



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4151

Introduced 1/21/2004, by Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

35 ILCS 105/9	from Ch. 120, par. 439.9
35 ILCS 110/9	from Ch. 120, par. 439.39
35 ILCS 115/9	from Ch. 120, par. 439.109
35 ILCS 120/3	from Ch. 120, par. 442

Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailer's Occupation Tax Act. Provides that 0.4% of the net revenues realized for the preceding month from the State's portion of the general rate of tax imposed under the Acts shall be paid by the Department of Revenue into the Local Government Distributive Fund (reverting to the distribution in place prior to State fiscal year 2003). Effective July 1, 2004.

LRB093 16710 SJM 42361 b

1 AN ACT in relation to taxes.

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

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

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

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

27 Where such tangible personal property is sold under a
28 conditional sales contract, or under any other form of sale
29 wherein the payment of the principal sum, or a part thereof, is
30 extended beyond the close of the period for which the return is
31 filed, the retailer, in collecting the tax (except as to motor
32 vehicles, watercraft, aircraft, and trailers that are required

1 to be registered with an agency of this State), may collect for
2 each tax return period, only the tax applicable to that part of
3 the selling price actually received during such tax return
4 period.

5 Except as provided in this Section, on or before the
6 twentieth day of each calendar month, such retailer shall file
7 a return for the preceding calendar month. Such return shall be
8 filed on forms prescribed by the Department and shall furnish
9 such information as the Department may reasonably require.

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

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

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

36 Beginning October 1, 1993, a taxpayer who has an average

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

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

30 Any taxpayer not required to make payments by electronic
31 funds transfer may make payments by electronic funds transfer
32 with the permission of the Department.

33 All taxpayers required to make payment by electronic funds
34 transfer and any taxpayers authorized to voluntarily make
35 payments by electronic funds transfer shall make those payments
36 in the manner authorized by the Department.

1 The Department shall adopt such rules as are necessary to
2 effectuate a program of electronic funds transfer and the
3 requirements of this Section.

4 Before October 1, 2000, if the taxpayer's average monthly
5 tax liability to the Department under this Act, the Retailers'
6 Occupation Tax Act, the Service Occupation Tax Act, the Service
7 Use Tax Act was \$10,000 or more during the preceding 4 complete
8 calendar quarters, he shall file a return with the Department
9 each month by the 20th day of the month next following the
10 month during which such tax liability is incurred and shall
11 make payments to the Department on or before the 7th, 15th,
12 22nd and last day of the month during which such liability is
13 incurred. On and after October 1, 2000, if the taxpayer's
14 average monthly tax liability to the Department under this Act,
15 the Retailers' Occupation Tax Act, the Service Occupation Tax
16 Act, and the Service Use Tax 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
27 of the taxpayer to the Department for the preceding 4 complete
28 calendar quarters (excluding the month of highest liability and
29 the month of lowest liability in such 4 quarter period). If the
30 month during which such tax liability is incurred begins on or
31 after January 1, 1985, and prior to January 1, 1987, each
32 payment shall be in an amount equal to 22.5% of the taxpayer's
33 actual liability for the month or 27.5% of the taxpayer's
34 liability for the same calendar month of the preceding year. If
35 the month during which such tax liability is incurred begins on
36 or after January 1, 1987, and prior to January 1, 1988, each

