



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2079

by Rep. Will Guzzardi

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
35 ILCS 130/2	from Ch. 120, par. 453.2
35 ILCS 135/3	from Ch. 120, par. 453.33
35 ILCS 145/6	from Ch. 120, par. 481b.36
35 ILCS 505/2b	from Ch. 120, par. 418b
35 ILCS 505/6	from Ch. 120, par. 422
35 ILCS 505/6a	from Ch. 120, par. 422a
35 ILCS 630/6	from Ch. 120, par. 2006
235 ILCS 5/8-2	from Ch. 43, par. 159

Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, the Cigarette Tax Act, the Cigarette Use Tax Act, the Hotel Operators' Occupation Tax Act, the Motor Fuel Tax Law, the Telecommunications Excise Tax Act, and the Liquor Control Act of 1934. Provides that the vendor discount amount under those Acts shall be 1.75%. Provides that the vendor discount may not exceed \$1,000 per vendor in any calendar year. Effective immediately.

LRB101 06876 HLH 51908 b

1 AN ACT concerning revenue.

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

4 Section 5. The 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. On and
19 after January 1, 1990 and prior to January 1, 2020, in no event
20 shall the discount allowed to any vendor be less than \$5 in any
21 calendar year. On and after January 1, 2020, in no event shall
22 the discount allowed to any vendor be less than \$5 in any
23 calendar year or more than \$1,000 in any calendar year. In the

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

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

25 Except as provided in this Section, on or before the
26 twentieth day of each calendar month, such retailer shall file

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

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

20 1. The name of the seller;

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

24 3. The total amount of taxable receipts received by him
25 during the preceding calendar month from sales of tangible
26 personal property by him during such preceding calendar

1 month, including receipts from charge and time sales, but
2 less all deductions allowed by law;

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

5 5. The amount of tax due;

6 5-5. The signature of the taxpayer; and

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

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

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

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

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

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

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

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

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

1 month during which such tax liability is incurred begins on or
2 after January 1, 1985, and prior to January 1, 1987, each
3 payment shall be in an amount equal to 22.5% of the taxpayer's
4 actual liability for the month or 27.5% of the taxpayer's
5 liability for the same calendar month of the preceding year. If
6 the month during which such tax liability is incurred begins on
7 or after January 1, 1987, and prior to January 1, 1988, each
8 payment shall be in an amount equal to 22.5% of the taxpayer's
9 actual liability for the month or 26.25% of the taxpayer's
10 liability for the same calendar month of the preceding year. If
11 the month during which such tax liability is incurred begins on
12 or after January 1, 1988, and prior to January 1, 1989, or
13 begins on or after January 1, 1996, each payment shall be in an
14 amount equal to 22.5% of the taxpayer's actual liability for
15 the month or 25% of the taxpayer's liability for the same
16 calendar month of the preceding year. If the month during which
17 such tax liability is incurred begins on or after January 1,
18 1989, and prior to January 1, 1996, each payment shall be in an
19 amount equal to 22.5% of the taxpayer's actual liability for
20 the month or 25% of the taxpayer's liability for the same
21 calendar month of the preceding year or 100% of the taxpayer's
22 actual liability for the quarter monthly reporting period. The
23 amount of such quarter monthly payments shall be credited
24 against the final tax liability of the taxpayer's return for
25 that month. Before October 1, 2000, once applicable, the
26 requirement of the making of quarter monthly payments to the

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

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

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

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

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

1 year being due by October 20 of such year, and with the return
2 for October, November and December of a given year being due by
3 January 20 of the following year.

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

10 Such quarter annual and annual returns, as to form and
11 substance, shall be subject to the same requirements as monthly
12 returns.

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

20 In addition, with respect to motor vehicles, watercraft,
21 aircraft, and trailers that are required to be registered with
22 an agency of this State, except as otherwise provided in this
23 Section, every retailer selling this kind of tangible personal
24 property shall file, with the Department, upon a form to be
25 prescribed and supplied by the Department, a separate return
26 for each such item of tangible personal property which the

1 retailer sells, except that if, in the same transaction, (i) a
2 retailer of aircraft, watercraft, motor vehicles or trailers
3 transfers more than one aircraft, watercraft, motor vehicle or
4 trailer to another aircraft, watercraft, motor vehicle or
5 trailer retailer for the purpose of resale or (ii) a retailer
6 of aircraft, watercraft, motor vehicles, or trailers transfers
7 more than one aircraft, watercraft, motor vehicle, or trailer
8 to a purchaser for use as a qualifying rolling stock as
9 provided in Section 3-55 of this Act, then that seller may
10 report the transfer of all the aircraft, watercraft, motor
11 vehicles or trailers involved in that transaction to the
12 Department on the same uniform invoice-transaction reporting
13 return form. For purposes of this Section, "watercraft" means a
14 Class 2, Class 3, or Class 4 watercraft as defined in Section
15 3-2 of the Boat Registration and Safety Act, a personal
16 watercraft, or any boat equipped with an inboard motor.

