3 stated in combination, in a single amount, with State tax which
4 servicemen are authorized to collect under the Service Use Tax
5 Act, pursuant to such bracket schedules as the Department may
6 prescribe.

7 Whenever the Department determines that a refund should be
8 made under this Section to a claimant instead of issuing credit
9 memorandum, the Department shall notify the State Comptroller,
10 who shall cause the order to be drawn for the amount specified,
11 and to the person named, in such notification from the
12 Department. Such refund shall be paid by the State Treasurer
13 out of the municipal retailers' occupation tax fund.

14 The Department shall forthwith pay over to the State
15 Treasurer, ex officio, as trustee, all taxes and penalties
16 collected hereunder.

17 As soon as possible after the first day of each month,
18 beginning January 1, 2011, upon certification of the Department
19 of Revenue, the Comptroller shall order transferred, and the
20 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
21 local sales tax increment, as defined in the Innovation
22 Development and Economy Act, collected under this Section
23 during the second preceding calendar month for sales within a
24 STAR bond district.

25 After the monthly transfer to the STAR Bonds Revenue Fund,
26 on or before the 25th day of each calendar month, the

1 Department shall prepare and certify to the Comptroller the
2 disbursement of stated sums of money to named municipalities,
3 the municipalities to be those from which suppliers and
4 servicemen have paid taxes or penalties hereunder to the
5 Department during the second preceding calendar month. The
6 amount to be paid to each municipality shall be the amount (not
7 including credit memoranda) collected hereunder during the
8 second preceding calendar month by the Department, and not
9 including an amount equal to the amount of refunds made during
10 the second preceding calendar month by the Department on behalf
11 of such municipality, and not including any amounts that are
12 transferred to the STAR Bonds Revenue Fund, less 2% of the
13 remainder, which the Department shall transfer into the Tax
14 Compliance and Administration Fund. The Department, at the time
15 of each monthly disbursement to the municipalities, shall
16 prepare and certify to the State Comptroller the amount to be
17 transferred into the Tax Compliance and Administration Fund
18 under this Section. Within 10 days after receipt, by the
19 Comptroller, of the disbursement certification to the
20 municipalities, the General Revenue Fund, and the Tax
21 Compliance and Administration Fund provided for in this Section
22 to be given to the Comptroller by the Department, the
23 Comptroller shall cause the orders to be drawn for the
24 respective amounts in accordance with the directions contained
25 in such certification.

26 The Department of Revenue shall implement this amendatory

1 Act of the 91st General Assembly so as to collect the tax on
2 and after January 1, 2002.

3 Nothing in this Section shall be construed to authorize a
4 municipality to impose a tax upon the privilege of engaging in
5 any business which under the constitution of the United States
6 may not be made the subject of taxation by this State.

7 As used in this Section, "municipal" or "municipality"
8 means or refers to a city, village or incorporated town,
9 including an incorporated town which has superseded a civil
10 township.

11 This Section shall be known and may be cited as the
12 "Non-Home Rule Municipal Service Occupation Tax Act".

13 (Source: P.A. 100-23, eff. 7-6-17.)

14 (65 ILCS 5/8-11-1.6)

15 Sec. 8-11-1.6. Non-home rule municipal retailers'
16 ~~retailers~~ occupation tax; municipalities between 20,000 and
17 25,000. The corporate authorities of a non-home rule
18 municipality with a population of more than 20,000 but less
19 than 25,000 that has, prior to January 1, 1987, established a
20 Redevelopment Project Area that has been certified as a State
21 Sales Tax Boundary and has issued bonds or otherwise incurred
22 indebtedness to pay for costs in excess of \$5,000,000, which is
23 secured in part by a tax increment allocation fund, in
24 accordance with the provisions of Division 11-74.4 of this Code
25 may, by passage of an ordinance, impose a tax upon all persons

1 engaged in the business of selling tangible personal property,
2 other than on an item of tangible personal property that is
3 titled and registered by an agency of this State's Government,
4 at retail in the municipality. This tax may not be imposed on
5 tangible personal property taxed at the 1% rate under the
6 Retailers' Occupation Tax Act ~~the sales of food for human~~
7 ~~consumption that is to be consumed off the premises where it is~~
8 ~~sold (other than alcoholic beverages, soft drinks, and food~~
9 ~~that has been prepared for immediate consumption) and~~
10 ~~prescription and nonprescription medicines, drugs, medical~~
11 ~~appliances and insulin, urine testing materials, syringes, and~~
12 ~~needles used by diabetics.~~ If imposed, the tax shall only be
13 imposed in .25% increments of the gross receipts from such
14 sales made in the course of business. Any tax imposed by a
15 municipality under this Section and all civil penalties that
16 may be assessed as an incident thereof shall be collected and
17 enforced by the State Department of Revenue. An ordinance
18 imposing a tax hereunder or effecting a change in the rate
19 thereof shall be adopted and a certified copy thereof filed
20 with the Department on or before the first day of October,
21 whereupon the Department shall proceed to administer and
22 enforce this Section as of the first day of January next
23 following such adoption and filing. The certificate of
24 registration that is issued by the Department to a retailer
25 under the Retailers' Occupation Tax Act shall permit the
26 retailer to engage in a business that is taxable under any

1 ordinance or resolution enacted under this Section without
2 registering separately with the Department under the ordinance
3 or resolution or under this Section. The Department shall have
4 full power to administer and enforce this Section, to collect
5 all taxes and penalties due hereunder, to dispose of taxes and
6 penalties so collected in the manner hereinafter provided, and
7 to determine all rights to credit memoranda, arising on account
8 of the erroneous payment of tax or penalty hereunder. In the
9 administration of, and compliance with this Section, the
10 Department and persons who are subject to this Section shall
11 have the same rights, remedies, privileges, immunities,
12 powers, and duties, and be subject to the same conditions,
13 restrictions, limitations, penalties, and definitions of
14 terms, and employ the same modes of procedure, as are
15 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 2
16 through 2-65 (in respect to all provisions therein other than
17 the State rate of tax), 2c, 3 (except as to the disposition of
18 taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
19 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12
20 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of
21 the Uniform Penalty and Interest Act as fully as if those
22 provisions were set forth herein.

23 A tax may not be imposed by a municipality under this
24 Section unless the municipality also imposes a tax at the same
25 rate under Section 8-11-1.7 of this Act.

26 Persons subject to any tax imposed under the authority

1 granted in this Section, may reimburse themselves for their
2 seller's tax liability hereunder by separately stating the tax
3 as an additional charge, which charge may be stated in
4 combination, in a single amount, with State tax which sellers
5 are required to collect under the Use Tax Act, pursuant to such
6 bracket schedules as the Department may prescribe.

7 Whenever the Department determines that a refund should be
8 made under this Section to a claimant, instead of issuing a
9 credit memorandum, the Department shall notify the State
10 Comptroller, who shall cause the order to be drawn for the
11 amount specified, and to the person named in the notification
12 from the Department. The refund shall be paid by the State
13 Treasurer out of the Non-Home Rule Municipal Retailers'
14 Occupation Tax Fund, which is hereby created.

15 The Department shall forthwith pay over to the State
16 Treasurer, ex officio, as trustee, all taxes and penalties
17 collected hereunder.

18 As soon as possible after the first day of each month,
19 beginning January 1, 2011, upon certification of the Department
20 of Revenue, the Comptroller shall order transferred, and the
21 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
22 local sales tax increment, as defined in the Innovation
23 Development and Economy Act, collected under this Section
24 during the second preceding calendar month for sales within a
25 STAR bond district.

26 After the monthly transfer to the STAR Bonds Revenue Fund,

1 on or before the 25th day of each calendar month, the
2 Department shall prepare and certify to the Comptroller the
3 disbursement of stated sums of money to named municipalities,
4 the municipalities to be those from which retailers have paid
5 taxes or penalties hereunder to the Department during the
6 second preceding calendar month. The amount to be paid to each
7 municipality shall be the amount (not including credit
8 memoranda) collected hereunder during the second preceding
9 calendar month by the Department plus an amount the Department
10 determines is necessary to offset any amounts that were
11 erroneously paid to a different taxing body, and not including
12 an amount equal to the amount of refunds made during the second
13 preceding calendar month by the Department on behalf of the
14 municipality, and not including any amount that the Department
15 determines is necessary to offset any amounts that were payable
16 to a different taxing body but were erroneously paid to the
17 municipality, and not including any amounts that are
18 transferred to the STAR Bonds Revenue Fund, less 2% of the
19 remainder, which the Department shall transfer into the Tax
20 Compliance and Administration Fund. The Department, at the time
21 of each monthly disbursement to the municipalities, shall
22 prepare and certify to the State Comptroller the amount to be
23 transferred into the Tax Compliance and Administration Fund
24 under this Section. Within 10 days after receipt by the
25 Comptroller of the disbursement certification to the
26 municipalities and the Tax Compliance and Administration Fund

1 provided for in this Section to be given to the Comptroller by
2 the Department, the Comptroller shall cause the orders to be
3 drawn for the respective amounts in accordance with the
4 directions contained in the certification.

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

14 Nothing in this Section shall be construed to authorize a
15 municipality to impose a tax upon the privilege of engaging in
16 any business which under the constitution of the United States
17 may not be made the subject of taxation by this State.

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

24 As used in this Section, "municipal" and "municipality"
25 means a city, village, or incorporated town, including an
26 incorporated town that has superseded a civil township.

1 (Source: P.A. 99-217, eff. 7-31-15; 99-642, eff. 7-28-16;
2 100-23, eff. 7-6-17; revised 10-3-17.)

3 (65 ILCS 5/8-11-1.7)

4 Sec. 8-11-1.7. Non-home rule municipal service occupation
5 tax; municipalities between 20,000 and 25,000. The corporate
6 authorities of a non-home rule municipality with a population
7 of more than 20,000 but less than 25,000 as determined by the
8 last preceding decennial census that has, prior to January 1,
9 1987, established a Redevelopment Project Area that has been
10 certified as a State Sales Tax Boundary and has issued bonds or
11 otherwise incurred indebtedness to pay for costs in excess of
12 \$5,000,000, which is secured in part by a tax increment
13 allocation fund, in accordance with the provisions of Division
14 11-74.4 of this Code may, by passage of an ordinance, impose a
15 tax upon all persons engaged in the municipality in the
16 business of making sales of service. If imposed, the tax shall
17 only be imposed in .25% increments of the selling price of all
18 tangible personal property transferred by such servicemen
19 either in the form of tangible personal property or in the form
20 of real estate as an incident to a sale of service. This tax
21 may not be imposed on tangible personal property taxed at the
22 1% rate under the Service Occupation Tax Act ~~the sales of food~~
23 ~~for human consumption that is to be consumed off the premises~~
24 ~~where it is sold (other than alcoholic beverages, soft drinks,~~
25 ~~and food that has been prepared for immediate consumption) and~~

1 ~~prescription and nonprescription medicines, drugs, medical~~
2 ~~appliances and insulin, urine testing materials, syringes, and~~
3 ~~needles used by diabetics.~~ The tax imposed by a municipality
4 under this Section ~~Sec.~~ and all civil penalties that may be
5 assessed as an incident thereof shall be collected and enforced
6 by the State Department of Revenue. An ordinance imposing a tax
7 hereunder or effecting a change in the rate thereof shall be
8 adopted and a certified copy thereof filed with the Department
9 on or before the first day of October, whereupon the Department
10 shall proceed to administer and enforce this Section as of the
11 first day of January next following such adoption and filing.
12 The certificate of registration that is issued by the
13 Department to a retailer under the Retailers' Occupation Tax
14 Act or under the Service Occupation Tax Act shall permit the
15 registrant to engage in a business that is taxable under any
16 ordinance or resolution enacted under this Section without
17 registering separately with the Department under the ordinance
18 or resolution or under this Section. The Department shall have
19 full power to administer and enforce this Section, to collect
20 all taxes and penalties due hereunder, to dispose of taxes and
21 penalties so collected in a manner hereinafter provided, and to
22 determine all rights to credit memoranda arising on account of
23 the erroneous payment of tax or penalty hereunder. In the
24 administration of and compliance with this Section, the
25 Department and persons who are subject to this Section shall
26 have the same rights, remedies, privileges, immunities,

1 powers, and duties, and be subject to the same conditions,
2 restrictions, limitations, penalties and definitions of terms,
3 and employ the same modes of procedure, as are prescribed in
4 Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all
5 provisions therein other than the State rate of tax), 4 (except
6 that the reference to the State shall be to the taxing
7 municipality), 5, 7, 8 (except that the jurisdiction to which
8 the tax shall be a debt to the extent indicated in that Section
9 8 shall be the taxing municipality), 9 (except as to the
10 disposition of taxes and penalties collected, and except that
11 the returned merchandise credit for this municipal tax may not
12 be taken against any State tax), 10, 11, 12, (except the
13 reference therein to Section 2b of the Retailers' Occupation
14 Tax Act), 13 (except that any reference to the State shall mean
15 the taxing municipality), the first paragraph of Sections 15,
16 16, 17, 18, 19, and 20 of the Service Occupation Tax Act and
17 Section 3-7 of the Uniform Penalty and Interest Act, as fully
18 as if those provisions were set forth herein.

19 A tax may not be imposed by a municipality under this
20 Section unless the municipality also imposes a tax at the same
21 rate under Section 8-11-1.6 of this Act.

22 Person subject to any tax imposed under the authority
23 granted in this Section may reimburse themselves for their
24 servicemen's tax liability hereunder by separately stating the
25 tax as an additional charge, which charge may be stated in
26 combination, in a single amount, with State tax that servicemen

1 are authorized to collect under the Service Use Tax Act, under
2 such bracket schedules as the Department may prescribe.

3 Whenever the Department determines that a refund should be
4 made under this Section to a claimant instead of issuing credit
5 memorandum, the Department shall notify the State Comptroller,
6 who shall cause the order to be drawn for the amount specified,
7 and to the person named, in such notification from the
8 Department. The refund shall be paid by the State Treasurer out
9 of the Non-Home Rule Municipal Retailers' Occupation Tax Fund.

10 The Department shall forthwith pay over to the State
11 Treasurer, ex officio, as trustee, all taxes and penalties
12 collected hereunder.

13 As soon as possible after the first day of each month,
14 beginning January 1, 2011, upon certification of the Department
15 of Revenue, the Comptroller shall order transferred, and the
16 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
17 local sales tax increment, as defined in the Innovation
18 Development and Economy Act, collected under this Section
19 during the second preceding calendar month for sales within a
20 STAR bond district.

21 After the monthly transfer to the STAR Bonds Revenue Fund,
22 on or before the 25th day of each calendar month, the
23 Department shall prepare and certify to the Comptroller the
24 disbursement of stated sums of money to named municipalities,
25 the municipalities to be those from which suppliers and
26 servicemen have paid taxes or penalties hereunder to the

1 Department during the second preceding calendar month. The
2 amount to be paid to each municipality shall be the amount (not
3 including credit memoranda) collected hereunder during the
4 second preceding calendar month by the Department, and not
5 including an amount equal to the amount of refunds made during
6 the second preceding calendar month by the Department on behalf
7 of such municipality, and not including any amounts that are
8 transferred to the STAR Bonds Revenue Fund, less 2% of the
9 remainder, which the Department shall transfer into the Tax
10 Compliance and Administration Fund. The Department, at the time
11 of each monthly disbursement to the municipalities, shall
12 prepare and certify to the State Comptroller the amount to be
13 transferred into the Tax Compliance and Administration Fund
14 under this Section. Within 10 days after receipt by the
15 Comptroller of the disbursement certification to the
16 municipalities, the Tax Compliance and Administration Fund,
17 and the General Revenue Fund, provided for in this Section to
18 be given to the Comptroller by the Department, the Comptroller
19 shall cause the orders to be drawn for the respective amounts
20 in accordance with the directions contained in the
21 certification.

22 When certifying the amount of a monthly disbursement to a
23 municipality under this Section, the Department shall increase
24 or decrease the amount by an amount necessary to offset any
25 misallocation of previous disbursements. The offset amount
26 shall be the amount erroneously disbursed within the previous 6

1 months from the time a misallocation is discovered.

2 Nothing in this Section shall be construed to authorize a
3 municipality to impose a tax upon the privilege of engaging in
4 any business which under the constitution of the United States
5 may not be made the subject of taxation by this State.

6 (Source: P.A. 100-23, eff. 7-6-17; revised 10-3-17.)

7 (65 ILCS 5/8-11-5) (from Ch. 24, par. 8-11-5)

8 Sec. 8-11-5. Home Rule Municipal Service Occupation Tax
9 Act. The corporate authorities of a home rule municipality may
10 impose a tax upon all persons engaged, in such municipality, in
11 the business of making sales of service at the same rate of tax
12 imposed pursuant to Section 8-11-1, of the selling price of all
13 tangible personal property transferred by such servicemen
14 either in the form of tangible personal property or in the form
15 of real estate as an incident to a sale of service. If imposed,
16 such tax shall only be imposed in 1/4% increments. On and after
17 September 1, 1991, this additional tax may not be imposed on
18 tangible personal property taxed at the 1% rate under the
19 Retailers' Occupation Tax Act ~~the sales of food for human~~
20 ~~consumption which is to be consumed off the premises where it~~
21 ~~is sold (other than alcoholic beverages, soft drinks and food~~
22 ~~which has been prepared for immediate consumption) and~~
23 ~~prescription and nonprescription medicines, drugs, medical~~
24 ~~appliances and insulin, urine testing materials, syringes and~~
25 ~~needles used by diabetics.~~ The tax imposed by a home rule

1 municipality pursuant to this Section and all civil penalties
2 that may be assessed as an incident thereof shall be collected
3 and enforced by the State Department of Revenue. The
4 certificate of registration which is issued by the Department
5 to a retailer under the Retailers' Occupation Tax Act or under
6 the Service Occupation Tax Act shall permit such registrant to
7 engage in a business which is taxable under any ordinance or
8 resolution enacted pursuant to this Section without
9 registering separately with the Department under such
10 ordinance or resolution or under this Section. The Department
11 shall have full power to administer and enforce this Section;
12 to collect all taxes and penalties due hereunder; to dispose of
13 taxes and penalties so collected in the manner hereinafter
14 provided, and to determine all rights to credit memoranda
15 arising on account of the erroneous payment of tax or penalty
16 hereunder. In the administration of, and compliance with, this
17 Section the Department and persons who are subject to this
18 Section shall have the same rights, remedies, privileges,
19 immunities, powers and duties, and be subject to the same
20 conditions, restrictions, limitations, penalties and
21 definitions of terms, and employ the same modes of procedure,
22 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in
23 respect to all provisions therein other than the State rate of
24 tax), 4 (except that the reference to the State shall be to the
25 taxing municipality), 5, 7, 8 (except that the jurisdiction to
26 which the tax shall be a debt to the extent indicated in that

1 Section 8 shall be the taxing municipality), 9 (except as to
2 the disposition of taxes and penalties collected, and except
3 that the returned merchandise credit for this municipal tax may
4 not be taken against any State tax), 10, 11, 12 (except the
5 reference therein to Section 2b of the Retailers' Occupation
6 Tax Act), 13 (except that any reference to the State shall mean
7 the taxing municipality), the first paragraph of Section 15,
8 16, 17 (except that credit memoranda issued hereunder may not
9 be used to discharge any State tax liability), 18, 19 and 20 of
10 the Service Occupation Tax Act and Section 3-7 of the Uniform
11 Penalty and Interest Act, as fully as if those provisions were
12 set forth herein.

13 No tax may be imposed by a home rule municipality pursuant
14 to this Section unless such municipality also imposes a tax at
15 the same rate pursuant to Section 8-11-1 of this Act.

16 Persons subject to any tax imposed pursuant to the
17 authority granted in this Section may reimburse themselves for
18 their serviceman's tax liability hereunder by separately
19 stating such tax as an additional charge, which charge may be
20 stated in combination, in a single amount, with State tax which
21 servicemen are authorized to collect under the Service Use Tax
22 Act, pursuant to such bracket schedules as the Department may
23 prescribe.

24 Whenever the Department determines that a refund should be
25 made under this Section to a claimant instead of issuing credit
26 memorandum, the Department shall notify the State Comptroller,

1 who shall cause the order to be drawn for the amount specified,
2 and to the person named, in such notification from the
3 Department. Such refund shall be paid by the State Treasurer
4 out of the home rule municipal retailers' occupation tax fund.

5 The Department shall forthwith pay over to the State
6 Treasurer, ex-officio, as trustee, all taxes and penalties
7 collected hereunder.

8 As soon as possible after the first day of each month,
9 beginning January 1, 2011, upon certification of the Department
10 of Revenue, the Comptroller shall order transferred, and the
11 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
12 local sales tax increment, as defined in the Innovation
13 Development and Economy Act, collected under this Section
14 during the second preceding calendar month for sales within a
15 STAR bond district.