1 payment shall be in an amount equal to 22.5% of the taxpayer's
2 actual liability for the month or 26.25% 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, 1988, and prior to January 1, 1989, or
6 begins on or after January 1, 1996, each payment shall be in an
7 amount equal to 22.5% of the taxpayer's actual liability for
8 the month or 25% of the taxpayer's liability for the same
9 calendar month of the preceding year. If the month during which
10 such tax liability is incurred begins on or after January 1,
11 1989, and prior to 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 or 100% of the taxpayer's
15 actual liability for the quarter monthly reporting period. The
16 amount of such quarter monthly payments shall be credited
17 against the final tax liability of the taxpayer's return for
18 that month. Before October 1, 2000, once applicable, the
19 requirement of the making of quarter monthly payments to the
20 Department shall continue until such taxpayer's average
21 monthly liability to the Department during the preceding 4
22 complete calendar quarters (excluding the month of highest
23 liability and the month of lowest liability) is less than
24 \$9,000, or until such taxpayer's average monthly liability to
25 the Department as computed for each calendar quarter of the 4
26 preceding complete calendar quarter period is less than
27 \$10,000. However, if a taxpayer can show the Department that a
28 substantial change in the taxpayer's business has occurred
29 which causes the taxpayer to anticipate that his average
30 monthly tax liability for the reasonably foreseeable future
31 will fall below the \$10,000 threshold stated above, then such
32 taxpayer may petition the Department for change in such
33 taxpayer's reporting status. On and after October 1, 2000, once
34 applicable, the requirement of the making of quarter monthly
35 payments to the Department shall continue until such taxpayer's
36 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
27 the taxpayer's liabilities under this Act, the Retailers'
28 Occupation Tax Act, the Service Occupation Tax Act and the
29 Service Use Tax Act, as shown by an original monthly return,
30 the Department shall issue to the taxpayer a credit memorandum
31 no later than 30 days after the date of payment, which
32 memorandum may be submitted by the taxpayer to the Department
33 in payment of tax liability subsequently to be remitted by the
34 taxpayer to the Department or be assigned by the taxpayer to a
35 similar taxpayer under this Act, the Retailers' Occupation Tax
36 Act, the Service Occupation Tax Act or the Service Use Tax Act,

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

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

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

34 Such quarter annual and annual returns, as to form and
35 substance, shall be subject to the same requirements as monthly
36 returns.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 net revenue realized for the preceding month from the 1.25%
2 rate on the selling price of motor fuel and gasohol.

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

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
27 difference shall be immediately paid into the Build Illinois
28 Fund from other moneys received by the Department pursuant to
29 the Tax Acts; and further provided, that if on the last
30 business day of any month the sum of (1) the Tax Act Amount
31 required to be deposited into the Build Illinois Bond Account
32 in the Build Illinois Fund during such month and (2) the amount
33 transferred during such month to the Build Illinois Fund from
34 the State and Local Sales Tax Reform Fund shall have been less
35 than 1/12 of the Annual Specified Amount, an amount equal to
36 the difference shall be immediately paid into the Build

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

1 Build Illinois Fund are subject to the pledge, claim and charge
2 set forth in Section 12 of the Build Illinois Bond Act.

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

	Fiscal Year	Total Deposit
15		
16	1993	\$0
17	1994	53,000,000
18	1995	58,000,000
19	1996	61,000,000
20	1997	64,000,000
21	1998	68,000,000
22	1999	71,000,000
23	2000	75,000,000
24	2001	80,000,000
25	2002	93,000,000
26	2003	99,000,000
27	2004	103,000,000
28	2005	108,000,000
29	2006	113,000,000
30	2007	119,000,000
31	2008	126,000,000
32	2009	132,000,000
33	2010	139,000,000
34	2011	146,000,000
35	2012	153,000,000

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

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 2042.

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
27 required under this Section for previous months and years,
28 shall be deposited into the McCormick Place Expansion Project
29 Fund, until the full amount requested for the fiscal year, but
30 not in excess of the amount specified above as "Total Deposit",
31 has been deposited.

32 Subject to payment of amounts into the Build Illinois Fund
33 and the McCormick Place Expansion Project Fund under the
34 preceding paragraphs, each month the Department shall, subject
35 to appropriation, pay into the Local Government Distributive
36 Fund 0.4% of the net revenue realized for the preceding month

1 from the 5% general rate, or 0.4% of 80% of the net revenue
2 realized for the preceding month from the 6.25% general rate,
3 as the case may be, on the selling price of tangible personal
4 property. That amount shall, subject to appropriation, be
5 distributed as provided in Section 2 of the State Revenue
6 Sharing Act. No payments or distributions under this paragraph
7 shall be made if the tax imposed by this Act on photoprocessing
8 products is declared unconstitutional or if the proceeds from
9 that tax are unavailable for distribution because of
10 litigation.

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

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

33 Of the remainder of the moneys received by the Department
34 pursuant to this Act, 75% thereof shall be paid into the State
35 Treasury and 25% shall be reserved in a special account and
36 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 As soon as possible after the first day of each month, upon
4 certification of the Department of Revenue, the Comptroller
5 shall order transferred and the Treasurer shall transfer from
6 the General Revenue Fund to the Motor Fuel Tax Fund an amount
7 equal to 1.7% of 80% of the net revenue realized under this Act
8 for the second preceding month. Beginning April 1, 2000, this
9 transfer is no longer required and shall not be made.

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

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

21 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101,
22 eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00;
23 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff. 6-28-01;
24 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; 92-600, eff. 6-28-02;
25 92-651, eff. 7-11-02; revised 10-15-03.)

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

28 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

29 Sec. 9. Each serviceman required or authorized to collect
30 the tax herein imposed shall pay to the Department the amount
31 of such tax (except as otherwise provided) at the time when he
32 is required to file his return for the period during which such
33 tax was collected, less a discount of 2.1% prior to January 1,
34 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar

1 year, whichever is greater, which is allowed to reimburse the
2 serviceman for expenses incurred in collecting the tax, keeping
3 records, preparing and filing returns, remitting the tax and
4 supplying data to the Department on request. A serviceman need
5 not remit that part of any tax collected by him to the extent
6 that he is required to pay and does pay the tax imposed by the
7 Service Occupation Tax Act with respect to his sale of service
8 involving the incidental transfer by him of the same property.

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

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

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

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

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

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

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

34 Any taxpayer not required to make payments by electronic
35 funds transfer may make payments by electronic funds transfer
36 with the permission of the Department.

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

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

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

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

28 Notwithstanding any other provision in this Act concerning
29 the time within which a serviceman may file his return, in the
30 case of any serviceman who ceases to engage in a kind of
31 business which makes him responsible for filing returns under
32 this Act, such serviceman shall file a final return under this
33 Act with the Department not more than 1 month after
34 discontinuing such business.

35 Where a serviceman collects the tax with respect to the
36 selling price of property which he sells and the purchaser

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

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

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

27 Where the serviceman has more than one business registered
28 with the Department under separate registration hereunder,
29 such serviceman shall not file each return that is due as a
30 single return covering all such registered businesses, but
31 shall file separate returns for each such registered business.

32 Beginning January 1, 1990, each month the Department shall
33 pay into the State and Local Tax Reform Fund, a special fund in
34 the State Treasury, the net revenue realized for the preceding
35 month from the 1% tax on sales of food for human consumption
36 which is to be consumed off the premises where it is sold

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

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

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

17 Of the remainder of the moneys received by the Department
18 pursuant to this Act, (a) 1.75% thereof shall be paid into the
19 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
20 and after July 1, 1989, 3.8% thereof shall be paid into the
21 Build Illinois Fund; provided, however, that if in any fiscal
22 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
23 may be, of the moneys received by the Department and required
24 to be paid into the Build Illinois Fund pursuant to Section 3
25 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
26 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
27 Service Occupation Tax Act, such Acts being hereinafter called
28 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
29 may be, of moneys being hereinafter called the "Tax Act
30 Amount", and (2) the amount transferred to the Build Illinois
31 Fund from the State and Local Sales Tax Reform Fund shall be
32 less than the Annual Specified Amount (as defined in Section 3
33 of the Retailers' Occupation Tax Act), an amount equal to the
34 difference shall be immediately paid into the Build Illinois
35 Fund from other moneys received by the Department pursuant to
36 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
27 the last business day of any month in which Bonds are
28 outstanding pursuant to the Build Illinois Bond Act, the
29 aggregate of the moneys deposited in the Build Illinois Bond
30 Account in the Build Illinois Fund in such month shall be less
31 than the amount required to be transferred in such month from
32 the Build Illinois Bond Account to the Build Illinois Bond
33 Retirement and Interest Fund pursuant to Section 13 of the
34 Build Illinois Bond Act, an amount equal to such deficiency
35 shall be immediately paid from other moneys received by the
36 Department pursuant to the Tax Acts to the Build Illinois Fund;

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

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

	Fiscal Year	Total Deposit
23	1993	\$0
24	1994	53,000,000
25	1995	58,000,000
26	1996	61,000,000
27	1997	64,000,000
28	1998	68,000,000
29	1999	71,000,000
30	2000	75,000,000
31	2001	80,000,000
32	2002	93,000,000
33	2003	99,000,000
34	2004	103,000,000
35	2005	108,000,000

1	2006	113,000,000
2	2007	119,000,000
3	2008	126,000,000
4	2009	132,000,000
5	2010	139,000,000
6	2011	146,000,000
7	2012	153,000,000
8	2013	161,000,000
9	2014	170,000,000
10	2015	179,000,000
11	2016	189,000,000
12	2017	199,000,000
13	2018	210,000,000
14	2019	221,000,000
15	2020	233,000,000
16	2021	246,000,000
17	2022	260,000,000
18	2023 and	275,000,000

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

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

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

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

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

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

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

4 All remaining moneys received by the Department pursuant to
5 this Act shall be paid into the General Revenue Fund of the
6 State Treasury.