16 After the monthly transfer to the STAR Bonds Revenue Fund,
17 on or before the 25th day of each calendar month, the
18 Department shall prepare and certify to the Comptroller the
19 disbursement of stated sums of money to named municipalities,
20 the municipalities to be those from which suppliers and
21 servicemen have paid taxes or penalties hereunder to the
22 Department during the second preceding calendar month. The
23 amount to be paid to each municipality shall be the amount (not
24 including credit memoranda) collected hereunder during the
25 second preceding calendar month by the Department, and not
26 including an amount equal to the amount of refunds made during

1 the second preceding calendar month by the Department on behalf
2 of such municipality, and not including any amounts that are
3 transferred to the STAR Bonds Revenue Fund, less 2% of the
4 remainder, which the Department shall transfer into the Tax
5 Compliance and Administration Fund. The Department, at the time
6 of each monthly disbursement to the municipalities, shall
7 prepare and certify to the State Comptroller the amount to be
8 transferred into the Tax Compliance and Administration Fund
9 under this Section. Within 10 days after receipt, by the
10 Comptroller, of the disbursement certification to the
11 municipalities and the Tax Compliance and Administration Fund
12 provided for in this Section to be given to the Comptroller by
13 the Department, the Comptroller shall cause the orders to be
14 drawn for the respective amounts in accordance with the
15 directions contained in such certification.

16 In addition to the disbursement required by the preceding
17 paragraph and in order to mitigate delays caused by
18 distribution procedures, an allocation shall, if requested, be
19 made within 10 days after January 14, 1991, and in November of
20 1991 and each year thereafter, to each municipality that
21 received more than \$500,000 during the preceding fiscal year,
22 (July 1 through June 30) whether collected by the municipality
23 or disbursed by the Department as required by this Section.
24 Within 10 days after January 14, 1991, participating
25 municipalities shall notify the Department in writing of their
26 intent to participate. In addition, for the initial

1 distribution, participating municipalities shall certify to
2 the Department the amounts collected by the municipality for
3 each month under its home rule occupation and service
4 occupation tax during the period July 1, 1989 through June 30,
5 1990. The allocation within 10 days after January 14, 1991,
6 shall be in an amount equal to the monthly average of these
7 amounts, excluding the 2 months of highest receipts. Monthly
8 average for the period of July 1, 1990 through June 30, 1991
9 will be determined as follows: the amounts collected by the
10 municipality under its home rule occupation and service
11 occupation tax during the period of July 1, 1990 through
12 September 30, 1990, plus amounts collected by the Department
13 and paid to such municipality through June 30, 1991, excluding
14 the 2 months of highest receipts. The monthly average for each
15 subsequent period of July 1 through June 30 shall be an amount
16 equal to the monthly distribution made to each such
17 municipality under the preceding paragraph during this period,
18 excluding the 2 months of highest receipts. The distribution
19 made in November 1991 and each year thereafter under this
20 paragraph and the preceding paragraph shall be reduced by the
21 amount allocated and disbursed under this paragraph in the
22 preceding period of July 1 through June 30. The Department
23 shall prepare and certify to the Comptroller for disbursement
24 the allocations made in accordance with this paragraph.

25 Nothing in this Section shall be construed to authorize a
26 municipality to impose a tax upon the privilege of engaging in

1 any business which under the constitution of the United States
2 may not be made the subject of taxation by this State.

3 An ordinance or resolution imposing or discontinuing a tax
4 hereunder or effecting a change in the rate thereof shall be
5 adopted and a certified copy thereof filed with the Department
6 on or before the first day of June, whereupon the Department
7 shall proceed to administer and enforce this Section as of the
8 first day of September next following such adoption and filing.
9 Beginning January 1, 1992, an ordinance or resolution imposing
10 or discontinuing the tax hereunder or effecting a change in the
11 rate thereof shall be adopted and a certified copy thereof
12 filed with the Department on or before the first day of July,
13 whereupon the Department shall proceed to administer and
14 enforce this Section as of the first day of October next
15 following such adoption and filing. Beginning January 1, 1993,
16 an ordinance or resolution imposing or discontinuing the tax
17 hereunder or effecting a change in the rate thereof shall be
18 adopted and a certified copy thereof filed with the Department
19 on or before the first day of October, whereupon the Department
20 shall proceed to administer and enforce this Section as of the
21 first day of January next following such adoption and filing.
22 However, a municipality located in a county with a population
23 in excess of 3,000,000 that elected to become a home rule unit
24 at the general primary election in 1994 may adopt an ordinance
25 or resolution imposing the tax under this Section and file a
26 certified copy of the ordinance or resolution with the

1 Department on or before July 1, 1994. The Department shall then
2 proceed to administer and enforce this Section as of October 1,
3 1994. Beginning April 1, 1998, an ordinance or resolution
4 imposing or discontinuing the tax hereunder or effecting a
5 change in the rate thereof shall either (i) be adopted and a
6 certified copy thereof filed with the Department on or before
7 the first day of April, whereupon the Department shall proceed
8 to administer and enforce this Section as of the first day of
9 July next following the adoption and filing; or (ii) be adopted
10 and a certified copy thereof filed with the Department on or
11 before the first day of October, whereupon the Department shall
12 proceed to administer and enforce this Section as of the first
13 day of January next following the adoption and filing.

14 Any unobligated balance remaining in the Municipal
15 Retailers' Occupation Tax Fund on December 31, 1989, which fund
16 was abolished by Public Act 85-1135, and all receipts of
17 municipal tax as a result of audits of liability periods prior
18 to January 1, 1990, shall be paid into the Local Government Tax
19 Fund, for distribution as provided by this Section prior to the
20 enactment of Public Act 85-1135. All receipts of municipal tax
21 as a result of an assessment not arising from an audit, for
22 liability periods prior to January 1, 1990, shall be paid into
23 the Local Government Tax Fund for distribution before July 1,
24 1990, as provided by this Section prior to the enactment of
25 Public Act 85-1135, and on and after July 1, 1990, all such
26 receipts shall be distributed as provided in Section 6z-18 of

1 the State Finance Act.

2 As used in this Section, "municipal" and "municipality"
3 means a city, village or incorporated town, including an
4 incorporated town which has superseded a civil township.

5 This Section shall be known and may be cited as the Home
6 Rule Municipal Service Occupation Tax Act.

7 (Source: P.A. 100-23, eff. 7-6-17.)

8 (65 ILCS 5/11-74.3-6)

9 Sec. 11-74.3-6. Business district revenue and obligations;
10 business district tax allocation fund.

11 (a) If the corporate authorities of a municipality have
12 approved a business district plan, have designated a business
13 district, and have elected to impose a tax by ordinance
14 pursuant to subsection (10) or (11) of Section 11-74.3-3, then
15 each year after the date of the approval of the ordinance but
16 terminating upon the date all business district project costs
17 and all obligations paying or reimbursing business district
18 project costs, if any, have been paid, but in no event later
19 than the dissolution date, all amounts generated by the
20 retailers' occupation tax and service occupation tax shall be
21 collected and the tax shall be enforced by the Department of
22 Revenue in the same manner as all retailers' occupation taxes
23 and service occupation taxes imposed in the municipality
24 imposing the tax and all amounts generated by the hotel
25 operators' occupation tax shall be collected and the tax shall

1 be enforced by the municipality in the same manner as all hotel
2 operators' occupation taxes imposed in the municipality
3 imposing the tax. The corporate authorities of the municipality
4 shall deposit the proceeds of the taxes imposed under
5 subsections (10) and (11) of Section 11-74.3-3 into a special
6 fund of the municipality called the "[Name of] Business
7 District Tax Allocation Fund" for the purpose of paying or
8 reimbursing business district project costs and obligations
9 incurred in the payment of those costs.

10 (b) The corporate authorities of a municipality that has
11 designated a business district under this Law may, by
12 ordinance, impose a Business District Retailers' Occupation
13 Tax upon all persons engaged in the business of selling
14 tangible personal property, other than an item of tangible
15 personal property titled or registered with an agency of this
16 State's government, at retail in the business district at a
17 rate not to exceed 1% of the gross receipts from the sales made
18 in the course of such business, to be imposed only in 0.25%
19 increments. The tax may not be imposed on tangible personal
20 property taxed at the rate of 1% under the Retailers'
21 Occupation Tax Act ~~food for human consumption that is to be~~
22 ~~consumed off the premises where it is sold (other than~~
23 ~~alcoholic beverages, soft drinks, and food that has been~~
24 ~~prepared for immediate consumption), prescription and~~
25 ~~nonprescription medicines, drugs, medical appliances,~~
26 ~~modifications to a motor vehicle for the purpose of rendering~~

1 ~~it usable by a person with a disability, and insulin, urine~~
2 ~~testing materials, syringes, and needles used by diabetics, for~~
3 ~~human use.~~

4 The tax imposed under this subsection and all civil
5 penalties that may be assessed as an incident thereof shall be
6 collected and enforced by the Department of Revenue. The
7 certificate of registration that is issued by the Department to
8 a retailer under the Retailers' Occupation Tax Act shall permit
9 the retailer to engage in a business that is taxable under any
10 ordinance or resolution enacted pursuant to this subsection
11 without registering separately with the Department under such
12 ordinance or resolution or under this subsection. The
13 Department of Revenue shall have full power to administer and
14 enforce this subsection; to collect all taxes and penalties due
15 under this subsection in the manner hereinafter provided; and
16 to determine all rights to credit memoranda arising on account
17 of the erroneous payment of tax or penalty under this
18 subsection. In the administration of, and compliance with, this
19 subsection, the Department and persons who are subject to this
20 subsection shall have the same rights, remedies, privileges,
21 immunities, powers and duties, and be subject to the same
22 conditions, restrictions, limitations, penalties, exclusions,
23 exemptions, and definitions of terms and employ the same modes
24 of procedure, as are prescribed in Sections 1, 1a through 1o, 2
25 through 2-65 (in respect to all provisions therein other than
26 the State rate of tax), 2c through 2h, 3 (except as to the

1 disposition of taxes and penalties collected), 4, 5, 5a, 5c,
2 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11,
3 12, 13, and 14 of the Retailers' Occupation Tax Act and all
4 provisions of the Uniform Penalty and Interest Act, as fully as
5 if those provisions were set forth herein.

6 Persons subject to any tax imposed under this subsection
7 may reimburse themselves for their seller's tax liability under
8 this subsection by separately stating the tax as an additional
9 charge, which charge may be stated in combination, in a single
10 amount, with State taxes that sellers are required to collect
11 under the Use Tax Act, in accordance with such bracket
12 schedules as the Department may prescribe.

13 Whenever the Department determines that a refund should be
14 made under this subsection to a claimant instead of issuing a
15 credit memorandum, the Department shall notify the State
16 Comptroller, who shall cause the order to be drawn for the
17 amount specified and to the person named in the notification
18 from the Department. The refund shall be paid by the State
19 Treasurer out of the business district retailers' occupation
20 tax fund.

21 The Department shall immediately pay over to the State
22 Treasurer, ex officio, as trustee, all taxes, penalties, and
23 interest collected under this subsection for deposit into the
24 business district retailers' occupation tax fund.

25 As soon as possible after the first day of each month,
26 beginning January 1, 2011, upon certification of the Department

1 of Revenue, the Comptroller shall order transferred, and the
2 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
3 local sales tax increment, as defined in the Innovation
4 Development and Economy Act, collected under this subsection
5 during the second preceding calendar month for sales within a
6 STAR bond district.

7 After the monthly transfer to the STAR Bonds Revenue Fund,
8 on or before the 25th day of each calendar month, the
9 Department shall prepare and certify to the Comptroller the
10 disbursement of stated sums of money to named municipalities
11 from the business district retailers' occupation tax fund, the
12 municipalities to be those from which retailers have paid taxes
13 or penalties under this subsection to the Department during the
14 second preceding calendar month. The amount to be paid to each
15 municipality shall be the amount (not including credit
16 memoranda) collected under this subsection during the second
17 preceding calendar month by the Department plus an amount the
18 Department determines is necessary to offset any amounts that
19 were erroneously paid to a different taxing body, and not
20 including an amount equal to the amount of refunds made during
21 the second preceding calendar month by the Department, less 2%
22 of that amount, which shall be deposited into the Tax
23 Compliance and Administration Fund and shall be used by the
24 Department, subject to appropriation, to cover the costs of the
25 Department in administering and enforcing the provisions of
26 this subsection, on behalf of such municipality, and not

1 including any amount that the Department determines is
2 necessary to offset any amounts that were payable to a
3 different taxing body but were erroneously paid to the
4 municipality, and not including any amounts that are
5 transferred to the STAR Bonds Revenue Fund. Within 10 days
6 after receipt by the Comptroller of the disbursement
7 certification to the municipalities provided for in this
8 subsection to be given to the Comptroller by the Department,
9 the Comptroller shall cause the orders to be drawn for the
10 respective amounts in accordance with the directions contained
11 in the certification. The proceeds of the tax paid to
12 municipalities under this subsection shall be deposited into
13 the Business District Tax Allocation Fund by the municipality.

14 An ordinance imposing or discontinuing the tax under this
15 subsection or effecting a change in the rate thereof shall
16 either (i) be adopted and a certified copy thereof filed with
17 the Department on or before the first day of April, whereupon
18 the Department, if all other requirements of this subsection
19 are met, shall proceed to administer and enforce this
20 subsection as of the first day of July next following the
21 adoption and filing; or (ii) be adopted and a certified copy
22 thereof filed with the Department on or before the first day of
23 October, whereupon, if all other requirements of this
24 subsection are met, the Department shall proceed to administer
25 and enforce this subsection as of the first day of January next
26 following the adoption and filing.

1 The Department of Revenue shall not administer or enforce
2 an ordinance imposing, discontinuing, or changing the rate of
3 the tax under this subsection, until the municipality also
4 provides, in the manner prescribed by the Department, the
5 boundaries of the business district and each address in the
6 business district in such a way that the Department can
7 determine by its address whether a business is located in the
8 business district. The municipality must provide this boundary
9 and address information to the Department on or before April 1
10 for administration and enforcement of the tax under this
11 subsection by the Department beginning on the following July 1
12 and on or before October 1 for administration and enforcement
13 of the tax under this subsection by the Department beginning on
14 the following January 1. The Department of Revenue shall not
15 administer or enforce any change made to the boundaries of a
16 business district or address change, addition, or deletion
17 until the municipality reports the boundary change or address
18 change, addition, or deletion to the Department in the manner
19 prescribed by the Department. The municipality must provide
20 this boundary change information or address change, addition,
21 or deletion to the Department on or before April 1 for
22 administration and enforcement by the Department of the change
23 beginning on the following July 1 and on or before October 1
24 for administration and enforcement by the Department of the
25 change beginning on the following January 1. The retailers in
26 the business district shall be responsible for charging the tax

1 imposed under this subsection. If a retailer is incorrectly
2 included or excluded from the list of those required to collect
3 the tax under this subsection, both the Department of Revenue
4 and the retailer shall be held harmless if they reasonably
5 relied on information provided by the municipality.

6 A municipality that imposes the tax under this subsection
7 must submit to the Department of Revenue any other information
8 as the Department may require for the administration and
9 enforcement of the tax.

10 When certifying the amount of a monthly disbursement to a
11 municipality under this subsection, the Department shall
12 increase or decrease the amount by an amount necessary to
13 offset any misallocation of previous disbursements. The offset
14 amount shall be the amount erroneously disbursed within the
15 previous 6 months from the time a misallocation is discovered.

16 Nothing in this subsection shall be construed to authorize
17 the municipality to impose a tax upon the privilege of engaging
18 in any business which under the Constitution of the United
19 States may not be made the subject of taxation by this State.

20 If a tax is imposed under this subsection (b), a tax shall
21 also be imposed under subsection (c) of this Section.

22 (c) If a tax has been imposed under subsection (b), a
23 Business District Service Occupation Tax shall also be imposed
24 upon all persons engaged, in the business district, in the
25 business of making sales of service, who, as an incident to
26 making those sales of service, transfer tangible personal

1 property within the business district, either in the form of
2 tangible personal property or in the form of real estate as an
3 incident to a sale of service. The tax shall be imposed at the
4 same rate as the tax imposed in subsection (b) and shall not
5 exceed 1% of the selling price of tangible personal property so
6 transferred within the business district, to be imposed only in
7 0.25% increments. The tax may not be imposed on tangible
8 personal property taxed at the 1% rate under the Service
9 Occupation Tax Act ~~food for human consumption that is to be~~
10 ~~consumed off the premises where it is sold (other than~~
11 ~~alcoholic beverages, soft drinks, and food that has been~~
12 ~~prepared for immediate consumption), prescription and~~
13 ~~nonprescription medicines, drugs, medical appliances,~~
14 ~~modifications to a motor vehicle for the purpose of rendering~~
15 ~~it usable by a person with a disability, and insulin, urine~~
16 ~~testing materials, syringes, and needles used by diabetics, for~~
17 ~~human use.~~

18 The tax imposed under this subsection and all civil
19 penalties that may be assessed as an incident thereof shall be
20 collected and enforced by the Department of Revenue. The
21 certificate of registration which is issued by the Department
22 to a retailer under the Retailers' Occupation Tax Act or under
23 the Service Occupation Tax Act shall permit such registrant to
24 engage in a business which is taxable under any ordinance or
25 resolution enacted pursuant to this subsection without
26 registering separately with the Department under such

1 ordinance or resolution or under this subsection. The
2 Department of Revenue shall have full power to administer and
3 enforce this subsection; to collect all taxes and penalties due
4 under this subsection; to dispose of taxes and penalties so
5 collected in the manner hereinafter provided; and to determine
6 all rights to credit memoranda arising on account of the
7 erroneous payment of tax or penalty under this subsection. In
8 the administration of, and compliance with this subsection, the
9 Department and persons who are subject to this subsection shall
10 have the same rights, remedies, privileges, immunities, powers
11 and duties, and be subject to the same conditions,
12 restrictions, limitations, penalties, exclusions, exemptions,
13 and definitions of terms and employ the same modes of procedure
14 as are prescribed in Sections 2, 2a through 2d, 3 through 3-50
15 (in respect to all provisions therein other than the State rate
16 of tax), 4 (except that the reference to the State shall be to
17 the business district), 5, 7, 8 (except that the jurisdiction
18 to which the tax shall be a debt to the extent indicated in
19 that Section 8 shall be the municipality), 9 (except as to the
20 disposition of taxes and penalties collected, and except that
21 the returned merchandise credit for this tax may not be taken
22 against any State tax), 10, 11, 12 (except the reference
23 therein to Section 2b of the Retailers' Occupation Tax Act), 13
24 (except that any reference to the State shall mean the
25 municipality), the first paragraph of Section 15, and Sections
26 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and all

1 provisions of the Uniform Penalty and Interest Act, as fully as
2 if those provisions were set forth herein.

3 Persons subject to any tax imposed under the authority
4 granted in this subsection may reimburse themselves for their
5 serviceman's tax liability hereunder by separately stating the
6 tax as an additional charge, which charge may be stated in
7 combination, in a single amount, with State tax that servicemen
8 are authorized to collect under the Service Use Tax Act, in
9 accordance with such bracket schedules as the Department may
10 prescribe.

11 Whenever the Department determines that a refund should be
12 made under this subsection to a claimant instead of issuing
13 credit memorandum, the Department shall notify the State
14 Comptroller, who shall cause the order to be drawn for the
15 amount specified, and to the person named, in such notification
16 from the Department. Such refund shall be paid by the State
17 Treasurer out of the business district retailers' occupation
18 tax fund.

19 The Department shall forthwith pay over to the State
20 Treasurer, ex-officio, as trustee, all taxes, penalties, and
21 interest collected under this subsection for deposit into the
22 business district retailers' occupation tax fund.

23 As soon as possible after the first day of each month,
24 beginning January 1, 2011, upon certification of the Department
25 of Revenue, the Comptroller shall order transferred, and the
26 Treasurer shall transfer, to the STAR Bonds Revenue Fund the

1 local sales tax increment, as defined in the Innovation
2 Development and Economy Act, collected under this subsection
3 during the second preceding calendar month for sales within a
4 STAR bond district.

5 After the monthly transfer to the STAR Bonds Revenue Fund,
6 on or before the 25th day of each calendar month, the
7 Department shall prepare and certify to the Comptroller the
8 disbursement of stated sums of money to named municipalities
9 from the business district retailers' occupation tax fund, the
10 municipalities to be those from which suppliers and servicemen
11 have paid taxes or penalties under this subsection to the
12 Department during the second preceding calendar month. The
13 amount to be paid to each municipality shall be the amount (not
14 including credit memoranda) collected under this subsection
15 during the second preceding calendar month by the Department,
16 less 2% of that amount, which shall be deposited into the Tax
17 Compliance and Administration Fund and shall be used by the
18 Department, subject to appropriation, to cover the costs of the
19 Department in administering and enforcing the provisions of
20 this subsection, and not including an amount equal to the
21 amount of refunds made during the second preceding calendar
22 month by the Department on behalf of such municipality, and not
23 including any amounts that are transferred to the STAR Bonds
24 Revenue Fund. Within 10 days after receipt, by the Comptroller,
25 of the disbursement certification to the municipalities,
26 provided for in this subsection to be given to the Comptroller

1 by the Department, the Comptroller shall cause the orders to be
2 drawn for the respective amounts in accordance with the
3 directions contained in such certification. The proceeds of the
4 tax paid to municipalities under this subsection shall be
5 deposited into the Business District Tax Allocation Fund by the
6 municipality.

7 An ordinance imposing or discontinuing the tax under this
8 subsection or effecting a change in the rate thereof shall
9 either (i) be adopted and a certified copy thereof filed with
10 the Department on or before the first day of April, whereupon
11 the Department, if all other requirements of this subsection
12 are met, shall proceed to administer and enforce this
13 subsection as of the first day of July next following the
14 adoption and filing; or (ii) be adopted and a certified copy
15 thereof filed with the Department on or before the first day of
16 October, whereupon, if all other conditions of this subsection
17 are met, the Department shall proceed to administer and enforce
18 this subsection as of the first day of January next following
19 the adoption and filing.

20 The Department of Revenue shall not administer or enforce
21 an ordinance imposing, discontinuing, or changing the rate of
22 the tax under this subsection, until the municipality also
23 provides, in the manner prescribed by the Department, the
24 boundaries of the business district in such a way that the
25 Department can determine by its address whether a business is
26 located in the business district. The municipality must provide

1 this boundary and address information to the Department on or
2 before April 1 for administration and enforcement of the tax
3 under this subsection by the Department beginning on the
4 following July 1 and on or before October 1 for administration
5 and enforcement of the tax under this subsection by the
6 Department beginning on the following January 1. The Department
7 of Revenue shall not administer or enforce any change made to
8 the boundaries of a business district or address change,
9 addition, or deletion until the municipality reports the
10 boundary change or address change, addition, or deletion to the
11 Department in the manner prescribed by the Department. The
12 municipality must provide this boundary change information or
13 address change, addition, or deletion to the Department on or
14 before April 1 for administration and enforcement by the
15 Department of the change beginning on the following July 1 and
16 on or before October 1 for administration and enforcement by
17 the Department of the change beginning on the following January
18 1. The retailers in the business district shall be responsible
19 for charging the tax imposed under this subsection. If a
20 retailer is incorrectly included or excluded from the list of
21 those required to collect the tax under this subsection, both
22 the Department of Revenue and the retailer shall be held
23 harmless if they reasonably relied on information provided by
24 the municipality.

25 A municipality that imposes the tax under this subsection
26 must submit to the Department of Revenue any other information

1 as the Department may require for the administration and
2 enforcement of the tax.

3 Nothing in this subsection shall be construed to authorize
4 the municipality to impose a tax upon the privilege of engaging
5 in any business which under the Constitution of the United
6 States may not be made the subject of taxation by the State.

7 If a tax is imposed under this subsection (c), a tax shall
8 also be imposed under subsection (b) of this Section.

9 (d) By ordinance, a municipality that has designated a
10 business district under this Law may impose an occupation tax
11 upon all persons engaged in the business district in the
12 business of renting, leasing, or letting rooms in a hotel, as
13 defined in the Hotel Operators' Occupation Tax Act, at a rate
14 not to exceed 1% of the gross rental receipts from the renting,
15 leasing, or letting of hotel rooms within the business
16 district, to be imposed only in 0.25% increments, excluding,
17 however, from gross rental receipts the proceeds of renting,
18 leasing, or letting to permanent residents of a hotel, as
19 defined in the Hotel Operators' Occupation Tax Act, and
20 proceeds from the tax imposed under subsection (c) of Section
21 13 of the Metropolitan Pier and Exposition Authority Act.

22 The tax imposed by the municipality under this subsection
23 and all civil penalties that may be assessed as an incident to
24 that tax shall be collected and enforced by the municipality
25 imposing the tax. The municipality shall have full power to
26 administer and enforce this subsection, to collect all taxes

1 and penalties due under this subsection, to dispose of taxes
2 and penalties so collected in the manner provided in this
3 subsection, and to determine all rights to credit memoranda
4 arising on account of the erroneous payment of tax or penalty
5 under this subsection. In the administration of and compliance
6 with this subsection, the municipality and persons who are
7 subject to this subsection shall have the same rights,
8 remedies, privileges, immunities, powers, and duties, shall be
9 subject to the same conditions, restrictions, limitations,
10 penalties, and definitions of terms, and shall employ the same
11 modes of procedure as are employed with respect to a tax
12 adopted by the municipality under Section 8-3-14 of this Code.

13 Persons subject to any tax imposed under the authority
14 granted in this subsection may reimburse themselves for their
15 tax liability for that tax by separately stating that tax as an
16 additional charge, which charge may be stated in combination,
17 in a single amount, with State taxes imposed under the Hotel
18 Operators' Occupation Tax Act, and with any other tax.

19 Nothing in this subsection shall be construed to authorize
20 a municipality to impose a tax upon the privilege of engaging
21 in any business which under the Constitution of the United
22 States may not be made the subject of taxation by this State.

23 The proceeds of the tax imposed under this subsection shall
24 be deposited into the Business District Tax Allocation Fund.

25 (e) Obligations secured by the Business District Tax
26 Allocation Fund may be issued to provide for the payment or

1 reimbursement of business district project costs. Those
2 obligations, when so issued, shall be retired in the manner
3 provided in the ordinance authorizing the issuance of those
4 obligations by the receipts of taxes imposed pursuant to
5 subsections (10) and (11) of Section 11-74.3-3 and by other
6 revenue designated or pledged by the municipality. A
7 municipality may in the ordinance pledge, for any period of
8 time up to and including the dissolution date, all or any part
9 of the funds in and to be deposited in the Business District
10 Tax Allocation Fund to the payment of business district project
11 costs and obligations. Whenever a municipality pledges all of
12 the funds to the credit of a business district tax allocation
13 fund to secure obligations issued or to be issued to pay or
14 reimburse business district project costs, the municipality
15 may specifically provide that funds remaining to the credit of
16 such business district tax allocation fund after the payment of
17 such obligations shall be accounted for annually and shall be
18 deemed to be "surplus" funds, and such "surplus" funds shall be
19 expended by the municipality for any business district project
20 cost as approved in the business district plan. Whenever a
21 municipality pledges less than all of the monies to the credit
22 of a business district tax allocation fund to secure
23 obligations issued or to be issued to pay or reimburse business
24 district project costs, the municipality shall provide that
25 monies to the credit of the business district tax allocation
26 fund and not subject to such pledge or otherwise encumbered or

1 required for payment of contractual obligations for specific
2 business district project costs shall be calculated annually
3 and shall be deemed to be "surplus" funds, and such "surplus"
4 funds shall be expended by the municipality for any business
5 district project cost as approved in the business district
6 plan.

7 No obligation issued pursuant to this Law and secured by a
8 pledge of all or any portion of any revenues received or to be
9 received by the municipality from the imposition of taxes
10 pursuant to subsection (10) of Section 11-74.3-3, shall be
11 deemed to constitute an economic incentive agreement under
12 Section 8-11-20, notwithstanding the fact that such pledge
13 provides for the sharing, rebate, or payment of retailers'
14 occupation taxes or service occupation taxes imposed pursuant
15 to subsection (10) of Section 11-74.3-3 and received or to be
16 received by the municipality from the development or
17 redevelopment of properties in the business district.

18 Without limiting the foregoing in this Section, the
19 municipality may further secure obligations secured by the
20 business district tax allocation fund with a pledge, for a
21 period not greater than the term of the obligations and in any
22 case not longer than the dissolution date, of any part or any
23 combination of the following: (i) net revenues of all or part
24 of any business district project; (ii) taxes levied or imposed
25 by the municipality on any or all property in the municipality,
26 including, specifically, taxes levied or imposed by the

1 municipality in a special service area pursuant to the Special
2 Service Area Tax Law; (iii) the full faith and credit of the
3 municipality; (iv) a mortgage on part or all of the business
4 district project; or (v) any other taxes or anticipated
5 receipts that the municipality may lawfully pledge.

6 Such obligations may be issued in one or more series, bear
7 such date or dates, become due at such time or times as therein
8 provided, but in any case not later than (i) 20 years after the
9 date of issue or (ii) the dissolution date, whichever is
10 earlier, bear interest payable at such intervals and at such
11 rate or rates as set forth therein, except as may be limited by
12 applicable law, which rate or rates may be fixed or variable,
13 be in such denominations, be in such form, either coupon,
14 registered, or book-entry, carry such conversion, registration
15 and exchange privileges, be subject to defeasance upon such
16 terms, have such rank or priority, be executed in such manner,
17 be payable in such medium or payment at such place or places
18 within or without the State, make provision for a corporate
19 trustee within or without the State with respect to such
20 obligations, prescribe the rights, powers, and duties thereof
21 to be exercised for the benefit of the municipality and the
22 benefit of the owners of such obligations, provide for the
23 holding in trust, investment, and use of moneys, funds, and
24 accounts held under an ordinance, provide for assignment of and
25 direct payment of the moneys to pay such obligations or to be
26 deposited into such funds or accounts directly to such trustee,

1 be subject to such terms of redemption with or without premium,
2 and be sold at such price, all as the corporate authorities
3 shall determine. No referendum approval of the electors shall
4 be required as a condition to the issuance of obligations
5 pursuant to this Law except as provided in this Section.

6 In the event the municipality authorizes the issuance of
7 obligations pursuant to the authority of this Law secured by
8 the full faith and credit of the municipality, or pledges ad
9 valorem taxes pursuant to this subsection, which obligations
10 are other than obligations which may be issued under home rule
11 powers provided by Section 6 of Article VII of the Illinois
12 Constitution or which ad valorem taxes are other than ad
13 valorem taxes which may be pledged under home rule powers
14 provided by Section 6 of Article VII of the Illinois
15 Constitution or which are levied in a special service area
16 pursuant to the Special Service Area Tax Law, the ordinance
17 authorizing the issuance of those obligations or pledging those
18 taxes shall be published within 10 days after the ordinance has
19 been adopted, in a newspaper having a general circulation
20 within the municipality. The publication of the ordinance shall
21 be accompanied by a notice of (i) the specific number of voters
22 required to sign a petition requesting the question of the
23 issuance of the obligations or pledging such ad valorem taxes
24 to be submitted to the electors; (ii) the time within which the
25 petition must be filed; and (iii) the date of the prospective
26 referendum. The municipal clerk shall provide a petition form

1 to any individual requesting one.

2 If no petition is filed with the municipal clerk, as
3 hereinafter provided in this Section, within 21 days after the
4 publication of the ordinance, the ordinance shall be in effect.
5 However, if within that 21-day period a petition is filed with
6 the municipal clerk, signed by electors numbering not less than
7 15% of the number of electors voting for the mayor or president
8 at the last general municipal election, asking that the
9 question of issuing obligations using full faith and credit of
10 the municipality as security for the cost of paying or
11 reimbursing business district project costs, or of pledging
12 such ad valorem taxes for the payment of those obligations, or
13 both, be submitted to the electors of the municipality, the
14 municipality shall not be authorized to issue obligations of
15 the municipality using the full faith and credit of the
16 municipality as security or pledging such ad valorem taxes for
17 the payment of those obligations, or both, until the
18 proposition has been submitted to and approved by a majority of
19 the voters voting on the proposition at a regularly scheduled
20 election. The municipality shall certify the proposition to the
21 proper election authorities for submission in accordance with
22 the general election law.

23 The ordinance authorizing the obligations may provide that
24 the obligations shall contain a recital that they are issued
25 pursuant to this Law, which recital shall be conclusive
26 evidence of their validity and of the regularity of their

1 issuance.

2 In the event the municipality authorizes issuance of
3 obligations pursuant to this Law secured by the full faith and
4 credit of the municipality, the ordinance authorizing the
5 obligations may provide for the levy and collection of a direct
6 annual tax upon all taxable property within the municipality
7 sufficient to pay the principal thereof and interest thereon as
8 it matures, which levy may be in addition to and exclusive of
9 the maximum of all other taxes authorized to be levied by the
10 municipality, which levy, however, shall be abated to the
11 extent that monies from other sources are available for payment
12 of the obligations and the municipality certifies the amount of
13 those monies available to the county clerk.

14 A certified copy of the ordinance shall be filed with the
15 county clerk of each county in which any portion of the
16 municipality is situated, and shall constitute the authority
17 for the extension and collection of the taxes to be deposited
18 in the business district tax allocation fund.

19 A municipality may also issue its obligations to refund, in
20 whole or in part, obligations theretofore issued by the
21 municipality under the authority of this Law, whether at or
22 prior to maturity. However, the last maturity of the refunding
23 obligations shall not be expressed to mature later than the
24 dissolution date.

25 In the event a municipality issues obligations under home
26 rule powers or other legislative authority, the proceeds of

1 which are pledged to pay or reimburse business district project
2 costs, the municipality may, if it has followed the procedures
3 in conformance with this Law, retire those obligations from
4 funds in the business district tax allocation fund in amounts
5 and in such manner as if those obligations had been issued
6 pursuant to the provisions of this Law.

7 No obligations issued pursuant to this Law shall be
8 regarded as indebtedness of the municipality issuing those
9 obligations or any other taxing district for the purpose of any
10 limitation imposed by law.

11 Obligations issued pursuant to this Law shall not be
12 subject to the provisions of the Bond Authorization Act.

13 (f) When business district project costs, including,
14 without limitation, all obligations paying or reimbursing
15 business district project costs have been paid, any surplus
16 funds then remaining in the Business District Tax Allocation
17 Fund shall be distributed to the municipal treasurer for
18 deposit into the general corporate fund of the municipality.
19 Upon payment of all business district project costs and
20 retirement of all obligations paying or reimbursing business
21 district project costs, but in no event more than 23 years
22 after the date of adoption of the ordinance imposing taxes
23 pursuant to subsection (10) or (11) of Section 11-74.3-3, the
24 municipality shall adopt an ordinance immediately rescinding
25 the taxes imposed pursuant to subsection (10) or (11) of
26 Section 11-74.3-3.

1 (Source: P.A. 99-143, eff. 7-27-15.)

2 Section 115. The Flood Prevention District Act is amended
3 by changing Section 25 as follows:

4 (70 ILCS 750/25)

5 Sec. 25. Flood prevention retailers' and service
6 occupation taxes.

7 (a) If the Board of Commissioners of a flood prevention
8 district determines that an emergency situation exists
9 regarding levee repair or flood prevention, and upon an
10 ordinance confirming the determination adopted by the
11 affirmative vote of a majority of the members of the county
12 board of the county in which the district is situated, the
13 county may impose a flood prevention retailers' occupation tax
14 upon all persons engaged in the business of selling tangible
15 personal property at retail within the territory of the
16 district to provide revenue to pay the costs of providing
17 emergency levee repair and flood prevention and to secure the
18 payment of bonds, notes, and other evidences of indebtedness
19 issued under this Act for a period not to exceed 25 years or as
20 required to repay the bonds, notes, and other evidences of
21 indebtedness issued under this Act. The tax rate shall be 0.25%
22 of the gross receipts from all taxable sales made in the course
23 of that business. The tax imposed under this Section and all
24 civil penalties that may be assessed as an incident thereof

1 shall be collected and enforced by the State Department of
2 Revenue. The Department shall have full power to administer and
3 enforce this Section; to collect all taxes and penalties so
4 collected in the manner hereinafter provided; and to determine
5 all rights to credit memoranda arising on account of the
6 erroneous payment of tax or penalty hereunder.

7 In the administration of and compliance with this
8 subsection, the Department and persons who are subject to this
9 subsection (i) have the same rights, remedies, privileges,
10 immunities, powers, and duties, (ii) are subject to the same
11 conditions, restrictions, limitations, penalties, and
12 definitions of terms, and (iii) shall employ the same modes of
13 procedure as are set forth in Sections 1 through 10, 2 through
14 2-70 (in respect to all provisions contained in those Sections
15 other than the State rate of tax), 2a through 2h, 3 (except as
16 to the disposition of taxes and penalties collected), 4, 5, 5a,
17 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9,
18 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act
19 and all provisions of the Uniform Penalty and Interest Act as
20 if those provisions were set forth in this subsection.

21 Persons subject to any tax imposed under this Section may
22 reimburse themselves for their seller's tax liability
23 hereunder by separately stating the tax as an additional
24 charge, which charge may be stated in combination in a single
25 amount with State taxes that sellers are required to collect
26 under the Use Tax Act, under any bracket schedules the

1 Department may prescribe.

2 If a tax is imposed under this subsection (a), a tax shall
3 also be imposed under subsection (b) of this Section.

4 (b) If a tax has been imposed under subsection (a), a flood
5 prevention service occupation tax shall also be imposed upon
6 all persons engaged within the territory of the district in the
7 business of making sales of service, who, as an incident to
8 making the sales of service, transfer tangible personal
9 property, either in the form of tangible personal property or
10 in the form of real estate as an incident to a sale of service
11 to provide revenue to pay the costs of providing emergency
12 levee repair and flood prevention and to secure the payment of
13 bonds, notes, and other evidences of indebtedness issued under
14 this Act for a period not to exceed 25 years or as required to
15 repay the bonds, notes, and other evidences of indebtedness.
16 The tax rate shall be 0.25% of the selling price of all
17 tangible personal property transferred.

18 The tax imposed under this subsection and all civil
19 penalties that may be assessed as an incident thereof shall be
20 collected and enforced by the State Department of Revenue. The
21 Department shall have full power to administer and enforce this
22 subsection; to collect all taxes and penalties due hereunder;
23 to dispose of taxes and penalties collected in the manner
24 hereinafter provided; and to determine all rights to credit
25 memoranda arising on account of the erroneous payment of tax or
26 penalty hereunder.

1 In the administration of and compliance with this
2 subsection, the Department and persons who are subject to this
3 subsection shall (i) have the same rights, remedies,
4 privileges, immunities, powers, and duties, (ii) be subject to
5 the same conditions, restrictions, limitations, penalties, and
6 definitions of terms, and (iii) employ the same modes of
7 procedure as are set forth in Sections 2 (except that the
8 reference to State in the definition of supplier maintaining a
9 place of business in this State means the district), 2a through
10 2d, 3 through 3-50 (in respect to all provisions contained in
11 those Sections other than the State rate of tax), 4 (except
12 that the reference to the State shall be to the district), 5,
13 7, 8 (except that the jurisdiction to which the tax is a debt
14 to the extent indicated in that Section 8 is the district), 9
15 (except as to the disposition of taxes and penalties
16 collected), 10, 11, 12 (except the reference therein to Section
17 2b of the Retailers' Occupation Tax Act), 13 (except that any
18 reference to the State means the district), Section 15, 16, 17,
19 18, 19, and 20 of the Service Occupation Tax Act and all
20 provisions of the Uniform Penalty and Interest Act, as fully as
21 if those provisions were set forth herein.

22 Persons subject to any tax imposed under the authority
23 granted in this subsection may reimburse themselves for their
24 serviceman's tax liability hereunder by separately stating the
25 tax as an additional charge, that charge may be stated in
26 combination in a single amount with State tax that servicemen

1 are authorized to collect under the Service Use Tax Act, under
2 any bracket schedules the Department may prescribe.

3 (c) The taxes imposed in subsections (a) and (b) may not be
4 imposed on personal property titled or registered with an
5 agency of the State or on personal property taxed at the 1%
6 rate under the Retailers' Occupation Tax Act and the Service
7 Occupation Tax Act ; ~~food for human consumption that is to be~~
8 ~~consumed off the premises where it is sold (other than~~
9 ~~alcoholic beverages, soft drinks, and food that has been~~
10 ~~prepared for immediate consumption); prescription and~~
11 ~~non-prescription medicines, drugs, and medical appliances;~~
12 ~~modifications to a motor vehicle for the purpose of rendering~~
13 ~~it usable by a person with a disability; or insulin, urine~~
14 ~~testing materials, and syringes and needles used by diabetics.~~

15 (d) Nothing in this Section shall be construed to authorize
16 the district to impose a tax upon the privilege of engaging in
17 any business that under the Constitution of the United States
18 may not be made the subject of taxation by the State.

19 (e) The certificate of registration that is issued by the
20 Department to a retailer under the Retailers' Occupation Tax
21 Act or a serviceman under the Service Occupation Tax Act
22 permits the retailer or serviceman to engage in a business that
23 is taxable without registering separately with the Department
24 under an ordinance or resolution under this Section.