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 (Source: P.A. 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492,
19 eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02;
20 revised 10-15-03.)

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

23 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

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

34 Where such tangible personal property is sold under a

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

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

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

22 1. The name of the seller;

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

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

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

31 5. The amount of tax due;

32 5-5. The signature of the taxpayer; and

33 6. Such other reasonable information as the Department
34 may require.

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

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

3 Prior to October 1, 2003, a serviceman may accept a
4 Manufacturer's Purchase Credit certification from a purchaser
5 in satisfaction of Service Use Tax as provided in Section 3-70
6 of the Service Use Tax Act if the purchaser provides the
7 appropriate documentation as required by Section 3-70 of the
8 Service Use Tax Act. A Manufacturer's Purchase Credit
9 certification, accepted prior to October 1, 2003 by a
10 serviceman as provided in Section 3-70 of the Service Use Tax
11 Act, may be used by that serviceman to satisfy Service
12 Occupation Tax liability in the amount claimed in the
13 certification, not to exceed 6.25% of the receipts subject to
14 tax from a qualifying purchase. A Manufacturer's Purchase
15 Credit reported on any original or amended return filed under
16 this Act after October 20, 2003 shall be disallowed. No
17 Manufacturer's Purchase Credit may be used after September 30,
18 2003 to satisfy any tax liability imposed under this Act,
19 including any audit liability.

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

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

34 Such quarter annual and annual returns, as to form and
35 substance, shall be subject to the same requirements as monthly
36 returns.

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

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

33 Before August 1 of each year beginning in 1993, the
34 Department shall notify all taxpayers required to make payments
35 by electronic funds transfer. All taxpayers required to make
36 payments by electronic funds transfer shall make those payments

1 for a minimum of one year beginning on October 1.

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

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

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

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

29 If experience indicates such action to be practicable, the
30 Department may prescribe and furnish a combination or joint
31 return which will enable servicemen, who are required to file
32 returns hereunder and also under the Retailers' Occupation Tax
33 Act, the Use Tax Act or the Service Use Tax Act, to furnish all
34 the return information required by all said Acts on the one
35 form.

36 Where the serviceman has more than one business registered

1 with the Department under separate registrations hereunder,
2 such serviceman shall file separate returns for each registered
3 business.

4 Beginning January 1, 1990, each month the Department shall
5 pay into the Local Government Tax Fund the revenue realized for
6 the preceding month from the 1% tax on sales of food for human
7 consumption which is to be consumed off the premises where it
8 is sold (other than alcoholic beverages, soft drinks and food
9 which 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.

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

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

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

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

29 Of the remainder of the moneys received by the Department
30 pursuant to this Act, (a) 1.75% thereof shall be paid into the
31 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
32 and after July 1, 1989, 3.8% thereof shall be paid into the
33 Build Illinois Fund; provided, however, that if in any fiscal
34 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
35 may be, of the moneys received by the Department and required
36 to be paid into the Build Illinois Fund pursuant to Section 3

1 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
2 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
3 Service Occupation Tax Act, such Acts being hereinafter called
4 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
5 may be, of moneys being hereinafter called the "Tax Act
6 Amount", and (2) the amount transferred to the Build Illinois
7 Fund from the State and Local Sales Tax Reform Fund shall be
8 less than the Annual Specified Amount (as defined in Section 3
9 of the Retailers' Occupation Tax Act), an amount equal to the
10 difference shall be immediately paid into the Build Illinois
11 Fund from other moneys received by the Department pursuant to
12 the Tax Acts; and further provided, that if on the last
13 business day of any month the sum of (1) the Tax Act Amount
14 required to be deposited into the Build Illinois Account in the
15 Build Illinois Fund during such month and (2) the amount
16 transferred during such month to the Build Illinois Fund from
17 the State and Local Sales Tax Reform Fund shall have been less
18 than 1/12 of the Annual Specified Amount, an amount equal to
19 the difference shall be immediately paid into the Build
20 Illinois Fund from other moneys received by the Department
21 pursuant to the Tax Acts; and, further provided, that in no
22 event shall the payments required under the preceding proviso
23 result in aggregate payments into the Build Illinois Fund
24 pursuant to this clause (b) for any fiscal year in excess of
25 the greater of (i) the Tax Act Amount or (ii) the Annual
26 Specified Amount for such fiscal year; and, further provided,
27 that the amounts payable into the Build Illinois Fund under
28 this clause (b) shall be payable only until such time as the
29 aggregate amount on deposit under each trust indenture securing
30 Bonds issued and outstanding pursuant to the Build Illinois
31 Bond Act is sufficient, taking into account any future
32 investment income, to fully provide, in accordance with such
33 indenture, for the defeasance of or the payment of the
34 principal of, premium, if any, and interest on the Bonds
35 secured by such indenture and on any Bonds expected to be
36 issued thereafter and all fees and costs payable with respect