25 (f) The Department shall immediately pay over to the State
26 Treasurer, ex officio, as trustee, all taxes and penalties

1 collected under this Section to be deposited into the Flood
2 Prevention Occupation Tax Fund, which shall be an
3 unappropriated trust fund held outside the State treasury.

4 On or before the 25th day of each calendar month, the
5 Department shall prepare and certify to the Comptroller the
6 disbursement of stated sums of money to the counties from which
7 retailers or servicemen have paid taxes or penalties to the
8 Department during the second preceding calendar month. The
9 amount to be paid to each county is equal to the amount (not
10 including credit memoranda) collected from the county under
11 this Section during the second preceding calendar month by the
12 Department, (i) less 2% of that amount, which shall be
13 deposited into the Tax Compliance and Administration Fund and
14 shall be used by the Department in administering and enforcing
15 the provisions of this Section on behalf of the county, (ii)
16 plus an amount that the Department determines is necessary to
17 offset any amounts that were erroneously paid to a different
18 taxing body; (iii) less an amount equal to the amount of
19 refunds made during the second preceding calendar month by the
20 Department on behalf of the county; and (iv) less any amount
21 that the Department determines is necessary to offset any
22 amounts that were payable to a different taxing body but were
23 erroneously paid to the county. When certifying the amount of a
24 monthly disbursement to a county under this Section, the
25 Department shall increase or decrease the amounts by an amount
26 necessary to offset any miscalculation of previous

1 disbursements within the previous 6 months from the time a
2 miscalculation is discovered.

3 Within 10 days after receipt by the Comptroller from the
4 Department of the disbursement certification to the counties
5 provided for in this Section, the Comptroller shall cause the
6 orders to be drawn for the respective amounts in accordance
7 with directions contained in the certification.

8 If the Department determines that a refund should be made
9 under this Section to a claimant instead of issuing a credit
10 memorandum, then the Department shall notify the Comptroller,
11 who shall cause the order to be drawn for the amount specified
12 and to the person named in the notification from the
13 Department. The refund shall be paid by the Treasurer out of
14 the Flood Prevention Occupation Tax Fund.

15 (g) If a county imposes a tax under this Section, then the
16 county board shall, by ordinance, discontinue the tax upon the
17 payment of all indebtedness of the flood prevention district.
18 The tax shall not be discontinued until all indebtedness of the
19 District has been paid.

20 (h) Any ordinance imposing the tax under this Section, or
21 any ordinance that discontinues the tax, must be certified by
22 the county clerk and filed with the Illinois Department of
23 Revenue either (i) on or before the first day of April,
24 whereupon the Department shall proceed to administer and
25 enforce the tax or change in the rate as of the first day of
26 July next following the filing; or (ii) on or before the first

1 day of October, whereupon the Department shall proceed to
2 administer and enforce the tax or change in the rate as of the
3 first day of January next following the filing.

4 (j) County Flood Prevention Occupation Tax Fund. All
5 proceeds received by a county from a tax distribution under
6 this Section must be maintained in a special fund known as the
7 [name of county] flood prevention occupation tax fund. The
8 county shall, at the direction of the flood prevention
9 district, use moneys in the fund to pay the costs of providing
10 emergency levee repair and flood prevention and to pay bonds,
11 notes, and other evidences of indebtedness issued under this
12 Act.

13 (k) This Section may be cited as the Flood Prevention
14 Occupation Tax Law.

15 (Source: P.A. 99-143, eff. 7-27-15; 99-217, eff. 7-31-15;
16 99-642, eff. 7-28-16.)

17 Section 120. The Metro-East Park and Recreation District
18 Act is amended by changing Section 30 as follows:

19 (70 ILCS 1605/30)

20 Sec. 30. Taxes.

21 (a) The board shall impose a tax upon all persons engaged
22 in the business of selling tangible personal property, other
23 than personal property titled or registered with an agency of
24 this State's government, at retail in the District on the gross

1 receipts from the sales made in the course of business. This
2 tax shall be imposed only at the rate of one-tenth of one per
3 cent.

4 This additional tax may not be imposed on tangible personal
5 property taxed at the 1% rate under the Retailers' Occupation
6 Tax Act ~~the sales of food for human consumption that is to be~~
7 ~~consumed off the premises where it is sold (other than~~
8 ~~alcoholic beverages, soft drinks, and food which has been~~
9 ~~prepared for immediate consumption) and prescription and~~
10 ~~non prescription medicines, drugs, medical appliances, and~~
11 ~~insulin, urine testing materials, syringes, and needles used by~~
12 ~~diabetics.~~ The tax imposed by the Board under this Section and
13 all civil penalties that may be assessed as an incident of the
14 tax shall be collected and enforced by the Department of
15 Revenue. The certificate of registration that is issued by the
16 Department to a retailer under the Retailers' Occupation Tax
17 Act shall permit the retailer to engage in a business that is
18 taxable without registering separately with the Department
19 under an ordinance or resolution under this Section. The
20 Department has full power to administer and enforce this
21 Section, to collect all taxes and penalties due under this
22 Section, to dispose of taxes and penalties so collected in the
23 manner provided in this Section, and to determine all rights to
24 credit memoranda arising on account of the erroneous payment of
25 a tax or penalty under this Section. In the administration of
26 and compliance with this Section, the Department and persons

1 who are subject to this Section shall (i) have the same rights,
2 remedies, privileges, immunities, powers, and duties, (ii) be
3 subject to the same conditions, restrictions, limitations,
4 penalties, and definitions of terms, and (iii) employ the same
5 modes of procedure as are prescribed in Sections 1, 1a, 1a-1,
6 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2, 2-5, 2-5.5, 2-10 (in respect
7 to all provisions contained in those Sections other than the
8 State rate of tax), 2-12, 2-15 through 2-70, 2a, 2b, 2c, 3
9 (except provisions relating to transaction returns and quarter
10 monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
11 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13
12 of the Retailers' Occupation Tax Act and the Uniform Penalty
13 and Interest Act as if those provisions were set forth in this
14 Section.

15 Persons subject to any tax imposed under the authority
16 granted in this Section may reimburse themselves for their
17 sellers' tax liability by separately stating the tax as an
18 additional charge, which charge may be stated in combination,
19 in a single amount, with State tax which sellers are required
20 to collect under the Use Tax Act, pursuant to such bracketed
21 schedules as the Department may prescribe.

22 Whenever the Department determines that a refund should be
23 made under this Section to a claimant instead of issuing a
24 credit memorandum, the Department shall notify the State
25 Comptroller, who shall cause the order to be drawn for the
26 amount specified and to the person named in the notification

1 from the Department. The refund shall be paid by the State
2 Treasurer out of the State Metro-East Park and Recreation
3 District Fund.

4 (b) If a tax has been imposed under subsection (a), a
5 service occupation tax shall also be imposed at the same rate
6 upon all persons engaged, in the District, in the business of
7 making sales of service, who, as an incident to making those
8 sales of service, transfer tangible personal property within
9 the District as an incident to a sale of service. This tax may
10 not be imposed on tangible personal property taxed at the 1%
11 rate under the Service Occupation Tax Act ~~sales of food for~~
12 ~~human consumption that is to be consumed off the premises where~~
13 ~~it is sold (other than alcoholic beverages, soft drinks, and~~
14 ~~food prepared for immediate consumption) and prescription and~~
15 ~~non-prescription medicines, drugs, medical appliances, and~~
16 ~~insulin, urine testing materials, syringes, and needles used by~~
17 ~~diabetics~~. The tax imposed under this subsection and all civil
18 penalties that may be assessed as an incident thereof shall be
19 collected and enforced by the Department of Revenue. The
20 Department has full power to administer and enforce this
21 subsection; to collect all taxes and penalties due hereunder;
22 to dispose of taxes and penalties so collected in the manner
23 hereinafter provided; and to determine all rights to credit
24 memoranda arising on account of the erroneous payment of tax or
25 penalty hereunder. In the administration of, and compliance
26 with this subsection, the Department and persons who are

1 subject to this paragraph shall (i) have the same rights,
2 remedies, privileges, immunities, powers, and duties, (ii) be
3 subject to the same conditions, restrictions, limitations,
4 penalties, exclusions, exemptions, and definitions of terms,
5 and (iii) employ the same modes of procedure as are prescribed
6 in Sections 2 (except that the reference to State in the
7 definition of supplier maintaining a place of business in this
8 State shall mean the District), 2a, 2b, 2c, 3 through 3-50 (in
9 respect to all provisions therein other than the State rate of
10 tax), 4 (except that the reference to the State shall be to the
11 District), 5, 7, 8 (except that the jurisdiction to which the
12 tax shall be a debt to the extent indicated in that Section 8
13 shall be the District), 9 (except as to the disposition of
14 taxes and penalties collected), 10, 11, 12 (except the
15 reference therein to Section 2b of the Retailers' Occupation
16 Tax Act), 13 (except that any reference to the State shall mean
17 the District), Sections 15, 16, 17, 18, 19 and 20 of the
18 Service Occupation Tax Act and the Uniform Penalty and Interest
19 Act, as fully as if those provisions were set forth herein.

20 Persons subject to any tax imposed under the authority
21 granted in this subsection may reimburse themselves for their
22 serviceman's tax liability by separately stating the tax as an
23 additional charge, which charge may be stated in combination,
24 in a single amount, with State tax that servicemen are
25 authorized to collect under the Service Use Tax Act, in
26 accordance with such bracket schedules as the Department may

1 prescribe.

2 Whenever the Department determines that a refund should be
3 made under this subsection to a claimant instead of issuing a
4 credit memorandum, the Department shall notify the State
5 Comptroller, who shall cause the warrant to be drawn for the
6 amount specified, and to the person named, in the notification
7 from the Department. The refund shall be paid by the State
8 Treasurer out of the State Metro-East Park and Recreation
9 District Fund.

10 Nothing in this subsection shall be construed to authorize
11 the board to impose a tax upon the privilege of engaging in any
12 business which under the Constitution of the United States may
13 not be made the subject of taxation by the State.

14 (c) The Department shall immediately pay over to the State
15 Treasurer, ex officio, as trustee, all taxes and penalties
16 collected under this Section to be deposited into the State
17 Metro-East Park and Recreation District Fund, which shall be an
18 unappropriated trust fund held outside of the State treasury.

19 As soon as possible after the first day of each month,
20 beginning January 1, 2011, upon certification of the Department
21 of Revenue, the Comptroller shall order transferred, and the
22 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
23 local sales tax increment, as defined in the Innovation
24 Development and Economy Act, collected under this Section
25 during the second preceding calendar month for sales within a
26 STAR bond district. The Department shall make this

1 certification only if the Metro East Park and Recreation
2 District imposes a tax on real property as provided in the
3 definition of "local sales taxes" under the Innovation
4 Development and Economy Act.

5 After the monthly transfer to the STAR Bonds Revenue Fund,
6 on or before the 25th day of each calendar month, the
7 Department shall prepare and certify to the Comptroller the
8 disbursement of stated sums of money pursuant to Section 35 of
9 this Act to the District from which retailers have paid taxes
10 or penalties to the Department during the second preceding
11 calendar month. The amount to be paid to the District shall be
12 the amount (not including credit memoranda) collected under
13 this Section during the second preceding calendar month by the
14 Department plus an amount the Department determines is
15 necessary to offset any amounts that were erroneously paid to a
16 different taxing body, and not including (i) an amount equal to
17 the amount of refunds made during the second preceding calendar
18 month by the Department on behalf of the District, (ii) any
19 amount that the Department determines is necessary to offset
20 any amounts that were payable to a different taxing body but
21 were erroneously paid to the District, (iii) any amounts that
22 are transferred to the STAR Bonds Revenue Fund, and (iv) 2% of
23 the remainder, which the Department shall transfer into the Tax
24 Compliance and Administration Fund. The Department, at the time
25 of each monthly disbursement to the District, shall prepare and
26 certify to the State Comptroller the amount to be transferred

1 into the Tax Compliance and Administration Fund under this
2 subsection. Within 10 days after receipt by the Comptroller of
3 the disbursement certification to the District and the Tax
4 Compliance and Administration Fund provided for in this Section
5 to be given to the Comptroller by the Department, the
6 Comptroller shall cause the orders to be drawn for the
7 respective amounts in accordance with directions contained in
8 the certification.

9 (d) For the purpose of determining whether a tax authorized
10 under this Section is applicable, a retail sale by a producer
11 of coal or another mineral mined in Illinois is a sale at
12 retail at the place where the coal or other mineral mined in
13 Illinois is extracted from the earth. This paragraph does not
14 apply to coal or another mineral when it is delivered or
15 shipped by the seller to the purchaser at a point outside
16 Illinois so that the sale is exempt under the United States
17 Constitution as a sale in interstate or foreign commerce.

18 (e) Nothing in this Section shall be construed to authorize
19 the board to impose a tax upon the privilege of engaging in any
20 business that under the Constitution of the United States may
21 not be made the subject of taxation by this State.

22 (f) An ordinance imposing a tax under this Section or an
23 ordinance extending the imposition of a tax to an additional
24 county or counties shall be certified by the board and filed
25 with the Department of Revenue either (i) on or before the
26 first day of April, whereupon the Department shall proceed to

1 administer and enforce the tax as of the first day of July next
2 following the filing; or (ii) on or before the first day of
3 October, whereupon the Department shall proceed to administer
4 and enforce the tax as of the first day of January next
5 following the filing.

6 (g) When certifying the amount of a monthly disbursement to
7 the District under this Section, the Department shall increase
8 or decrease the amounts by an amount necessary to offset any
9 misallocation of previous disbursements. The offset amount
10 shall be the amount erroneously disbursed within the previous 6
11 months from the time a misallocation is discovered.

12 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17.)

13 Section 123. The Regional Transportation Authority Act is
14 amended by changing Section 4.03 as follows:

15 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

16 Sec. 4.03. Taxes.

17 (a) In order to carry out any of the powers or purposes of
18 the Authority, the Board may by ordinance adopted with the
19 concurrence of 12 of the then Directors, impose throughout the
20 metropolitan region any or all of the taxes provided in this
21 Section. Except as otherwise provided in this Act, taxes
22 imposed under this Section and civil penalties imposed incident
23 thereto shall be collected and enforced by the State Department
24 of Revenue. The Department shall have the power to administer

1 and enforce the taxes and to determine all rights for refunds
2 for erroneous payments of the taxes. Nothing in Public Act
3 95-708 is intended to invalidate any taxes currently imposed by
4 the Authority. The increased vote requirements to impose a tax
5 shall only apply to actions taken after January 1, 2008 (the
6 effective date of Public Act 95-708).

7 (b) The Board may impose a public transportation tax upon
8 all persons engaged in the metropolitan region in the business
9 of selling at retail motor fuel for operation of motor vehicles
10 upon public highways. The tax shall be at a rate not to exceed
11 5% of the gross receipts from the sales of motor fuel in the
12 course of the business. As used in this Act, the term "motor
13 fuel" shall have the same meaning as in the Motor Fuel Tax Law.
14 The Board may provide for details of the tax. The provisions of
15 any tax shall conform, as closely as may be practicable, to the
16 provisions of the Municipal Retailers Occupation Tax Act,
17 including without limitation, conformity to penalties with
18 respect to the tax imposed and as to the powers of the State
19 Department of Revenue to promulgate and enforce rules and
20 regulations relating to the administration and enforcement of
21 the provisions of the tax imposed, except that reference in the
22 Act to any municipality shall refer to the Authority and the
23 tax shall be imposed only with regard to receipts from sales of
24 motor fuel in the metropolitan region, at rates as limited by
25 this Section.

26 (c) In connection with the tax imposed under paragraph (b)

1 of this Section the Board may impose a tax upon the privilege
2 of using in the metropolitan region motor fuel for the
3 operation of a motor vehicle upon public highways, the tax to
4 be at a rate not in excess of the rate of tax imposed under
5 paragraph (b) of this Section. The Board may provide for
6 details of the tax.

7 (d) The Board may impose a motor vehicle parking tax upon
8 the privilege of parking motor vehicles at off-street parking
9 facilities in the metropolitan region at which a fee is
10 charged, and may provide for reasonable classifications in and
11 exemptions to the tax, for administration and enforcement
12 thereof and for civil penalties and refunds thereunder and may
13 provide criminal penalties thereunder, the maximum penalties
14 not to exceed the maximum criminal penalties provided in the
15 Retailers' Occupation Tax Act. The Authority may collect and
16 enforce the tax itself or by contract with any unit of local
17 government. The State Department of Revenue shall have no
18 responsibility for the collection and enforcement unless the
19 Department agrees with the Authority to undertake the
20 collection and enforcement. As used in this paragraph, the term
21 "parking facility" means a parking area or structure having
22 parking spaces for more than 2 vehicles at which motor vehicles
23 are permitted to park in return for an hourly, daily, or other
24 periodic fee, whether publicly or privately owned, but does not
25 include parking spaces on a public street, the use of which is
26 regulated by parking meters.

1 (e) The Board may impose a Regional Transportation
2 Authority Retailers' Occupation Tax upon all persons engaged in
3 the business of selling tangible personal property at retail in
4 the metropolitan region. In Cook County the tax rate shall be
5 1.25% of the gross receipts from sales of tangible personal
6 property taxed at the 1% rate under the Retailers' Occupation
7 Tax Act ~~food for human consumption that is to be consumed off~~
8 ~~the premises where it is sold (other than alcoholic beverages,~~
9 ~~soft drinks and food that has been prepared for immediate~~
10 ~~consumption) and prescription and nonprescription medicines,~~
11 ~~drugs, medical appliances and insulin, urine testing~~
12 ~~materials, syringes and needles used by diabetics, and 1% of~~
13 the gross receipts from other taxable sales made in the course
14 of that business. In DuPage, Kane, Lake, McHenry, and Will
15 Counties, the tax rate shall be 0.75% of the gross receipts
16 from all taxable sales made in the course of that business. The
17 tax imposed under this Section and all civil penalties that may
18 be assessed as an incident thereof shall be collected and
19 enforced by the State Department of Revenue. The Department
20 shall have full power to administer and enforce this Section;
21 to collect all taxes and penalties so collected in the manner
22 hereinafter provided; and to determine all rights to credit
23 memoranda arising on account of the erroneous payment of tax or
24 penalty hereunder. In the administration of, and compliance
25 with this Section, the Department and persons who are subject
26 to this Section shall have the same rights, remedies,

1 privileges, immunities, powers and duties, and be subject to
2 the same conditions, restrictions, limitations, penalties,
3 exclusions, exemptions and definitions of terms, and employ the
4 same modes of procedure, as are prescribed in Sections 1, 1a,
5 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all
6 provisions therein other than the State rate of tax), 2c, 3
7 (except as to the disposition of taxes and penalties
8 collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k,
9 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12 and 13 of the
10 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
11 Penalty and Interest Act, as fully as if those provisions were
12 set forth herein.

13 Persons subject to any tax imposed under the authority
14 granted in this Section may reimburse themselves for their
15 seller's tax liability hereunder by separately stating the tax
16 as an additional charge, which charge may be stated in
17 combination in a single amount with State taxes that sellers
18 are required to collect under the Use Tax Act, under any
19 bracket schedules the Department may prescribe.

20 Whenever the Department determines that a refund should be
21 made under this Section to a claimant instead of issuing a
22 credit memorandum, the Department shall notify the State
23 Comptroller, who shall cause the warrant to be drawn for the
24 amount specified, and to the person named, in the notification
25 from the Department. The refund shall be paid by the State
26 Treasurer out of the Regional Transportation Authority tax fund

1 established under paragraph (n) of this Section.

2 If a tax is imposed under this subsection (e), a tax shall
3 also be imposed under subsections (f) and (g) of this Section.

4 For the purpose of determining whether a tax authorized
5 under this Section is applicable, a retail sale by a producer
6 of coal or other mineral mined in Illinois, is a sale at retail
7 at the place where the coal or other mineral mined in Illinois
8 is extracted from the earth. This paragraph does not apply to
9 coal or other mineral when it is delivered or shipped by the
10 seller to the purchaser at a point outside Illinois so that the
11 sale is exempt under the Federal Constitution as a sale in
12 interstate or foreign commerce.

13 No tax shall be imposed or collected under this subsection
14 on the sale of a motor vehicle in this State to a resident of
15 another state if that motor vehicle will not be titled in this
16 State.

17 Nothing in this Section shall be construed to authorize the
18 Regional Transportation Authority to impose a tax upon the
19 privilege of engaging in any business that under the
20 Constitution of the United States may not be made the subject
21 of taxation by this State.