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

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

34		Total
	Fiscal Year	Deposit
35	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
27	2020	233,000,000
28	2021	246,000,000
29	2022	260,000,000
30	2023 and	275,000,000

31 each fiscal year
32 thereafter that bonds
33 are outstanding under
34 Section 13.2 of the
35 Metropolitan Pier and
36 Exposition Authority Act,

1 but not after fiscal year 2042.

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 under the
17 preceding paragraphs, each month the Department shall, subject
18 to appropriation, pay into the Local Government Distributive
19 Fund 0.4% of the net revenue realized for the preceding month
20 from the 5% general rate or 0.4% of 80% of the net revenue
21 realized for the preceding month from the 6.25% general rate,
22 as the case may be, on the selling price of tangible personal
23 property. That amount shall, subject to appropriation, be
24 distributed as provided in Section 2 of the State Revenue
25 Sharing Act. No payments or distributions under this paragraph
26 shall be made if the tax imposed by this Act on photoprocessing
27 products is declared unconstitutional or if the proceeds from
28 that tax are unavailable for distribution because of
29 litigation.

30 Subject to payment of amounts into the Build Illinois Fund,
31 ~~and~~ the McCormick Place Expansion Project Fund, and the Local
32 Government Distributive Fund pursuant to the preceding
33 paragraphs or in any amendments thereto hereafter enacted,
34 beginning July 1, 1993, the Department shall each month pay
35 into the Illinois Tax Increment Fund 0.27% of 80% of the net
36 revenue realized for the preceding month from the 6.25% general

1 rate on the selling price of tangible personal property.

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

16 Remaining moneys received by the Department pursuant to
17 this Act shall be paid into the General Revenue Fund of the
18 State Treasury.

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

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

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

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

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

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

27 The foregoing portion of this Section concerning the filing
28 of an annual information return shall not apply to a serviceman
29 who is not required to file an income tax return with the
30 United States Government.

31 As soon as possible after the first day of each month, upon
32 certification of the Department of Revenue, the Comptroller
33 shall order transferred and the Treasurer shall transfer from
34 the General Revenue Fund to the Motor Fuel Tax Fund an amount
35 equal to 1.7% of 80% of the net revenue realized under this Act
36 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, it shall be
7 permissible for manufacturers, importers and wholesalers whose
8 products are sold by numerous servicemen in Illinois, and who
9 wish to do so, to assume the responsibility for accounting and
10 paying to the Department all tax accruing under this Act with
11 respect to such sales, if the servicemen who are affected do
12 not make written objection to the Department to this
13 arrangement.

14 (Source: P.A. 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492,
15 eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02; 93-24,
16 eff. 6-20-03; revised 10-15-03.)

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

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

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

25 1. The name of the seller;

26 2. His residence address and the address of his
27 principal place of business and the address of the
28 principal place of business (if that is a different
29 address) from which he engages in the business of selling
30 tangible personal property at retail in this State;

31 3. Total amount of receipts received by him during the
32 preceding calendar month or quarter, as the case may be,
33 from sales of tangible personal property, and from services
34 furnished, by him during such preceding calendar month or

1 quarter;

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

7 5. Deductions allowed by law;

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

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

13 8. The amount of tax due;

14 9. The signature of the taxpayer; and

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

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

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

24 Prior to October 1, 2003, a retailer may accept a
25 Manufacturer's Purchase Credit certification from a purchaser
26 in satisfaction of Use Tax as provided in Section 3-85 of the
27 Use Tax Act if the purchaser provides the appropriate
28 documentation as required by Section 3-85 of the Use Tax Act. A
29 Manufacturer's Purchase Credit certification, accepted by a
30 retailer prior to October 1, 2003 as provided in Section 3-85
31 of the Use Tax Act, may be used by that retailer to satisfy
32 Retailers' Occupation Tax liability in the amount claimed in
33 the certification, not to exceed 6.25% of the receipts subject
34 to tax from a qualifying purchase. A Manufacturer's Purchase
35 Credit reported on any original or amended return filed under
36 this Act after October 20, 2003 shall be disallowed. No

1 Manufacturer's Purchase Credit may be used after September 30,
2 2003 to satisfy any tax liability imposed under this Act,
3 including any audit liability.