22 (f) If a tax has been imposed under paragraph (e), a
23 Regional Transportation Authority Service Occupation Tax shall
24 also be imposed upon all persons engaged, in the metropolitan
25 region in the business of making sales of service, who as an
26 incident to making the sales of service, transfer tangible

1 personal property within the metropolitan region, either in the
2 form of tangible personal property or in the form of real
3 estate as an incident to a sale of service. In Cook County, the
4 tax rate shall be: (1) 1.25% of the serviceman's cost price of
5 food prepared for immediate consumption and transferred
6 incident to a sale of service subject to the service occupation
7 tax by an entity licensed under the Hospital Licensing Act, the
8 Nursing Home Care Act, the Specialized Mental Health
9 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
10 the MC/DD Act that is located in the metropolitan region; (2)
11 1.25% of the selling price of tangible personal property taxed
12 at the 1% rate under the Service Occupation Tax Act ~~food for~~
13 ~~human consumption that is to be consumed off the premises where~~
14 ~~it is sold (other than alcoholic beverages, soft drinks and~~
15 ~~food that has been prepared for immediate consumption) and~~
16 ~~prescription and nonprescription medicines, drugs, medical~~
17 ~~appliances and insulin, urine testing materials, syringes and~~
18 ~~needles used by diabetics; and (3) 1% of the selling price from~~
19 other taxable sales of tangible personal property transferred.
20 In DuPage, Kane, Lake, McHenry and Will Counties the rate shall
21 be 0.75% of the selling price of all tangible personal property
22 transferred.

23 The tax imposed under this paragraph and all civil
24 penalties that may be assessed as an incident thereof shall be
25 collected and enforced by the State Department of Revenue. The
26 Department shall have full power to administer and enforce this

1 paragraph; to collect all taxes and penalties due hereunder; to
2 dispose of taxes and penalties collected in the manner
3 hereinafter provided; and to determine all rights to credit
4 memoranda arising on account of the erroneous payment of tax or
5 penalty hereunder. In the administration of and compliance with
6 this paragraph, the Department and persons who are subject to
7 this paragraph shall have the same rights, remedies,
8 privileges, immunities, powers and duties, and be subject to
9 the same conditions, restrictions, limitations, penalties,
10 exclusions, exemptions and definitions of terms, and employ the
11 same modes of procedure, as are prescribed in Sections 1a-1, 2,
12 2a, 3 through 3-50 (in respect to all provisions therein other
13 than the State rate of tax), 4 (except that the reference to
14 the State shall be to the Authority), 5, 7, 8 (except that the
15 jurisdiction to which the tax shall be a debt to the extent
16 indicated in that Section 8 shall be the Authority), 9 (except
17 as to the disposition of taxes and penalties collected, and
18 except that the returned merchandise credit for this tax may
19 not be taken against any State tax), 10, 11, 12 (except the
20 reference therein to Section 2b of the Retailers' Occupation
21 Tax Act), 13 (except that any reference to the State shall mean
22 the Authority), the first paragraph of Section 15, 16, 17, 18,
23 19 and 20 of the Service Occupation Tax Act and Section 3-7 of
24 the Uniform Penalty and Interest Act, as fully as if those
25 provisions were set forth herein.

26 Persons subject to any tax imposed under the authority

1 granted in this paragraph may reimburse themselves for their
2 serviceman's tax liability hereunder by separately stating the
3 tax as an additional charge, that charge may be stated in
4 combination in a single amount with State tax that servicemen
5 are authorized to collect under the Service Use Tax Act, under
6 any bracket schedules the Department may prescribe.

7 Whenever the Department determines that a refund should be
8 made under this paragraph to a claimant instead of issuing a
9 credit memorandum, the Department shall notify the State
10 Comptroller, who shall cause the warrant to be drawn for the
11 amount specified, and to the person named in the notification
12 from the Department. The refund shall be paid by the State
13 Treasurer out of the Regional Transportation Authority tax fund
14 established under paragraph (n) of this Section.

15 Nothing in this paragraph shall be construed to authorize
16 the Authority to impose a tax upon the privilege of engaging in
17 any business that under the Constitution of the United States
18 may not be made the subject of taxation by the State.

19 (g) If a tax has been imposed under paragraph (e), a tax
20 shall also be imposed upon the privilege of using in the
21 metropolitan region, any item of tangible personal property
22 that is purchased outside the metropolitan region at retail
23 from a retailer, and that is titled or registered with an
24 agency of this State's government. In Cook County the tax rate
25 shall be 1% of the selling price of the tangible personal
26 property, as "selling price" is defined in the Use Tax Act. In

1 DuPage, Kane, Lake, McHenry and Will counties the tax rate
2 shall be 0.75% of the selling price of the tangible personal
3 property, as "selling price" is defined in the Use Tax Act. The
4 tax shall be collected from persons whose Illinois address for
5 titling or registration purposes is given as being in the
6 metropolitan region. The tax shall be collected by the
7 Department of Revenue for the Regional Transportation
8 Authority. The tax must be paid to the State, or an exemption
9 determination must be obtained from the Department of Revenue,
10 before the title or certificate of registration for the
11 property may be issued. The tax or proof of exemption may be
12 transmitted to the Department by way of the State agency with
13 which, or the State officer with whom, the tangible personal
14 property must be titled or registered if the Department and the
15 State agency or State officer determine that this procedure
16 will expedite the processing of applications for title or
17 registration.

18 The Department shall have full power to administer and
19 enforce this paragraph; to collect all taxes, penalties and
20 interest due hereunder; to dispose of taxes, penalties and
21 interest collected in the manner hereinafter provided; and to
22 determine all rights to credit memoranda or refunds arising on
23 account of the erroneous payment of tax, penalty or interest
24 hereunder. In the administration of and compliance with this
25 paragraph, the Department and persons who are subject to this
26 paragraph shall have the same rights, remedies, privileges,

1 immunities, powers and duties, and be subject to the same
2 conditions, restrictions, limitations, penalties, exclusions,
3 exemptions and definitions of terms and employ the same modes
4 of procedure, as are prescribed in Sections 2 (except the
5 definition of "retailer maintaining a place of business in this
6 State"), 3 through 3-80 (except provisions pertaining to the
7 State rate of tax, and except provisions concerning collection
8 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
9 19 (except the portions pertaining to claims by retailers and
10 except the last paragraph concerning refunds), 20, 21 and 22 of
11 the Use Tax Act, and are not inconsistent with this paragraph,
12 as fully as if those provisions were set forth herein.

13 Whenever the Department determines that a refund should be
14 made under this paragraph to a claimant instead of issuing a
15 credit memorandum, the Department shall notify the State
16 Comptroller, who shall cause the order to be drawn for the
17 amount specified, and to the person named in the notification
18 from the Department. The refund shall be paid by the State
19 Treasurer out of the Regional Transportation Authority tax fund
20 established under paragraph (n) of this Section.

21 (h) The Authority may impose a replacement vehicle tax of
22 \$50 on any passenger car as defined in Section 1-157 of the
23 Illinois Vehicle Code purchased within the metropolitan region
24 by or on behalf of an insurance company to replace a passenger
25 car of an insured person in settlement of a total loss claim.
26 The tax imposed may not become effective before the first day

1 of the month following the passage of the ordinance imposing
2 the tax and receipt of a certified copy of the ordinance by the
3 Department of Revenue. The Department of Revenue shall collect
4 the tax for the Authority in accordance with Sections 3-2002
5 and 3-2003 of the Illinois Vehicle Code.

6 The Department shall immediately pay over to the State
7 Treasurer, ex officio, as trustee, all taxes collected
8 hereunder.

9 As soon as possible after the first day of each month,
10 beginning January 1, 2011, upon certification of the Department
11 of Revenue, the Comptroller shall order transferred, and the
12 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
13 local sales tax increment, as defined in the Innovation
14 Development and Economy Act, collected under this Section
15 during the second preceding calendar month for sales within a
16 STAR bond district.

17 After the monthly transfer to the STAR Bonds Revenue Fund,
18 on or before the 25th day of each calendar month, the
19 Department shall prepare and certify to the Comptroller the
20 disbursement of stated sums of money to the Authority. The
21 amount to be paid to the Authority shall be the amount
22 collected hereunder during the second preceding calendar month
23 by the Department, less any amount determined by the Department
24 to be necessary for the payment of refunds, and less any
25 amounts that are transferred to the STAR Bonds Revenue Fund.
26 Within 10 days after receipt by the Comptroller of the

1 disbursement certification to the Authority provided for in
2 this Section to be given to the Comptroller by the Department,
3 the Comptroller shall cause the orders to be drawn for that
4 amount in accordance with the directions contained in the
5 certification.

6 (i) The Board may not impose any other taxes except as it
7 may from time to time be authorized by law to impose.

8 (j) A certificate of registration issued by the State
9 Department of Revenue to a retailer under the Retailers'
10 Occupation Tax Act or under the Service Occupation Tax Act
11 shall permit the registrant to engage in a business that is
12 taxed under the tax imposed under paragraphs (b), (e), (f) or
13 (g) of this Section and no additional registration shall be
14 required under the tax. A certificate issued under the Use Tax
15 Act or the Service Use Tax Act shall be applicable with regard
16 to any tax imposed under paragraph (c) of this Section.

17 (k) The provisions of any tax imposed under paragraph (c)
18 of this Section shall conform as closely as may be practicable
19 to the provisions of the Use Tax Act, including without
20 limitation conformity as to penalties with respect to the tax
21 imposed and as to the powers of the State Department of Revenue
22 to promulgate and enforce rules and regulations relating to the
23 administration and enforcement of the provisions of the tax
24 imposed. The taxes shall be imposed only on use within the
25 metropolitan region and at rates as provided in the paragraph.

26 (l) The Board in imposing any tax as provided in paragraphs

1 (b) and (c) of this Section, shall, after seeking the advice of
2 the State Department of Revenue, provide means for retailers,
3 users or purchasers of motor fuel for purposes other than those
4 with regard to which the taxes may be imposed as provided in
5 those paragraphs to receive refunds of taxes improperly paid,
6 which provisions may be at variance with the refund provisions
7 as applicable under the Municipal Retailers Occupation Tax Act.
8 The State Department of Revenue may provide for certificates of
9 registration for users or purchasers of motor fuel for purposes
10 other than those with regard to which taxes may be imposed as
11 provided in paragraphs (b) and (c) of this Section to
12 facilitate the reporting and nontaxability of the exempt sales
13 or uses.

14 (m) Any ordinance imposing or discontinuing any tax under
15 this Section shall be adopted and a certified copy thereof
16 filed with the Department on or before June 1, whereupon the
17 Department of Revenue shall proceed to administer and enforce
18 this Section on behalf of the Regional Transportation Authority
19 as of September 1 next following such adoption and filing.
20 Beginning January 1, 1992, an ordinance or resolution imposing
21 or discontinuing the tax hereunder shall be adopted and a
22 certified copy thereof filed with the Department on or before
23 the first day of July, whereupon the Department shall proceed
24 to administer and enforce this Section as of the first day of
25 October next following such adoption and filing. Beginning
26 January 1, 1993, an ordinance or resolution imposing,

1 increasing, decreasing, or discontinuing the tax hereunder
2 shall be adopted and a certified copy thereof filed with the
3 Department, whereupon the Department shall proceed to
4 administer and enforce this Section as of the first day of the
5 first month to occur not less than 60 days following such
6 adoption and filing. Any ordinance or resolution of the
7 Authority imposing a tax under this Section and in effect on
8 August 1, 2007 shall remain in full force and effect and shall
9 be administered by the Department of Revenue under the terms
10 and conditions and rates of tax established by such ordinance
11 or resolution until the Department begins administering and
12 enforcing an increased tax under this Section as authorized by
13 Public Act 95-708. The tax rates authorized by Public Act
14 95-708 are effective only if imposed by ordinance of the
15 Authority.

16 (n) Except as otherwise provided in this subsection (n),
17 the State Department of Revenue shall, upon collecting any
18 taxes as provided in this Section, pay the taxes over to the
19 State Treasurer as trustee for the Authority. The taxes shall
20 be held in a trust fund outside the State Treasury. On or
21 before the 25th day of each calendar month, the State
22 Department of Revenue shall prepare and certify to the
23 Comptroller of the State of Illinois and to the Authority (i)
24 the amount of taxes collected in each County other than Cook
25 County in the metropolitan region, (ii) the amount of taxes
26 collected within the City of Chicago, and (iii) the amount

1 collected in that portion of Cook County outside of Chicago,
2 each amount less the amount necessary for the payment of
3 refunds to taxpayers located in those areas described in items
4 (i), (ii), and (iii), and less 2% of the remainder, which shall
5 be transferred from the trust fund into the Tax Compliance and
6 Administration Fund. The Department, at the time of each
7 monthly disbursement to the Authority, shall prepare and
8 certify to the State Comptroller the amount to be transferred
9 into the Tax Compliance and Administration Fund under this
10 subsection. Within 10 days after receipt by the Comptroller of
11 the certification of the amounts, the Comptroller shall cause
12 an order to be drawn for the transfer of the amount certified
13 into the Tax Compliance and Administration Fund and the payment
14 of two-thirds of the amounts certified in item (i) of this
15 subsection to the Authority and one-third of the amounts
16 certified in item (i) of this subsection to the respective
17 counties other than Cook County and the amount certified in
18 items (ii) and (iii) of this subsection to the Authority.

19 In addition to the disbursement required by the preceding
20 paragraph, an allocation shall be made in July 1991 and each
21 year thereafter to the Regional Transportation Authority. The
22 allocation shall be made in an amount equal to the average
23 monthly distribution during the preceding calendar year
24 (excluding the 2 months of lowest receipts) and the allocation
25 shall include the amount of average monthly distribution from
26 the Regional Transportation Authority Occupation and Use Tax

1 Replacement Fund. The distribution made in July 1992 and each
2 year thereafter under this paragraph and the preceding
3 paragraph shall be reduced by the amount allocated and
4 disbursed under this paragraph in the preceding calendar year.
5 The Department of Revenue shall prepare and certify to the
6 Comptroller for disbursement the allocations made in
7 accordance with this paragraph.

8 (o) Failure to adopt a budget ordinance or otherwise to
9 comply with Section 4.01 of this Act or to adopt a Five-year
10 Capital Program or otherwise to comply with paragraph (b) of
11 Section 2.01 of this Act shall not affect the validity of any
12 tax imposed by the Authority otherwise in conformity with law.

13 (p) At no time shall a public transportation tax or motor
14 vehicle parking tax authorized under paragraphs (b), (c) and
15 (d) of this Section be in effect at the same time as any
16 retailers' occupation, use or service occupation tax
17 authorized under paragraphs (e), (f) and (g) of this Section is
18 in effect.

19 Any taxes imposed under the authority provided in
20 paragraphs (b), (c) and (d) shall remain in effect only until
21 the time as any tax authorized by paragraphs (e), (f) or (g) of
22 this Section are imposed and becomes effective. Once any tax
23 authorized by paragraphs (e), (f) or (g) is imposed the Board
24 may not reimpose taxes as authorized in paragraphs (b), (c) and
25 (d) of the Section unless any tax authorized by paragraphs (e),
26 (f) or (g) of this Section becomes ineffective by means other

1 than an ordinance of the Board.

2 (q) Any existing rights, remedies and obligations
3 (including enforcement by the Regional Transportation
4 Authority) arising under any tax imposed under paragraphs (b),
5 (c) or (d) of this Section shall not be affected by the
6 imposition of a tax under paragraphs (e), (f) or (g) of this
7 Section.

8 (Source: P.A. 99-180, eff. 7-29-15; 99-217, eff. 7-31-15;
9 99-642, eff. 7-28-16; 100-23, eff. 7-6-17.)

10 Section 125. The Water Commission Act of 1985 is amended by
11 changing Section 4 as follows:

12 (70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)

13 Sec. 4. Taxes.

14 (a) The board of commissioners of any county water
15 commission may, by ordinance, impose throughout the territory
16 of the commission any or all of the taxes provided in this
17 Section for its corporate purposes. However, no county water
18 commission may impose any such tax unless the commission
19 certifies the proposition of imposing the tax to the proper
20 election officials, who shall submit the proposition to the
21 voters residing in the territory at an election in accordance
22 with the general election law, and the proposition has been
23 approved by a majority of those voting on the proposition.

24 The proposition shall be in the form provided in Section 5

1 or shall be substantially in the following form:

2 -----

3 Shall the (insert corporate
4 name of county water commission) YES

5 impose (state type of tax or -----

6 taxes to be imposed) at the NO

7 rate of 1/4%?

8 -----

9 Taxes imposed under this Section and civil penalties
10 imposed incident thereto shall be collected and enforced by the
11 State Department of Revenue. The Department shall have the
12 power to administer and enforce the taxes and to determine all
13 rights for refunds for erroneous payments of the taxes.

14 (b) The board of commissioners may impose a County Water
15 Commission Retailers' Occupation Tax upon all persons engaged
16 in the business of selling tangible personal property at retail
17 in the territory of the commission at a rate of 1/4% of the
18 gross receipts from the sales made in the course of such
19 business within the territory. The tax imposed under this
20 paragraph and all civil penalties that may be assessed as an
21 incident thereof shall be collected and enforced by the State
22 Department of Revenue. The Department shall have full power to
23 administer and enforce this paragraph; to collect all taxes and
24 penalties due hereunder; to dispose of taxes and penalties so
25 collected in the manner hereinafter provided; and to determine
26 all rights to credit memoranda arising on account of the

1 erroneous payment of tax or penalty hereunder. In the
2 administration of, and compliance with, this paragraph, the
3 Department and persons who are subject to this paragraph shall
4 have the same rights, remedies, privileges, immunities, powers
5 and duties, and be subject to the same conditions,
6 restrictions, limitations, penalties, exclusions, exemptions
7 and definitions of terms, and employ the same modes of
8 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
9 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
10 therein other than the State rate of tax except that tangible
11 personal property taxed at the 1% rate under the Retailers'
12 Occupation Tax Act ~~food for human consumption that is to be~~
13 ~~consumed off the premises where it is sold (other than~~
14 ~~alcoholic beverages, soft drinks, and food that has been~~
15 ~~prepared for immediate consumption) and prescription and~~
16 ~~nonprescription medicine, drugs, medical appliances and~~
17 ~~insulin, urine testing materials, syringes, and needles used by~~
18 ~~diabetics, for human use,~~ shall not be subject to tax
19 hereunder), 2c, 3 (except as to the disposition of taxes and
20 penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
21 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, and 13 of
22 the Retailers' Occupation Tax Act and Section 3-7 of the
23 Uniform Penalty and Interest Act, as fully as if those
24 provisions were set forth herein.

25 Persons subject to any tax imposed under the authority
26 granted in this paragraph may reimburse themselves for their

1 seller's tax liability hereunder by separately stating the tax
2 as an additional charge, which charge may be stated in
3 combination, in a single amount, with State taxes that sellers
4 are required to collect under the Use Tax Act and under
5 subsection (e) of Section 4.03 of the Regional Transportation
6 Authority Act, in accordance with such bracket schedules as the
7 Department may prescribe.

8 Whenever the Department determines that a refund should be
9 made under this paragraph to a claimant instead of issuing a
10 credit memorandum, the Department shall notify the State
11 Comptroller, who shall cause the warrant to be drawn for the
12 amount specified, and to the person named, in the notification
13 from the Department. The refund shall be paid by the State
14 Treasurer out of a county water commission tax fund established
15 under subsection ~~paragraph~~ (g) of this Section.

16 For the purpose of determining whether a tax authorized
17 under this paragraph is applicable, a retail sale by a producer
18 of coal or other mineral mined in Illinois is a sale at retail
19 at the place where the coal or other mineral mined in Illinois
20 is extracted from the earth. This paragraph does not apply to
21 coal or other mineral when it is delivered or shipped by the
22 seller to the purchaser at a point outside Illinois so that the
23 sale is exempt under the Federal Constitution as a sale in
24 interstate or foreign commerce.

25 If a tax is imposed under this subsection (b), l a tax shall
26 also be imposed under subsections (c) and (d) of this Section.

1 No tax shall be imposed or collected under this subsection
2 on the sale of a motor vehicle in this State to a resident of
3 another state if that motor vehicle will not be titled in this
4 State.

5 Nothing in this paragraph shall be construed to authorize a
6 county water commission to impose a tax upon the privilege of
7 engaging in any business which under the Constitution of the
8 United States may not be made the subject of taxation by this
9 State.

10 (c) If a tax has been imposed under subsection (b), a
11 County Water Commission Service Occupation Tax shall also be
12 imposed upon all persons engaged, in the territory of the
13 commission, in the business of making sales of service, who, as
14 an incident to making the sales of service, transfer tangible
15 personal property within the territory. The tax rate shall be
16 1/4% of the selling price of tangible personal property so
17 transferred within the territory. The tax imposed under this
18 paragraph and all civil penalties that may be assessed as an
19 incident thereof shall be collected and enforced by the State
20 Department of Revenue. The Department shall have full power to
21 administer and enforce this paragraph; to collect all taxes and
22 penalties due hereunder; to dispose of taxes and penalties so
23 collected in the manner hereinafter provided; and to determine
24 all rights to credit memoranda arising on account of the
25 erroneous payment of tax or penalty hereunder. In the
26 administration of, and compliance with, this paragraph, the

1 Department and persons who are subject to this paragraph shall
2 have the same rights, remedies, privileges, immunities, powers
3 and duties, and be subject to the same conditions,
4 restrictions, limitations, penalties, exclusions, exemptions
5 and definitions of terms, and employ the same modes of
6 procedure, as are prescribed in Sections 1a-1, 2 (except that
7 the reference to State in the definition of supplier
8 maintaining a place of business in this State shall mean the
9 territory of the commission), 2a, 3 through 3-50 (in respect to
10 all provisions therein other than the State rate of tax except
11 that tangible personal property taxed at the 1% rate under the
12 Service Occupation Tax Act ~~food for human consumption that is~~
13 ~~to be consumed off the premises where it is sold (other than~~
14 ~~alcoholic beverages, soft drinks, and food that has been~~
15 ~~prepared for immediate consumption) and prescription and~~
16 ~~nonprescription medicines, drugs, medical appliances and~~
17 ~~insulin, urine testing materials, syringes, and needles used by~~
18 ~~diabetics, for human use,~~ shall not be subject to tax
19 hereunder), 4 (except that the reference to the State shall be
20 to the territory of the commission), 5, 7, 8 (except that the
21 jurisdiction to which the tax shall be a debt to the extent
22 indicated in that Section 8 shall be the commission), 9 (except
23 as to the disposition of taxes and penalties collected and
24 except that the returned merchandise credit for this tax may
25 not be taken against any State tax), 10, 11, 12 (except the
26 reference therein to Section 2b of the Retailers' Occupation

1 Tax Act), 13 (except that any reference to the State shall mean
2 the territory of the commission), the first paragraph of
3 Section 15, 15.5, 16, 17, 18, 19, and 20 of the Service
4 Occupation Tax Act as fully as if those provisions were set
5 forth herein.

6 Persons subject to any tax imposed under the authority
7 granted in this paragraph may reimburse themselves for their
8 serviceman's tax liability hereunder by separately stating the
9 tax as an additional charge, which charge may be stated in
10 combination, in a single amount, with State tax that servicemen
11 are authorized to collect under the Service Use Tax Act, and
12 any tax for which servicemen may be liable under subsection (f)
13 of Section 4.03 of the Regional Transportation Authority Act,
14 in accordance with such bracket schedules as the Department may
15 prescribe.

16 Whenever the Department determines that a refund should be
17 made under this paragraph to a claimant instead of issuing a
18 credit memorandum, the Department shall notify the State
19 Comptroller, who shall cause the warrant to be drawn for the
20 amount specified, and to the person named, in the notification
21 from the Department. The refund shall be paid by the State
22 Treasurer out of a county water commission tax fund established
23 under subsection ~~paragraph~~ (g) of this Section.

24 Nothing in this paragraph shall be construed to authorize a
25 county water commission to impose a tax upon the privilege of
26 engaging in any business which under the Constitution of the

1 United States may not be made the subject of taxation by the
2 State.

3 (d) If a tax has been imposed under subsection (b), a tax
4 shall also be imposed upon the privilege of using, in the
5 territory of the commission, any item of tangible personal
6 property that is purchased outside the territory at retail from
7 a retailer, and that is titled or registered with an agency of
8 this State's government, at a rate of 1/4% of the selling price
9 of the tangible personal property within the territory, as
10 "selling price" is defined in the Use Tax Act. The tax shall be
11 collected from persons whose Illinois address for titling or
12 registration purposes is given as being in the territory. The
13 tax shall be collected by the Department of Revenue for a
14 county water commission. The tax must be paid to the State, or
15 an exemption determination must be obtained from the Department
16 of Revenue, before the title or certificate of registration for
17 the property may be issued. The tax or proof of exemption may
18 be transmitted to the Department by way of the State agency
19 with which, or the State officer with whom, the tangible
20 personal property must be titled or registered if the
21 Department and the State agency or State officer determine that
22 this procedure will expedite the processing of applications for
23 title or registration.

24 The Department shall have full power to administer and
25 enforce this paragraph; to collect all taxes, penalties, and
26 interest due hereunder; to dispose of taxes, penalties, and

1 interest so collected in the manner hereinafter provided; and
2 to determine all rights to credit memoranda or refunds arising
3 on account of the erroneous payment of tax, penalty, or
4 interest hereunder. In the administration of, and compliance
5 with this paragraph, the Department and persons who are subject
6 to this paragraph shall have the same rights, remedies,
7 privileges, immunities, powers, and duties, and be subject to
8 the same conditions, restrictions, limitations, penalties,
9 exclusions, exemptions, and definitions of terms and employ the
10 same modes of procedure, as are prescribed in Sections 2
11 (except the definition of "retailer maintaining a place of
12 business in this State"), 3 through 3-80 (except provisions
13 pertaining to the State rate of tax, and except provisions
14 concerning collection or refunding of the tax by retailers, and
15 ~~except that food for human consumption that is to be consumed~~
16 ~~off the premises where it is sold (other than alcoholic~~
17 ~~beverages, soft drinks, and food that has been prepared for~~
18 ~~immediate consumption) and prescription and nonprescription~~
19 ~~medicines, drugs, medical appliances and insulin, urine~~
20 ~~testing materials, syringes, and needles used by diabetics, for~~
21 ~~human use, shall not be subject to tax hereunder), 4, 11, 12,~~
22 12a, 14, 15, 19 (except the portions pertaining to claims by
23 retailers and except the last paragraph concerning refunds),
24 20, 21, and 22 of the Use Tax Act and Section 3-7 of the Uniform
25 Penalty and Interest Act that are not inconsistent with this
26 paragraph, as fully as if those provisions were set forth

1 herein.

2 Whenever the Department determines that a refund should be
3 made under this paragraph to a claimant instead of issuing a
4 credit memorandum, the Department shall notify the State
5 Comptroller, who shall cause the order to be drawn for the
6 amount specified, and to the person named, in the notification
7 from the Department. The refund shall be paid by the State
8 Treasurer out of a county water commission tax fund established
9 under subsection ~~paragraph~~ (g) of this Section.

10 (e) A certificate of registration issued by the State
11 Department of Revenue to a retailer under the Retailers'
12 Occupation Tax Act or under the Service Occupation Tax Act
13 shall permit the registrant to engage in a business that is
14 taxed under the tax imposed under subsection ~~paragraphs~~ (b),
15 (c), or (d) of this Section and no additional registration
16 shall be required under the tax. A certificate issued under the
17 Use Tax Act or the Service Use Tax Act shall be applicable with
18 regard to any tax imposed under subsection ~~paragraph~~ (c) of
19 this Section.

20 (f) Any ordinance imposing or discontinuing any tax under
21 this Section shall be adopted and a certified copy thereof
22 filed with the Department on or before June 1, whereupon the
23 Department of Revenue shall proceed to administer and enforce
24 this Section on behalf of the county water commission as of
25 September 1 next following the adoption and filing. Beginning
26 January 1, 1992, an ordinance or resolution imposing or

1 discontinuing the tax hereunder shall be adopted and a
2 certified copy thereof filed with the Department on or before
3 the first day of July, whereupon the Department shall proceed
4 to administer and enforce this Section as of the first day of
5 October next following such adoption and filing. Beginning
6 January 1, 1993, an ordinance or resolution imposing or
7 discontinuing the tax hereunder shall be adopted and a
8 certified copy thereof filed with the Department on or before
9 the first day of October, whereupon the Department shall
10 proceed to administer and enforce this Section as of the first
11 day of January next following such adoption and filing.

12 (g) The State Department of Revenue shall, upon collecting
13 any taxes as provided in this Section, pay the taxes over to
14 the State Treasurer as trustee for the commission. The taxes
15 shall be held in a trust fund outside the State Treasury.

16 As soon as possible after the first day of each month,
17 beginning January 1, 2011, upon certification of the Department
18 of Revenue, the Comptroller shall order transferred, and the
19 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
20 local sales tax increment, as defined in the Innovation
21 Development and Economy Act, collected under this Section
22 during the second preceding calendar month for sales within a
23 STAR bond district.

24 After the monthly transfer to the STAR Bonds Revenue Fund,
25 on or before the 25th day of each calendar month, the State
26 Department of Revenue shall prepare and certify to the

1 Comptroller of the State of Illinois the amount to be paid to
2 the commission, which shall be the amount (not including credit
3 memoranda) collected under this Section during the second
4 preceding calendar month by the Department plus an amount the
5 Department determines is necessary to offset any amounts that
6 were erroneously paid to a different taxing body, and not
7 including any amount equal to the amount of refunds made during
8 the second preceding calendar month by the Department on behalf
9 of the commission, and not including any amount that the
10 Department determines is necessary to offset any amounts that
11 were payable to a different taxing body but were erroneously
12 paid to the commission, and less any amounts that are
13 transferred to the STAR Bonds Revenue Fund, less 2% of the
14 remainder, which shall be transferred into the Tax Compliance
15 and Administration Fund. The Department, at the time of each
16 monthly disbursement to the commission, shall prepare and
17 certify to the State Comptroller the amount to be transferred
18 into the Tax Compliance and Administration Fund under this
19 subsection. Within 10 days after receipt by the Comptroller of
20 the certification of the amount to be paid to the commission
21 and the Tax Compliance and Administration Fund, the Comptroller
22 shall cause an order to be drawn for the payment for the amount
23 in accordance with the direction in the certification.

24 (h) Beginning June 1, 2016, any tax imposed pursuant to
25 this Section may no longer be imposed or collected, unless a
26 continuation of the tax is approved by the voters at a

1 referendum as set forth in this Section.

2 (Source: P.A. 99-217, eff. 7-31-15; 99-642, eff. 7-28-16;
3 100-23, eff. 7-6-17; revised 10-3-17.)

4 Section 130. The Illinois Horse Racing Act of 1975 is
5 amended by changing Sections 27 and 28.1 as follows:

6 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

7 Sec. 27. (a) In addition to the organization license fee
8 provided by this Act, until January 1, 2000, a graduated
9 privilege tax is hereby imposed for conducting the pari-mutuel
10 system of wagering permitted under this Act. Until January 1,
11 2000, except as provided in subsection (g) of Section 27 of
12 this Act, all of the breakage of each racing day held by any
13 licensee in the State shall be paid to the State. Until January
14 1, 2000, such daily graduated privilege tax shall be paid by
15 the licensee from the amount permitted to be retained under
16 this Act. Until January 1, 2000, each day's graduated privilege
17 tax, breakage, and Horse Racing Tax Allocation funds shall be
18 remitted to the Department of Revenue within 48 hours after the
19 close of the racing day upon which it is assessed or within
20 such other time as the Board prescribes. The privilege tax
21 hereby imposed, until January 1, 2000, shall be a flat tax at
22 the rate of 2% of the daily pari-mutuel handle except as
23 provided in Section 27.1.

24 In addition, every organization licensee, except as

1 provided in Section 27.1 of this Act, which conducts multiple
2 wagering shall pay, until January 1, 2000, as a privilege tax
3 on multiple wagers an amount equal to 1.25% of all moneys
4 wagered each day on such multiple wagers, plus an additional
5 amount equal to 3.5% of the amount wagered each day on any
6 other multiple wager which involves a single betting interest
7 on 3 or more horses. The licensee shall remit the amount of
8 such taxes to the Department of Revenue within 48 hours after
9 the close of the racing day on which it is assessed or within
10 such other time as the Board prescribes.

11 This subsection (a) shall be inoperative and of no force
12 and effect on and after January 1, 2000.

13 (a-5) Beginning on January 1, 2000, a flat pari-mutuel tax
14 at the rate of 1.5% of the daily pari-mutuel handle is imposed
15 at all pari-mutuel wagering facilities and on advance deposit
16 wagering from a location other than a wagering facility, except
17 as otherwise provided for in this subsection (a-5). In addition
18 to the pari-mutuel tax imposed on advance deposit wagering
19 pursuant to this subsection (a-5), beginning on August 24, 2012
20 (the effective date of Public Act 97-1060) and through December
21 31, 2018, an additional pari-mutuel tax at the rate of 0.25%
22 shall be imposed on advance deposit wagering. Until August 25,
23 2012, the additional 0.25% pari-mutuel tax imposed on advance
24 deposit wagering by Public Act 96-972 shall be deposited into
25 the Quarter Horse Purse Fund, which shall be created as a
26 non-appropriated trust fund administered by the Board for

1 grants to thoroughbred organization licensees for payment of
2 purses for quarter horse races conducted by the organization
3 licensee. Beginning on August 26, 2012, the additional 0.25%
4 pari-mutuel tax imposed on advance deposit wagering shall be
5 deposited into the Standardbred Purse Fund, which shall be
6 created as a non-appropriated trust fund administered by the
7 Board, for grants to the standardbred organization licensees
8 for payment of purses for standardbred horse races conducted by
9 the organization licensee. Thoroughbred organization licensees
10 may petition the Board to conduct quarter horse racing and
11 receive purse grants from the Quarter Horse Purse Fund. The
12 Board shall have complete discretion in distributing the
13 Quarter Horse Purse Fund to the petitioning organization
14 licensees. Beginning on July 26, 2010 (the effective date of
15 Public Act 96-1287), a pari-mutuel tax at the rate of 0.75% of
16 the daily pari-mutuel handle is imposed at a pari-mutuel
17 facility whose license is derived from a track located in a
18 county that borders the Mississippi River and conducted live
19 racing in the previous year. Until the effective date of this
20 amendatory Act of the 100th General Assembly, the ~~The~~
21 pari-mutuel tax imposed by this subsection (a-5) shall be
22 remitted to the Department of Revenue within 48 hours after the
23 close of the racing day upon which it is assessed or within
24 such other time as the Board prescribes. Beginning on the
25 effective date of this amendatory Act of the 100th General
26 Assembly, the pari-mutuel tax imposed by this subsection (a-5)

1 shall be remitted to the Board within 48 hours after the close
2 of the racing day upon which it is assessed or within such
3 other time as the Board prescribes.

4 (b) On or before December 31, 1999, in the event that any
5 organization licensee conducts 2 separate programs of races on
6 any day, each such program shall be considered a separate
7 racing day for purposes of determining the daily handle and
8 computing the privilege tax on such daily handle as provided in
9 subsection (a) of this Section.

10 (c) Licensees shall at all times keep accurate books and
11 records of all monies wagered on each day of a race meeting and
12 of the taxes paid to the Department of Revenue under the
13 provisions of this Section. The Board or its duly authorized
14 representative or representatives shall at all reasonable
15 times have access to such records for the purpose of examining
16 and checking the same and ascertaining whether the proper
17 amount of taxes is being paid as provided. The Board shall
18 require verified reports and a statement of the total of all
19 monies wagered daily at each wagering facility upon which the
20 taxes are assessed and may prescribe forms upon which such
21 reports and statement shall be made.

22 (d) Any licensee failing or refusing to pay the amount of
23 any tax due under this Section shall be guilty of a business
24 offense and upon conviction shall be fined not more than \$5,000
25 in addition to the amount found due as tax under this Section.
26 Each day's violation shall constitute a separate offense. All

1 fines paid into Court by a licensee hereunder shall be
2 transmitted and paid over by the Clerk of the Court to the
3 Board.

4 (e) No other license fee, privilege tax, excise tax, or
5 racing fee, except as provided in this Act, shall be assessed
6 or collected from any such licensee by the State.

7 (f) No other license fee, privilege tax, excise tax or
8 racing fee shall be assessed or collected from any such
9 licensee by units of local government except as provided in
10 paragraph 10.1 of subsection (h) and subsection (f) of Section
11 26 of this Act. However, any municipality that has a Board
12 licensed horse race meeting at a race track wholly within its
13 corporate boundaries or a township that has a Board licensed
14 horse race meeting at a race track wholly within the
15 unincorporated area of the township may charge a local
16 amusement tax not to exceed 10¢ per admission to such horse
17 race meeting by the enactment of an ordinance. However, any
18 municipality or county that has a Board licensed inter-track
19 wagering location facility wholly within its corporate
20 boundaries may each impose an admission fee not to exceed \$1.00
21 per admission to such inter-track wagering location facility,
22 so that a total of not more than \$2.00 per admission may be
23 imposed. Except as provided in subparagraph (g) of Section 27
24 of this Act, the inter-track wagering location licensee shall
25 collect any and all such fees and within 48 hours remit the
26 fees to the Board, which shall, pursuant to rule, cause the

1 fees to be distributed to the county or municipality.

2 (g) Notwithstanding any provision in this Act to the
3 contrary, if in any calendar year the total taxes and fees
4 required to be collected from licensees and distributed under
5 this Act to all State and local governmental authorities
6 exceeds the amount of such taxes and fees distributed to each
7 State and local governmental authority to which each State and
8 local governmental authority was entitled under this Act for
9 calendar year 1994, then the first \$11 million of that excess
10 amount shall be allocated at the earliest possible date for
11 distribution as purse money for the succeeding calendar year.
12 Upon reaching the 1994 level, and until the excess amount of
13 taxes and fees exceeds \$11 million, the Board shall direct all
14 licensees to cease paying the subject taxes and fees and the
15 Board shall direct all licensees to allocate any such excess
16 amount for purses as follows:

17 (i) the excess amount shall be initially divided
18 between thoroughbred and standardbred purses based on the
19 thoroughbred's and standardbred's respective percentages
20 of total Illinois live wagering in calendar year 1994;

21 (ii) each thoroughbred and standardbred organization
22 licensee issued an organization licensee in that
23 succeeding allocation year shall be allocated an amount
24 equal to the product of its percentage of total Illinois
25 live thoroughbred or standardbred wagering in calendar
26 year 1994 (the total to be determined based on the sum of

1 1994 on-track wagering for all organization licensees
2 issued organization licenses in both the allocation year
3 and the preceding year) multiplied by the total amount
4 allocated for standardbred or thoroughbred purses,
5 provided that the first \$1,500,000 of the amount allocated
6 to standardbred purses under item (i) shall be allocated to
7 the Department of Agriculture to be expended with the
8 assistance and advice of the Illinois Standardbred
9 Breeders Funds Advisory Board for the purposes listed in
10 subsection (g) of Section 31 of this Act, before the amount
11 allocated to standardbred purses under item (i) is
12 allocated to standardbred organization licensees in the
13 succeeding allocation year.

14 To the extent the excess amount of taxes and fees to be
15 collected and distributed to State and local governmental
16 authorities exceeds \$11 million, that excess amount shall be
17 collected and distributed to State and local authorities as
18 provided for under this Act.

19 (Source: P.A. 98-18, eff. 6-7-13; 98-624, eff. 1-29-14; 99-756,
20 eff. 8-12-16.)

21 (230 ILCS 5/28.1)

22 Sec. 28.1. Payments.

23 (a) Beginning on January 1, 2000, moneys collected ~~by the~~
24 ~~Department of Revenue and the Racing Board~~ pursuant to Section
25 26 or Section 27 of this Act shall be deposited into the Horse

1 Racing Fund, which is hereby created as a special fund in the
2 State Treasury.

3 (b) Appropriations, as approved by the General Assembly,
4 may be made from the Horse Racing Fund to the Board to pay the
5 salaries of the Board members, secretary, stewards, directors
6 of mutuels, veterinarians, representatives, accountants,
7 clerks, stenographers, inspectors and other employees of the
8 Board, and all expenses of the Board incident to the
9 administration of this Act, including, but not limited to, all
10 expenses and salaries incident to the taking of saliva and
11 urine samples in accordance with the rules and regulations of
12 the Board.

13 (c) (Blank).

14 (d) Beginning January 1, 2000, payments to all programs in
15 existence on the effective date of this amendatory Act of 1999
16 that are identified in Sections 26(c), 26(f), 26(h)(11)(C), and
17 28, subsections (a), (b), (c), (d), (e), (f), (g), and (h) of
18 Section 30, and subsections (a), (b), (c), (d), (e), (f), (g),
19 and (h) of Section 31 shall be made from the General Revenue
20 Fund at the funding levels determined by amounts paid under
21 this Act in calendar year 1998. Beginning on the effective date
22 of this amendatory Act of the 93rd General Assembly, payments
23 to the Peoria Park District shall be made from the General
24 Revenue Fund at the funding level determined by amounts paid to
25 that park district for museum purposes under this Act in
26 calendar year 1994.

1 If an inter-track wagering location licensee's facility
2 changes its location, then the payments associated with that
3 facility under this subsection (d) for museum purposes shall be
4 paid to the park district in the area where the facility
5 relocates, and the payments shall be used for museum purposes.
6 If the facility does not relocate to a park district, then the
7 payments shall be paid to the taxing district that is
8 responsible for park or museum expenditures.