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

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

25 Beginning on October 1, 2003, any person who is not a
26 licensed distributor, importing distributor, or manufacturer,
27 as defined in the Liquor Control Act of 1934, but is engaged in
28 the business of selling, at retail, alcoholic liquor shall file
29 a statement with the Department of Revenue, in a format and at
30 a time prescribed by the Department, showing the total amount
31 paid for alcoholic liquor purchased during the preceding month
32 and such other information as is reasonably required by the
33 Department. The Department may adopt rules to require that this
34 statement be filed in an electronic or telephonic format. Such
35 rules may provide for exceptions from the filing requirements
36 of this paragraph. For the purposes of this paragraph, the term

1 "alcoholic liquor" shall have the meaning prescribed in the
2 Liquor Control Act of 1934.

3 Beginning on October 1, 2003, every distributor, importing
4 distributor, and manufacturer of alcoholic liquor as defined in
5 the Liquor Control Act of 1934, shall file a statement with the
6 Department of Revenue, no later than the 10th day of the month
7 for the preceding month during which transactions occurred, by
8 electronic means, showing the total amount of gross receipts
9 from the sale of alcoholic liquor sold or distributed during
10 the preceding month to purchasers; identifying the purchaser to
11 whom it was sold or distributed; the purchaser's tax
12 registration number; and such other information reasonably
13 required by the Department. A copy of the monthly statement
14 shall be sent to the retailer no later than the 10th day of the
15 month for the preceding month during which transactions
16 occurred.

17 If a total amount of less than \$1 is payable, refundable or
18 creditable, such amount shall be disregarded if it is less than
19 50 cents and shall be increased to \$1 if it is 50 cents or more.

20 Beginning October 1, 1993, a taxpayer who has an average
21 monthly tax liability of \$150,000 or more shall make all
22 payments required by rules of the Department by electronic
23 funds transfer. Beginning October 1, 1994, a taxpayer who has
24 an average monthly tax liability of \$100,000 or more shall make
25 all payments required by rules of the Department by electronic
26 funds transfer. Beginning October 1, 1995, a taxpayer who has
27 an average monthly tax liability of \$50,000 or more shall make
28 all payments required by rules of the Department by electronic
29 funds transfer. Beginning October 1, 2000, a taxpayer who has
30 an annual tax liability of \$200,000 or more shall make all
31 payments required by rules of the Department by electronic
32 funds transfer. The term "annual tax liability" shall be the
33 sum of the taxpayer's liabilities under this Act, and under all
34 other State and local occupation and use tax laws administered
35 by the Department, for the immediately preceding calendar year.
36 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
27 whole-dollar amount in any case where the fractional part of a
28 dollar is 50 cents or more, and decreased to the nearest
29 whole-dollar amount where the fractional part of a dollar is
30 less than 50 cents.

31 If the retailer is otherwise required to file a monthly
32 return and if the retailer's average monthly tax liability to
33 the Department does not exceed \$200, the Department may
34 authorize his returns to be filed on a quarter annual basis,
35 with the return for January, February and March of a given year
36 being due by April 20 of such year; with the return for April,

1 May and June of a given year being due by July 20 of such year;
2 with the return for July, August and September of a given year
3 being due by October 20 of such year, and with the return for
4 October, November and December of a given year being due by
5 January 20 of the following year.

6 If the retailer is otherwise required to file a monthly or
7 quarterly return and if the retailer's average monthly tax
8 liability with the Department does not exceed \$50, the
9 Department may authorize his returns to be filed on an annual
10 basis, with the return for a given year being due by January 20
11 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 Act concerning
16 the time within which a retailer may file his return, in the
17 case of any retailer who ceases to engage in a kind of business
18 which makes him responsible for filing returns under this Act,
19 such retailer shall file a final return under this Act with the
20 Department not more than one month after discontinuing such
21 business.

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

27 In addition, with respect to motor vehicles, watercraft,
28 aircraft, and trailers that are required to be registered with
29 an agency of this State, every retailer selling this kind of
30 tangible personal property shall file, with the Department,
31 upon a form to be prescribed and supplied by the Department, a
32 separate return for each such item of tangible personal
33 property which the retailer sells, except that if, in the same
34 transaction, (i) a retailer of aircraft, watercraft, motor
35 vehicles or trailers transfers more than one aircraft,
36 watercraft, motor vehicle or trailer to another aircraft,

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

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

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

1 due in that particular instance, if that is claimed to be the
2 fact); the place and date of the sale; a sufficient
3 identification of the property sold; such other information as
4 is required in Section 5-402 of The Illinois Vehicle Code, and
5 such other information as the Department may reasonably
6 require.

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

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

35 With each such transaction reporting return, the retailer
36 shall remit the proper amount of tax due (or shall submit

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

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

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

1 if the tax had been remitted to the Department by the retailer.

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

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

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

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

33 Before October 1, 2000, if the taxpayer's average monthly
34 tax liability to the Department under this Act, the Use Tax
35 Act, the Service Occupation Tax Act, and the Service Use Tax
36 Act, excluding any liability for prepaid sales tax to be

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

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

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

26 The provisions of this paragraph apply before October 1,
27 2001. Without regard to whether a taxpayer is required to make
28 quarter monthly payments as specified above, any taxpayer who
29 is required by Section 2d of this Act to collect and remit
30 prepaid taxes and has collected prepaid taxes which average in
31 excess of \$25,000 per month during the preceding 2 complete
32 calendar quarters, shall file a return with the Department as
33 required by Section 2f and shall make payments to the
34 Department on or before the 7th, 15th, 22nd and last day of the
35 month during which such liability is incurred. If the month
36 during which such tax liability is incurred began prior to the

1 effective date of this amendatory Act of 1985, each payment
2 shall be in an amount not less than 22.5% of the taxpayer's
3 actual liability under Section 2d. If the month during which
4 such tax liability is incurred begins on or after January 1,
5 1986, each payment shall be in an amount equal to 22.5% of the
6 taxpayer's actual liability for the month or 27.5% of the
7 taxpayer's liability for the same calendar month of the
8 preceding calendar year. If the month during which such tax
9 liability is incurred begins on or after January 1, 1987, each
10 payment shall be in an amount equal to 22.5% of the taxpayer's
11 actual liability for the month or 26.25% of the taxpayer's
12 liability for the same calendar month of the preceding year.
13 The amount of such quarter monthly payments shall be credited
14 against the final tax liability of the taxpayer's return for
15 that month filed under this Section or Section 2f, as the case
16 may be. Once applicable, the requirement of the making of
17 quarter monthly payments to the Department pursuant to this
18 paragraph shall continue until such taxpayer's average monthly
19 prepaid tax collections during the preceding 2 complete
20 calendar quarters is \$25,000 or less. If any such quarter
21 monthly payment is not paid at the time or in the amount
22 required, the taxpayer shall be liable for penalties and
23 interest on such difference, except insofar as the taxpayer has
24 previously made payments for that month in excess of the
25 minimum payments previously due.

26 The provisions of this paragraph apply on and after October
27 1, 2001. Without regard to whether a taxpayer is required to
28 make quarter monthly payments as specified above, any taxpayer
29 who is required by Section 2d of this Act to collect and remit
30 prepaid taxes and has collected prepaid taxes that average in
31 excess of \$20,000 per month during the preceding 4 complete
32 calendar quarters shall file a return with the Department as
33 required by Section 2f and shall make payments to the
34 Department on or before the 7th, 15th, 22nd and last day of the
35 month during which the liability is incurred. Each payment
36 shall be in an amount equal to 22.5% of the taxpayer's actual

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

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

1 taken was not actually due to the taxpayer, the taxpayer's 2.1%
2 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%
3 of the difference between the credit taken and that actually
4 due, and that taxpayer shall be liable for penalties and
5 interest on such difference.

6 If a retailer of motor fuel is entitled to a credit under
7 Section 2d of this Act which exceeds the taxpayer's liability
8 to the Department under this Act for the month which the
9 taxpayer is filing a return, the Department shall issue the
10 taxpayer a credit memorandum for the excess.