9 (e) Beginning July 1, 2006, the payment authorized under
10 subsection (d) to museums and aquariums located in park
11 districts of over 500,000 population shall be paid to museums,
12 aquariums, and zoos in amounts determined by Museums in the
13 Park, an association of museums, aquariums, and zoos located on
14 Chicago Park District property.

15 (f) Beginning July 1, 2007, the Children's Discovery Museum
16 in Normal, Illinois shall receive payments from the General
17 Revenue Fund at the funding level determined by the amounts
18 paid to the Miller Park Zoo in Bloomington, Illinois under this
19 Section in calendar year 2006.

20 (Source: P.A. 98-624, eff. 1-29-14.)

21 Section 135. The Illinois Pull Tabs and Jar Games Act is
22 amended by changing Section 5 as follows:

23 (230 ILCS 20/5) (from Ch. 120, par. 1055)

24 Sec. 5. Payments; returns. There shall be paid to the

1 Department of Revenue 5% of the gross proceeds of any pull tabs
2 and jar games conducted under this Act. Such payments shall be
3 made 4 times per year, between the first and the 20th day of
4 April, July, October and January. Accompanying each payment
5 shall be a return, on forms prescribed by the Department of
6 Revenue. Failure to submit either the payment or the return
7 within the specified time shall result in suspension or
8 revocation of the license. Tax returns filed pursuant to this
9 Act shall not be confidential and shall be available for public
10 inspection. All payments made to the Department of Revenue
11 under this Act shall be deposited as follows:

12 (a) 50% shall be deposited in the Common School Fund;

13 and

14 (b) 50% shall be deposited in the Illinois Gaming Law
15 Enforcement Fund. Of the monies deposited in the Illinois
16 Gaming Law Enforcement Fund under this Section, the General
17 Assembly shall appropriate two-thirds to the Department of
18 Revenue, Department of State Police and the Office of the
19 Attorney General for State law enforcement purposes, and
20 one-third shall be appropriated to the Department of
21 Revenue for the purpose of distribution in the form of
22 grants to counties or municipalities for law enforcement
23 purposes. The amounts of grants to counties or
24 municipalities shall bear the same ratio as the number of
25 licenses issued in counties or municipalities bears to the
26 total number of licenses issued in the State. In computing

1 the number of licenses issued in a county, licenses issued
2 for locations within a municipality's boundaries shall be
3 excluded.

4 The provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
5 5g, 5h, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 11 and 12 of the
6 Retailers' Occupation Tax Act, and Section 3-7 of the Uniform
7 Penalty and Interest Act, which are not inconsistent with this
8 Act shall apply, as far as practicable, to the subject matter
9 of this Act to the same extent as if such provisions were
10 included in this Act. For the purposes of this Act, references
11 in such incorporated Sections of the Retailers' Occupation Tax
12 Act to retailers, sellers or persons engaged in the business of
13 selling tangible personal property means persons engaged in
14 conducting pull tabs and jar games and references in such
15 incorporated Sections of the Retailers' Occupation Tax Act to
16 sales of tangible personal property mean the conducting of pull
17 tabs and jar games and the making of charges for participating
18 in such drawings.

19 If any payment provided for in this Section exceeds the
20 taxpayer's liabilities under this Act, as shown on an original
21 return, the taxpayer may credit such excess payment against
22 liability subsequently to be remitted to the Department under
23 this Act, in accordance with reasonable rules adopted by the
24 Department.

25 (Source: P.A. 95-228, eff. 8-16-07.)

1 Section 140. The Bingo License and Tax Act is amended by
2 changing Section 3 as follows:

3 (230 ILCS 25/3) (from Ch. 120, par. 1103)

4 Sec. 3. Payments; returns. There shall be paid to the
5 Department of Revenue, 5% of the gross proceeds of any game of
6 bingo conducted under the provision of this Act. Such payments
7 shall be made 4 times per year, between the first and the 20th
8 day of April, July, October and January. Accompanying each
9 payment shall be a return, on forms prescribed by the
10 Department of Revenue. Failure to submit either the payment or
11 the return within the specified time may result in suspension
12 or revocation of the license. Tax returns filed pursuant to
13 this Act shall not be confidential and shall be available for
14 public inspection.

15 If any payment provided for in this Section exceeds the
16 taxpayer's liabilities under this Act, as shown on an original
17 return, the taxpayer may credit such excess payment against
18 liability subsequently to be remitted to the Department under
19 this Act, in accordance with reasonable rules adopted by the
20 Department.

21 All payments made to the Department of Revenue under this
22 Section shall be deposited as follows:

23 (1) 50% shall be deposited in the Mental Health Fund;

24 and

25 (2) 50% shall be deposited in the Common School Fund.

1 The provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
2 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 11 and 12 of the Retailers'
3 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
4 Interest Act, which are not inconsistent with this Act, shall
5 apply, as far as practicable, to the subject matter of this Act
6 to the same extent as if such provisions were included in this
7 Act. For the purposes of this Act, references in such
8 incorporated Sections of the Retailers' Occupation Tax Act to
9 retailers, sellers or persons engaged in the business of
10 selling tangible personal property means persons engaged in
11 conducting bingo games, and references in such incorporated
12 Sections of the Retailers' Occupation Tax Act to sales of
13 tangible personal property mean the conducting of bingo games
14 and the making of charges for playing such games.

15 (Source: P.A. 95-228, eff. 8-16-07.)

16 Section 145. The Charitable Games Act is amended by
17 changing Section 9 as follows:

18 (230 ILCS 30/9) (from Ch. 120, par. 1129)

19 Sec. 9. Payments; returns. There shall be paid to the
20 Department of Revenue, 5% of the net proceeds of charitable
21 games conducted under the provisions of this Act. Such payments
22 shall be made within 30 days after the completion of the games.
23 Accompanying each payment shall be a return, on forms
24 prescribed by the Department of Revenue. Failure to submit

1 either the payment or the return within the specified time may
2 result in suspension or revocation of the license. Tax returns
3 filed pursuant to this Act shall not be confidential and shall
4 be available for public inspection.

5 The provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
6 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 11 and 12 of the Retailers'
7 Occupation Tax Act, and Section 3-7 of the Uniform Penalty and
8 Interest Act, which are not inconsistent with this Act shall
9 apply, as far as practicable, to the subject matter of this Act
10 to the same extent as if such provisions were included in this
11 Act. For the purposes of this Act, references in such
12 incorporated Sections of the Retailers' Occupation Tax Act to
13 retailers, sellers or persons engaged in the business of
14 selling tangible personal property means persons engaged in
15 conducting charitable games, and references in such
16 incorporated Sections of the Retailers' Occupation Tax Act to
17 sales of tangible personal property mean the conducting of
18 charitable games and the making of charges for playing such
19 games.

20 If any payment provided for in this Section exceeds the
21 taxpayer's liabilities under this Act, as shown on an original
22 return, the taxpayer may credit such excess payment against
23 liability subsequently to be remitted to the Department under
24 this Act, in accordance with reasonable rules adopted by the
25 Department.

26 All payments made to the Department of Revenue under this

1 Section shall be deposited into the Illinois Gaming Law
2 Enforcement Fund of the State Treasury.

3 (Source: P.A. 98-377, eff. 1-1-14.)

4 Section 150. The Liquor Control Act of 1934 is amended by
5 changing Section 8-2 as follows:

6 (235 ILCS 5/8-2) (from Ch. 43, par. 159)

7 Sec. 8-2. Payments; reports. It is the duty of each
8 manufacturer with respect to alcoholic liquor produced or
9 imported by such manufacturer, or purchased tax-free by such
10 manufacturer from another manufacturer or importing
11 distributor, and of each importing distributor as to alcoholic
12 liquor purchased by such importing distributor from foreign
13 importers or from anyone from any point in the United States
14 outside of this State or purchased tax-free from another
15 manufacturer or importing distributor, to pay the tax imposed
16 by Section 8-1 to the Department of Revenue on or before the
17 15th day of the calendar month following the calendar month in
18 which such alcoholic liquor is sold or used by such
19 manufacturer or by such importing distributor other than in an
20 authorized tax-free manner or to pay that tax electronically as
21 provided in this Section.

22 Each manufacturer and each importing distributor shall
23 make payment under one of the following methods: (1) on or
24 before the 15th day of each calendar month, file in person or

1 by United States first-class mail, postage pre-paid, with the
2 Department of Revenue, on forms prescribed and furnished by the
3 Department, a report in writing in such form as may be required
4 by the Department in order to compute, and assure the accuracy
5 of, the tax due on all taxable sales and uses of alcoholic
6 liquor occurring during the preceding month. Payment of the tax
7 in the amount disclosed by the report shall accompany the
8 report or, (2) on or before the 15th day of each calendar
9 month, electronically file with the Department of Revenue, on
10 forms prescribed and furnished by the Department, an electronic
11 report in such form as may be required by the Department in
12 order to compute, and assure the accuracy of, the tax due on
13 all taxable sales and uses of alcoholic liquor occurring during
14 the preceding month. An electronic payment of the tax in the
15 amount disclosed by the report shall accompany the report. A
16 manufacturer or distributor who files an electronic report and
17 electronically pays the tax imposed pursuant to Section 8-1 to
18 the Department of Revenue on or before the 15th day of the
19 calendar month following the calendar month in which such
20 alcoholic liquor is sold or used by that manufacturer or
21 importing distributor other than in an authorized tax-free
22 manner shall pay to the Department the amount of the tax
23 imposed pursuant to Section 8-1, less a discount which is
24 allowed to reimburse the manufacturer or importing distributor
25 for the expenses incurred in keeping and maintaining records,
26 preparing and filing the electronic returns, remitting the tax,

1 and supplying data to the Department upon request.

2 The discount shall be in an amount as follows:

3 (1) For original returns due on or after January 1,
4 2003 through September 30, 2003, the discount shall be
5 1.75% or \$1,250 per return, whichever is less;

6 (2) For original returns due on or after October 1,
7 2003 through September 30, 2004, the discount shall be 2%
8 or \$3,000 per return, whichever is less; and

9 (3) For original returns due on or after October 1,
10 2004, the discount shall be 2% or \$2,000 per return,
11 whichever is less.

12 The Department may, if it deems it necessary in order to
13 insure the payment of the tax imposed by this Article, require
14 returns to be made more frequently than and covering periods of
15 less than a month. Such return shall contain such further
16 information as the Department may reasonably require.

17 It shall be presumed that all alcoholic liquors acquired or
18 made by any importing distributor or manufacturer have been
19 sold or used by him in this State and are the basis for the tax
20 imposed by this Article unless proven, to the satisfaction of
21 the Department, that such alcoholic liquors are (1) still in
22 the possession of such importing distributor or manufacturer,
23 or (2) prior to the termination of possession have been lost by
24 theft or through unintentional destruction, or (3) that such
25 alcoholic liquors are otherwise exempt from taxation under this
26 Act.

1 If any payment provided for in this Section exceeds the
2 manufacturer's or importing distributor's liabilities under
3 this Act, as shown on an original report, the manufacturer or
4 importing distributor may credit such excess payment against
5 liability subsequently to be remitted to the Department under
6 this Act, in accordance with reasonable rules adopted by the
7 Department. If the Department subsequently determines that all
8 or any part of the credit taken was not actually due to the
9 manufacturer or importing distributor, the manufacturer's or
10 importing distributor's discount shall be reduced by an amount
11 equal to the difference between the discount as applied to the
12 credit taken and that actually due, and the manufacturer or
13 importing distributor shall be liable for penalties and
14 interest on such difference.

15 The Department may require any foreign importer to file
16 monthly information returns, by the 15th day of the month
17 following the month which any such return covers, if the
18 Department determines this to be necessary to the proper
19 performance of the Department's functions and duties under this
20 Act. Such return shall contain such information as the
21 Department may reasonably require.

22 Every manufacturer and importing distributor shall also
23 file, with the Department, a bond in an amount not less than
24 \$1,000 and not to exceed \$100,000 on a form to be approved by,
25 and with a surety or sureties satisfactory to, the Department.
26 Such bond shall be conditioned upon the manufacturer or

1 importing distributor paying to the Department all monies
2 becoming due from such manufacturer or importing distributor
3 under this Article. The Department shall fix the penalty of
4 such bond in each case, taking into consideration the amount of
5 alcoholic liquor expected to be sold and used by such
6 manufacturer or importing distributor, and the penalty fixed by
7 the Department shall be sufficient, in the Department's
8 opinion, to protect the State of Illinois against failure to
9 pay any amount due under this Article, but the amount of the
10 penalty fixed by the Department shall not exceed twice the
11 amount of tax liability of a monthly return, nor shall the
12 amount of such penalty be less than \$1,000. The Department
13 shall notify the Commission of the Department's approval or
14 disapproval of any such manufacturer's or importing
15 distributor's bond, or of the termination or cancellation of
16 any such bond, or of the Department's direction to a
17 manufacturer or importing distributor that he must file
18 additional bond in order to comply with this Section. The
19 Commission shall not issue a license to any applicant for a
20 manufacturer's or importing distributor's license unless the
21 Commission has received a notification from the Department
22 showing that such applicant has filed a satisfactory bond with
23 the Department hereunder and that such bond has been approved
24 by the Department. Failure by any licensed manufacturer or
25 importing distributor to keep a satisfactory bond in effect
26 with the Department or to furnish additional bond to the

1 Department, when required hereunder by the Department to do so,
2 shall be grounds for the revocation or suspension of such
3 manufacturer's or importing distributor's license by the
4 Commission. If a manufacturer or importing distributor fails to
5 pay any amount due under this Article, his bond with the
6 Department shall be deemed forfeited, and the Department may
7 institute a suit in its own name on such bond.

8 After notice and opportunity for a hearing the State
9 Commission may revoke or suspend the license of any
10 manufacturer or importing distributor who fails to comply with
11 the provisions of this Section. Notice of such hearing and the
12 time and place thereof shall be in writing and shall contain a
13 statement of the charges against the licensee. Such notice may
14 be given by United States registered or certified mail with
15 return receipt requested, addressed to the person concerned at
16 his last known address and shall be given not less than 7 days
17 prior to the date fixed for the hearing. An order revoking or
18 suspending a license under the provisions of this Section may
19 be reviewed in the manner provided in Section 7-10 of this Act.
20 No new license shall be granted to a person whose license has
21 been revoked for a violation of this Section or, in case of
22 suspension, shall such suspension be terminated until he has
23 paid to the Department all taxes and penalties which he owes
24 the State under the provisions of this Act.

25 Every manufacturer or importing distributor who has, as
26 verified by the Department, continuously complied with the

1 conditions of the bond under this Act for a period of 2 years
2 shall be considered to be a prior continuous compliance
3 taxpayer. In determining the consecutive period of time for
4 qualification as a prior continuous compliance taxpayer, any
5 consecutive period of time of qualifying compliance
6 immediately prior to the effective date of this amendatory Act
7 of 1987 shall be credited to any manufacturer or importing
8 distributor.

9 A manufacturer or importing distributor that is a prior
10 continuous compliance taxpayer under this Section and becomes a
11 successor as the result of an acquisition, merger, or
12 consolidation of a manufacturer or importing distributor shall
13 be deemed to be a prior continuous compliance taxpayer with
14 respect to the acquired, merged, or consolidated entity.

15 Every prior continuous compliance taxpayer shall be exempt
16 from the bond requirements of this Act until the Department has
17 determined the taxpayer to be delinquent in the filing of any
18 return or deficient in the payment of any tax under this Act.
19 Any taxpayer who fails to pay an admitted or established
20 liability under this Act may also be required to post bond or
21 other acceptable security with the Department guaranteeing the
22 payment of such admitted or established liability.

23 The Department shall discharge any surety and shall release
24 and return any bond or security deposit assigned, pledged or
25 otherwise provided to it by a taxpayer under this Section
26 within 30 days after: (1) such taxpayer becomes a prior

1 continuous compliance taxpayer; or (2) such taxpayer has ceased
2 to collect receipts on which he is required to remit tax to the
3 Department, has filed a final tax return, and has paid to the
4 Department an amount sufficient to discharge his remaining tax
5 liability as determined by the Department under this Act.

6 (Source: P.A. 95-769, eff. 7-29-08.)

7 Section 155. The Energy Assistance Act is amended by
8 changing Section 13 and by adding Section 19 as follows:

9 (305 ILCS 20/13)

10 (Section scheduled to be repealed on January 1, 2025)

11 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

12 (a) The Supplemental Low-Income Energy Assistance Fund is
13 hereby created as a special fund in the State Treasury. The
14 Supplemental Low-Income Energy Assistance Fund is authorized
15 to receive moneys from voluntary donations from individuals,
16 foundations, corporations, and other sources, moneys received
17 pursuant to Section 17, and, by statutory deposit, the moneys
18 collected pursuant to this Section. The Fund is also authorized
19 to receive voluntary donations from individuals, foundations,
20 corporations, and other sources. Subject to appropriation, the
21 Department shall use moneys from the Supplemental Low-Income
22 Energy Assistance Fund for payments to electric or gas public
23 utilities, municipal electric or gas utilities, and electric
24 cooperatives on behalf of their customers who are participants

1 in the program authorized by Sections 4 and 18 of this Act, for
2 the provision of weatherization services and for
3 administration of the Supplemental Low-Income Energy
4 Assistance Fund. The yearly expenditures for weatherization
5 may not exceed 10% of the amount collected during the year
6 pursuant to this Section. The yearly administrative expenses of
7 the Supplemental Low-Income Energy Assistance Fund may not
8 exceed 10% of the amount collected during that year pursuant to
9 this Section, except when unspent funds from the Supplemental
10 Low-Income Energy Assistance Fund are reallocated from a
11 previous year; any unspent balance of the 10% administrative
12 allowance may be utilized for administrative expenses in the
13 year they are reallocated.

14 (b) Notwithstanding the provisions of Section 16-111 of the
15 Public Utilities Act but subject to subsection (k) of this
16 Section, each public utility, electric cooperative, as defined
17 in Section 3.4 of the Electric Supplier Act, and municipal
18 utility, as referenced in Section 3-105 of the Public Utilities
19 Act, that is engaged in the delivery of electricity or the
20 distribution of natural gas within the State of Illinois shall,
21 effective January 1, 1998, assess each of its customer accounts
22 a monthly Energy Assistance Charge for the Supplemental
23 Low-Income Energy Assistance Fund. The delivering public
24 utility, municipal electric or gas utility, or electric or gas
25 cooperative for a self-assessing purchaser remains subject to
26 the collection of the fee imposed by this Section. The monthly

1 charge shall be as follows:

2 (1) \$0.48 per month on each account for residential
3 electric service;

4 (2) \$0.48 per month on each account for residential gas
5 service;

6 (3) \$4.80 per month on each account for non-residential
7 electric service which had less than 10 megawatts of peak
8 demand during the previous calendar year;

9 (4) \$4.80 per month on each account for non-residential
10 gas service which had distributed to it less than 4,000,000
11 therms of gas during the previous calendar year;

12 (5) \$360 per month on each account for non-residential
13 electric service which had 10 megawatts or greater of peak
14 demand during the previous calendar year; and

15 (6) \$360 per month on each account for non-residential
16 gas service which had 4,000,000 or more therms of gas
17 distributed to it during the previous calendar year.

18 The incremental change to such charges imposed by this
19 amendatory Act of the 96th General Assembly shall not (i) be
20 used for any purpose other than to directly assist customers
21 and (ii) be applicable to utilities serving less than 100,000
22 customers in Illinois on January 1, 2009.

23 In addition, electric and gas utilities have committed, and
24 shall contribute, a one-time payment of \$22 million to the
25 Fund, within 10 days after the effective date of the tariffs
26 established pursuant to Sections 16-111.8 and 19-145 of the

1 Public Utilities Act to be used for the Department's cost of
2 implementing the programs described in Section 18 of this
3 amendatory Act of the 96th General Assembly, the Arrearage
4 Reduction Program described in Section 18, and the programs
5 described in Section 8-105 of the Public Utilities Act. If a
6 utility elects not to file a rider within 90 days after the
7 effective date of this amendatory Act of the 96th General
8 Assembly, then the contribution from such utility shall be made
9 no later than February 1, 2010.

10 (c) For purposes of this Section:

11 (1) "residential electric service" means electric
12 utility service for household purposes delivered to a
13 dwelling of 2 or fewer units which is billed under a
14 residential rate, or electric utility service for
15 household purposes delivered to a dwelling unit or units
16 which is billed under a residential rate and is registered
17 by a separate meter for each dwelling unit;

18 (2) "residential gas service" means gas utility
19 service for household purposes distributed to a dwelling of
20 2 or fewer units which is billed under a residential rate,
21 or gas utility service for household purposes distributed
22 to a dwelling unit or units which is billed under a
23 residential rate and is registered by a separate meter for
24 each dwelling unit;

25 (3) "non-residential electric service" means electric
26 utility service which is not residential electric service;

1 and

2 (4) "non-residential gas service" means gas utility
3 service which is not residential gas service.