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

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

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

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

34 Beginning August 1, 2000, each month the Department shall
35 pay into the Local Government Tax Fund 80% of the net revenue
36 realized for the preceding month from the 1.25% rate on the

1 selling price of motor fuel and gasohol.

2 Of the remainder of the moneys received by the Department
 3 pursuant to this Act, (a) 1.75% thereof shall be paid into the
 4 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
 5 and after July 1, 1989, 3.8% thereof shall be paid into the
 6 Build Illinois Fund; provided, however, that if in any fiscal
 7 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
 8 may be, of the moneys received by the Department and required
 9 to be paid into the Build Illinois Fund pursuant to this Act,
 10 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
 11 Act, and Section 9 of the Service Occupation Tax Act, such Acts
 12 being hereinafter called the "Tax Acts" and such aggregate of
 13 2.2% or 3.8%, as the case may be, of moneys being hereinafter
 14 called the "Tax Act Amount", and (2) the amount transferred to
 15 the Build Illinois Fund from the State and Local Sales Tax
 16 Reform Fund shall be less than the Annual Specified Amount (as
 17 hereinafter defined), an amount equal to the difference shall
 18 be immediately paid into the Build Illinois Fund from other
 19 moneys received by the Department pursuant to the Tax Acts; the
 20 "Annual Specified Amount" means the amounts specified below for
 21 fiscal years 1986 through 1993:

22	Fiscal Year	Annual Specified Amount
23	1986	\$54,800,000
24	1987	\$76,650,000
25	1988	\$80,480,000
26	1989	\$88,510,000
27	1990	\$115,330,000
28	1991	\$145,470,000
29	1992	\$182,730,000
30	1993	\$206,520,000;

31 and means the Certified Annual Debt Service Requirement (as
 32 defined in Section 13 of the Build Illinois Bond Act) or the
 33 Tax Act Amount, whichever is greater, for fiscal year 1994 and
 34 each fiscal year thereafter; and further provided, that if on
 35 the last business day of any month the sum of (1) the Tax Act
 36 Amount required to be deposited into the Build Illinois Bond

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

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

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

	Fiscal Year	Total Deposit
21	1993	\$0
22	1994	53,000,000
23	1995	58,000,000
24	1996	61,000,000
25	1997	64,000,000
26	1998	68,000,000
27	1999	71,000,000
28	2000	75,000,000
29	2001	80,000,000
30	2002	93,000,000
31	2003	99,000,000
32	2004	103,000,000
33	2005	108,000,000
34	2006	113,000,000
35	2007	119,000,000

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

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

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

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

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

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

1 ~~Affairs~~ Law of the Civil Administrative Code of Illinois.

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
27 reasonable information which the Department deems would be
28 helpful in determining the accuracy of the monthly, quarterly
29 or annual returns filed by such retailer as provided for in
30 this Section.

31 If the annual information return required by this Section
32 is not filed when and as required, the taxpayer shall be liable
33 as follows:

- 34 (i) Until January 1, 1994, the taxpayer shall be liable
35 for a penalty equal to 1/6 of 1% of the tax due from such
36 taxpayer under this Act during the period to be covered by

1 the annual return for each month or fraction of a month
2 until such return is filed as required, the penalty to be
3 assessed and collected in the same manner as any other
4 penalty provided for in this Act.

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

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

16 The provisions of this Section concerning the filing of an
17 annual information return do not apply to a retailer who is not
18 required to file an income tax return with the United States
19 Government.

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

27 Net revenue realized for a month shall be the revenue
28 collected by the State pursuant to this Act, less the amount
29 paid out during that month as refunds to taxpayers for
30 overpayment of liability.

31 For greater simplicity of administration, manufacturers,
32 importers and wholesalers whose products are sold at retail in
33 Illinois by numerous retailers, and who wish to do so, may
34 assume the responsibility for accounting and paying to the
35 Department all tax accruing under this Act with respect to such
36 sales, if the retailers who are affected do not make written

1 objection to the Department to this arrangement.

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

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

1 Department, the concessionaires and other sellers shall file
2 their returns as otherwise required in this Section.

3 (Source: P.A. 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-208,
4 eff. 8-2-01; 92-484, eff. 8-23-01; 92-492, eff. 1-1-02; 92-600,
5 eff. 6-28-02; 92-651, eff. 7-11-02; 93-22, eff. 6-20-03; 93-24,
6 eff. 6-20-03; revised 10-15-03.)

7 Section 99. Effective date. This Act takes effect on July
8 1, 2004.