4 (d) Within 30 days after the effective date of this
5 amendatory Act of the 96th General Assembly, each public
6 utility engaged in the delivery of electricity or the
7 distribution of natural gas shall file with the Illinois
8 Commerce Commission tariffs incorporating the Energy
9 Assistance Charge in other charges stated in such tariffs,
10 which shall become effective no later than the beginning of the
11 first billing cycle following such filing.

12 (e) The Energy Assistance Charge assessed by electric and
13 gas public utilities shall be considered a charge for public
14 utility service.

15 (f) By the 20th day of the month following the month in
16 which the charges imposed by the Section were collected, each
17 public utility, municipal utility, and electric cooperative
18 shall remit to the Department of Revenue all moneys received as
19 payment of the Energy Assistance Charge on a return prescribed
20 and furnished by the Department of Revenue showing such
21 information as the Department of Revenue may reasonably
22 require; provided, however, that a utility offering an
23 Arrearage Reduction Program or Supplemental Arrearage
24 Reduction Program pursuant to Section 18 of this Act shall be
25 entitled to net those amounts necessary to fund and recover the
26 costs of such Programs as authorized by that Section that is no

1 more than the incremental change in such Energy Assistance
2 Charge authorized by Public Act 96-33. If a customer makes a
3 partial payment, a public utility, municipal utility, or
4 electric cooperative may elect either: (i) to apply such
5 partial payments first to amounts owed to the utility or
6 cooperative for its services and then to payment for the Energy
7 Assistance Charge or (ii) to apply such partial payments on a
8 pro-rata basis between amounts owed to the utility or
9 cooperative for its services and to payment for the Energy
10 Assistance Charge.

11 If any payment provided for in this Section exceeds the
12 distributor's liabilities under this Act, as shown on an
13 original return, the Department may authorize the distributor
14 to credit such excess payment against liability subsequently to
15 be remitted to the Department under this Act, in accordance
16 with reasonable rules adopted by the Department. If the
17 Department subsequently determines that all or any part of the
18 credit taken was not actually due to the distributor, the
19 distributor's discount shall be reduced by an amount equal to
20 the difference between the discount as applied to the credit
21 taken and that actually due, and that distributor shall be
22 liable for penalties and interest on such difference.

23 (g) The Department of Revenue shall deposit into the
24 Supplemental Low-Income Energy Assistance Fund all moneys
25 remitted to it in accordance with subsection (f) of this
26 Section; provided, however, that the amounts remitted by each

1 utility shall be used to provide assistance to that utility's
2 customers. The utilities shall coordinate with the Department
3 to establish an equitable and practical methodology for
4 implementing this subsection (g) beginning with the 2010
5 program year.

6 (h) On or before December 31, 2002, the Department shall
7 prepare a report for the General Assembly on the expenditure of
8 funds appropriated from the Low-Income Energy Assistance Block
9 Grant Fund for the program authorized under Section 4 of this
10 Act.

11 (i) The Department of Revenue may establish such rules as
12 it deems necessary to implement this Section.

13 (j) The Department of Commerce and Economic Opportunity may
14 establish such rules as it deems necessary to implement this
15 Section.

16 (k) The charges imposed by this Section shall only apply to
17 customers of municipal electric or gas utilities and electric
18 or gas cooperatives if the municipal electric or gas utility or
19 electric or gas cooperative makes an affirmative decision to
20 impose the charge. If a municipal electric or gas utility or an
21 electric cooperative makes an affirmative decision to impose
22 the charge provided by this Section, the municipal electric or
23 gas utility or electric cooperative shall inform the Department
24 of Revenue in writing of such decision when it begins to impose
25 the charge. If a municipal electric or gas utility or electric
26 or gas cooperative does not assess this charge, the Department

1 may not use funds from the Supplemental Low-Income Energy
2 Assistance Fund to provide benefits to its customers under the
3 program authorized by Section 4 of this Act.

4 In its use of federal funds under this Act, the Department
5 may not cause a disproportionate share of those federal funds
6 to benefit customers of systems which do not assess the charge
7 provided by this Section.

8 This Section is repealed on January 1, 2025 unless renewed
9 by action of the General Assembly.

10 (Source: P.A. 98-429, eff. 8-16-13; 99-457, eff. 1-1-16;
11 99-906, eff. 6-1-17; 99-933, eff. 1-27-17; revised 11-8-17.)

12 (305 ILCS 20/19 new)

13 Sec. 19. Application of Retailers' Occupation Tax
14 provisions. All the provisions of Sections 4, 5, 5a, 5b, 5c,
15 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12,
16 and 13 of the Retailers' Occupation Tax Act that are not
17 inconsistent with this Act apply, as far as practicable, to the
18 surcharge imposed by this Act to the same extent as if those
19 provisions were included in this Act. References in the
20 incorporated Sections of the Retailers' Occupation Tax Act to
21 retailers, to sellers, or to persons engaged in the business of
22 selling tangible personal property mean persons required to
23 remit the charge imposed under this Act.

24 Section 160. The Environmental Protection Act is amended by

1 changing Section 55.10 as follows:

2 (415 ILCS 5/55.10) (from Ch. 111 1/2, par. 1055.10)

3 Sec. 55.10. Tax returns by retailer.

4 (a) Except as otherwise provided in this Section, for
5 returns due on or before January 31, 2010, each retailer of
6 tires maintaining a place of business in this State shall make
7 a return to the Department of Revenue on a quarter annual
8 basis, with the return for January, February and March of a
9 given year being due by April 30 of that year; with the return
10 for April, May and June of a given year being due by July 31 of
11 that year; with the return for July, August and September of a
12 given year being due by October 31 of that year; and with the
13 return for October, November and December of a given year being
14 due by January 31 of the following year.

15 For returns due after January 31, 2010, each retailer of
16 tires maintaining a place of business in this State shall make
17 a return to the Department of Revenue on a quarter annual
18 basis, with the return for January, February, and March of a
19 given year being due by April 20 of that year; with the return
20 for April, May, and June of a given year being due by July 20 of
21 that year; with the return for July, August, and September of a
22 given year being due by October 20 of that year; and with the
23 return for October, November, and December of a given year
24 being due by January 20 of the following year.

25 Notwithstanding any other provision of this Section to the

1 contrary, the return for October, November, and December of
2 2009 is due by February 20, 2010.

3 On and after January 1, 2018, tire retailers and suppliers
4 required to file electronically under Section 3 of the
5 Retailers' Occupation Tax Act or Section 9 of the Use Tax Act
6 must electronically file all returns pursuant to this Act. Tire
7 retailers and suppliers who demonstrate that they do not have
8 access to the Internet or demonstrate hardship in filing
9 electronically may petition the Department to waive the
10 electronic filing requirement.

11 (b) Each return made to the Department of Revenue shall
12 state:

13 (1) the name of the retailer;

14 (2) the address of the retailer's principal place of
15 business, and the address of the principal place of
16 business (if that is a different address) from which the
17 retailer engages in the business of making retail sales of
18 tires;

19 (3) total number of tires sold at retail for the
20 preceding calendar quarter;

21 (4) the amount of tax due; and

22 (5) such other reasonable information as the
23 Department of Revenue may require.

24 If any payment provided for in this Section exceeds the
25 retailer's liabilities under this Act, as shown on an original
26 return, the retailer may credit such excess payment against

1 liability subsequently to be remitted to the Department under
2 this Act, in accordance with reasonable rules adopted by the
3 Department. If the Department subsequently determines that all
4 or any part of the credit taken was not actually due to the
5 retailer, the retailer's discount shall be reduced by the
6 monetary amount of the discount applicable to the difference
7 between the credit taken and that actually due, and the
8 retailer shall be liable for penalties and interest on such
9 difference.

10 Notwithstanding any other provision of this Act concerning
11 the time within which a retailer may file his return, in the
12 case of any retailer who ceases to engage in the retail sale of
13 tires, the retailer shall file a final return under this Act
14 with the Department of Revenue not more than one month after
15 discontinuing that business.

16 (Source: P.A. 100-303, eff. 8-24-17.)

17 Section 165. The Environmental Impact Fee Law is amended by
18 changing Section 315 as follows:

19 (415 ILCS 125/315)

20 (Section scheduled to be repealed on January 1, 2025)

21 Sec. 315. Fee on receivers of fuel for sale or use;
22 collection and reporting. A person that is required to pay the
23 fee imposed by this Law shall pay the fee to the Department by
24 return showing all fuel purchased, acquired, or received and

1 sold, distributed or used during the preceding calendar month,
2 including losses of fuel as the result of evaporation or
3 shrinkage due to temperature variations, and such other
4 reasonable information as the Department may require. Losses of
5 fuel as the result of evaporation or shrinkage due to
6 temperature variations may not exceed 1% of the total gallons
7 in storage at the beginning of the month, plus the receipts of
8 gallonage during the month, minus the gallonage remaining in
9 storage at the end of the month. Any loss reported that is in
10 excess of this amount shall be subject to the fee imposed by
11 Section 310 of this Law. On and after July 1, 2001, for each
12 6-month period January through June, net losses of fuel (for
13 each category of fuel that is required to be reported on a
14 return) as the result of evaporation or shrinkage due to
15 temperature variations may not exceed 1% of the total gallons
16 in storage at the beginning of each January, plus the receipts
17 of gallonage each January through June, minus the gallonage
18 remaining in storage at the end of each June. On and after July
19 1, 2001, for each 6-month period July through December, net
20 losses of fuel (for each category of fuel that is required to
21 be reported on a return) as the result of evaporation or
22 shrinkage due to temperature variations may not exceed 1% of
23 the total gallons in storage at the beginning of each July,
24 plus the receipts of gallonage each July through December,
25 minus the gallonage remaining in storage at the end of each
26 December. Any net loss reported that is in excess of this

1 amount shall be subject to the fee imposed by Section 310 of
2 this Law. For purposes of this Section, "net loss" means the
3 number of gallons gained through temperature variations minus
4 the number of gallons lost through temperature variations or
5 evaporation for each of the respective 6-month periods.

6 The return shall be prescribed by the Department and shall
7 be filed between the 1st and 20th days of each calendar month.
8 The Department may, in its discretion, combine the return filed
9 under this Law with the return filed under Section 2b of the
10 Motor Fuel Tax Law. If the return is timely filed, the receiver
11 may take a discount of 2% through June 30, 2003 and 1.75%
12 thereafter to reimburse himself for the expenses incurred in
13 keeping records, preparing and filing returns, collecting and
14 remitting the fee, and supplying data to the Department on
15 request. However, the discount applies only to the amount of
16 the fee payment that accompanies a return that is timely filed
17 in accordance with this Section.

18 If any payment provided for in this Section exceeds the
19 receiver's liabilities under this Act, as shown on an original
20 return, the Department may authorize the receiver to credit
21 such excess payment against liability subsequently to be
22 remitted to the Department under this Act, in accordance with
23 reasonable rules adopted by the Department. If the Department
24 subsequently determines that all or any part of the credit
25 taken was not actually due to the receiver, the receiver's
26 discount shall be reduced by an amount equal to the difference

1 between the discount as applied to the credit taken and that
2 actually due, and that receiver shall be liable for penalties
3 and interest on such difference.

4 (Source: P.A. 92-30, eff. 7-1-01; 93-32, eff. 6-20-03.)

5 Section 170. The Drycleaner Environmental Response Trust
6 Fund Act is amended by changing Section 65 as follows:

7 (415 ILCS 135/65)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 65. Drycleaning solvent tax.

10 (a) On and after January 1, 1998, a tax is imposed upon the
11 use of drycleaning solvent by a person engaged in the business
12 of operating a drycleaning facility in this State at the rate
13 of \$3.50 per gallon of perchloroethylene or other chlorinated
14 drycleaning solvents used in drycleaning operations, \$0.35 per
15 gallon of petroleum-based drycleaning solvent, and \$1.75 per
16 gallon of green solvents, unless the green solvent is used at a
17 virgin facility, in which case the rate is \$0.35 per gallon.
18 The Council shall determine by rule which products are
19 chlorine-based solvents, which products are petroleum-based
20 solvents, and which products are green solvents. All
21 drycleaning solvents shall be considered chlorinated solvents
22 unless the Council determines that the solvents are
23 petroleum-based drycleaning solvents or green solvents.

24 (b) The tax imposed by this Act shall be collected from the

1 purchaser at the time of sale by a seller of drycleaning
2 solvents maintaining a place of business in this State and
3 shall be remitted to the Department of Revenue under the
4 provisions of this Act.

5 (c) The tax imposed by this Act that is not collected by a
6 seller of drycleaning solvents shall be paid directly to the
7 Department of Revenue by the purchaser or end user who is
8 subject to the tax imposed by this Act.

9 (d) No tax shall be imposed upon the use of drycleaning
10 solvent if the drycleaning solvent will not be used in a
11 drycleaning facility or if a floor stock tax has been imposed
12 and paid on the drycleaning solvent. Prior to the purchase of
13 the solvent, the purchaser shall provide a written and signed
14 certificate to the drycleaning solvent seller stating:

- 15 (1) the name and address of the purchaser;
- 16 (2) the purchaser's signature and date of signing; and
- 17 (3) one of the following:
- 18 (A) that the drycleaning solvent will not be used
19 in a drycleaning facility; or
- 20 (B) that a floor stock tax has been imposed and
21 paid on the drycleaning solvent.

22 (e) On January 1, 1998, there is imposed on each operator
23 of a drycleaning facility a tax on drycleaning solvent held by
24 the operator on that date for use in a drycleaning facility.
25 The tax imposed shall be the tax that would have been imposed
26 under subsection (a) if the drycleaning solvent held by the

1 operator on that date had been purchased by the operator during
2 the first year of this Act.

3 (f) On or before the 25th day of the 1st month following
4 the end of the calendar quarter, a seller of drycleaning
5 solvents who has collected a tax pursuant to this Section
6 during the previous calendar quarter, or a purchaser or end
7 user of drycleaning solvents required under subsection (c) to
8 submit the tax directly to the Department, shall file a return
9 with the Department of Revenue. The return shall be filed on a
10 form prescribed by the Department of Revenue and shall contain
11 information that the Department of Revenue reasonably
12 requires, but at a minimum will require the reporting of the
13 volume of drycleaning solvent sold to each licensed drycleaner.
14 The Department of Revenue shall report quarterly to the Council
15 the volume of drycleaning solvent purchased for the quarter by
16 each licensed drycleaner. Each seller of drycleaning solvent
17 maintaining a place of business in this State who is required
18 or authorized to collect the tax imposed by this Act shall pay
19 to the Department the amount of the tax at the time when he or
20 she is required to file his or her return for the period during
21 which the tax was collected. Purchasers or end users remitting
22 the tax directly to the Department under subsection (c) shall
23 file a return with the Department of Revenue and pay the tax so
24 incurred by the purchaser or end user during the preceding
25 calendar quarter.

26 Except as provided in this Section, the seller of

1 drycleaning solvents filing the return under this Section
2 shall, at the time of filing the return, pay to the Department
3 the amount of tax imposed by this Act less a discount of 1.75%,
4 or \$5 per calendar year, whichever is greater. Failure to
5 timely file the returns and provide to the Department the data
6 requested under this Act will result in disallowance of the
7 reimbursement discount.

8 (g) The tax on drycleaning solvents used in drycleaning
9 facilities and the floor stock tax shall be administered by
10 Department of Revenue under rules adopted by that Department.

11 (h) On and after January 1, 1998, no person shall knowingly
12 sell or transfer drycleaning solvent to an operator of a
13 drycleaning facility that is not licensed by the Council under
14 Section 60.

15 (i) The Department of Revenue may adopt rules as necessary
16 to implement this Section.

17 (j) If any payment provided for in this Section exceeds the
18 seller's liabilities under this Act, as shown on an original
19 return, the seller may credit such excess payment against
20 liability subsequently to be remitted to the Department under
21 this Act, in accordance with reasonable rules adopted by the
22 Department. If the Department subsequently determines that all
23 or any part of the credit taken was not actually due to the
24 seller, the seller's discount shall be reduced by an amount
25 equal to the difference between the discount as applied to the
26 credit taken and that actually due, and the seller shall be

1 liable for penalties and interest on such difference.

2 (Source: P.A. 96-774, eff. 1-1-10.)

3 Section 995. No acceleration or delay. Where this Act makes
4 changes in a statute that is represented in this Act by text
5 that is not yet or no longer in effect (for example, a Section
6 represented by multiple versions), the use of that text does
7 not accelerate or delay the taking effect of (i) the changes
8 made by this Act or (ii) provisions derived from any other
9 Public Act.

10 Section 999. Effective date. This Act takes effect upon
11 becoming law.

1	INDEX	
2	Statutes amended in order of appearance	
3	20 ILCS 687/6-5	
4	20 ILCS 687/6-8 new	
5	20 ILCS 715/10 rep.	
6	20 ILCS 2505/2505-210	was 20 ILCS 2505/39c-1
7	30 ILCS 105/6z-18	from Ch. 127, par. 142z-18
8	35 ILCS 5/703A new	
9	35 ILCS 5/901	from Ch. 120, par. 9-901
10	35 ILCS 105/3-5	
11	35 ILCS 105/3-5.5	
12	35 ILCS 105/9	from Ch. 120, par. 439.9
13	35 ILCS 105/10	from Ch. 120, par. 439.10
14	35 ILCS 110/3-5	
15	35 ILCS 110/3-5.5	
16	35 ILCS 110/9	from Ch. 120, par. 439.39
17	35 ILCS 115/3-5	
18	35 ILCS 115/3-5.5	
19	35 ILCS 115/9	from Ch. 120, par. 439.109
20	35 ILCS 120/2-5	
21	35 ILCS 120/2-5.5	
22	35 ILCS 120/3	from Ch. 120, par. 442
23	35 ILCS 120/5j	from Ch. 120, par. 444j
24	35 ILCS 128/1-40	
25	35 ILCS 130/2	from Ch. 120, par. 453.2

1	35 ILCS 135/3	from Ch. 120, par. 453.33
2	35 ILCS 143/10-30	
3	35 ILCS 145/6	from Ch. 120, par. 481b.36
4	35 ILCS 175/10	
5	35 ILCS 450/2-45	
6	35 ILCS 450/2-50	
7	35 ILCS 505/2b	from Ch. 120, par. 418b
8	35 ILCS 505/5	from Ch. 120, par. 421
9	35 ILCS 505/5a	from Ch. 120, par. 421a
10	35 ILCS 505/13	from Ch. 120, par. 429
11	35 ILCS 505/13a.4	from Ch. 120, par. 429a4
12	35 ILCS 505/13a.5	from Ch. 120, par. 429a5
13	35 ILCS 615/2a.2	from Ch. 120, par. 467.17a.2
14	35 ILCS 615/3	from Ch. 120, par. 467.18
15	35 ILCS 620/2a.2	from Ch. 120, par. 469a.2
16	35 ILCS 630/6	from Ch. 120, par. 2006
17	35 ILCS 640/2-9	
18	35 ILCS 640/2-11	
19	50 ILCS 470/31	
20	55 ILCS 5/5-1006	from Ch. 34, par. 5-1006
21	55 ILCS 5/5-1006.5	
22	55 ILCS 5/5-1006.7	
23	55 ILCS 5/5-1007	from Ch. 34, par. 5-1007
24	55 ILCS 5/5-1008.5	
25	65 ILCS 5/8-11-1	from Ch. 24, par. 8-11-1
26	65 ILCS 5/8-11-1.3	from Ch. 24, par. 8-11-1.3

1	65 ILCS 5/8-11-1.4	from Ch. 24, par. 8-11-1.4
2	65 ILCS 5/8-11-1.6	
3	65 ILCS 5/8-11-1.7	
4	65 ILCS 5/8-11-5	from Ch. 24, par. 8-11-5
5	65 ILCS 5/11-74.3-6	
6	70 ILCS 750/25	
7	70 ILCS 1605/30	
8	70 ILCS 3615/4.03	from Ch. 111 2/3, par. 704.03
9	70 ILCS 3720/4	from Ch. 111 2/3, par. 254
10	230 ILCS 5/27	from Ch. 8, par. 37-27
11	230 ILCS 5/28.1	
12	230 ILCS 20/5	from Ch. 120, par. 1055
13	230 ILCS 25/3	from Ch. 120, par. 1103
14	230 ILCS 30/9	from Ch. 120, par. 1129
15	235 ILCS 5/8-2	from Ch. 43, par. 159
16	305 ILCS 20/13	
17	305 ILCS 20/19 new	
18	415 ILCS 5/55.10	from Ch. 111 1/2, par. 1055.10
19	415 ILCS 125/315	
20	415 ILCS 135/65	