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

1 Department on the same uniform invoice-transaction reporting
2 return form on or before the 20th of the month following the
3 month in which the transfer takes place. Notwithstanding any
4 other provision of this Act to the contrary, all returns filed
5 under this paragraph must be filed by electronic means in the
6 manner and form as required by the Department.

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

1 require.

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

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

1 if the Department and such agency or State officer determine
2 that this procedure will expedite the processing of
3 applications for title or registration.

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

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

25 If the user who would otherwise pay tax to the retailer
26 wants the transaction reporting return filed and the payment of

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

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

1 Department, as shown by such return, if the amount of the tax
2 to be deducted was previously remitted to the Department by
3 such retailer. If the retailer has not previously remitted the
4 amount of such tax to the Department, he is entitled to no
5 deduction under this Act upon refunding such tax to the
6 purchaser.

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

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

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

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

1 pay into the State and Local Sales Tax Reform Fund, a special
2 fund in the State Treasury which is hereby created, the net
3 revenue realized for the preceding month from the 1% tax
4 imposed under this Act.

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

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

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

1 selling price of sales tax holiday items.

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

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

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

25 Beginning July 1, 2013, each month the Department shall pay
26 into the Underground Storage Tank Fund from the proceeds

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

14 Beginning July 1, 2015, of the remainder of the moneys
15 received by the Department under this Act, the Service Use Tax
16 Act, the Service Occupation Tax Act, and the Retailers'
17 Occupation Tax Act, each month the Department shall deposit
18 \$500,000 into the State Crime Laboratory Fund.

19 Of the remainder of the moneys received by the Department
20 pursuant to this Act, (a) 1.75% thereof shall be paid into the
21 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
22 and after July 1, 1989, 3.8% thereof shall be paid into the
23 Build Illinois Fund; provided, however, that if in any fiscal
24 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
25 may be, of the moneys received by the Department and required
26 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 Bond Account
15 in the 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,

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

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

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

18	Fiscal Year	Total Deposit
19	1993	\$0
20	1994	53,000,000
21	1995	58,000,000
22	1996	61,000,000
23	1997	64,000,000
24	1998	68,000,000
25	1999	71,000,000
26	2000	75,000,000

1	2001	80,000,000
2	2002	93,000,000
3	2003	99,000,000
4	2004	103,000,000
5	2005	108,000,000
6	2006	113,000,000
7	2007	119,000,000
8	2008	126,000,000
9	2009	132,000,000
10	2010	139,000,000
11	2011	146,000,000
12	2012	153,000,000
13	2013	161,000,000
14	2014	170,000,000
15	2015	179,000,000
16	2016	189,000,000
17	2017	199,000,000
18	2018	210,000,000
19	2019	221,000,000
20	2020	233,000,000
21	2021	246,000,000
22	2022	260,000,000
23	2023	275,000,000
24	2024	275,000,000
25	2025	275,000,000
26	2026	279,000,000

1	2027	292,000,000
2	2028	307,000,000
3	2029	322,000,000
4	2030	338,000,000
5	2031	350,000,000
6	2032	350,000,000

7 and

8 each fiscal year

9 thereafter that bonds

10 are outstanding under

11 Section 13.2 of the

12 Metropolitan Pier and

13 Exposition Authority Act,

14 but not after fiscal year 2060.

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

1 has been deposited.

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

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

23 Subject to payment of amounts into the Build Illinois Fund,
24 the McCormick Place Expansion Project Fund, the Illinois Tax
25 Increment Fund, and the Energy Infrastructure Fund pursuant to
26 the preceding paragraphs or in any amendments to this Section

1 hereafter enacted, beginning on the first day of the first
2 calendar month to occur on or after August 26, 2014 (the
3 effective date of Public Act 98-1098), each month, from the
4 collections made under Section 9 of the Use Tax Act, Section 9
5 of the Service Use Tax Act, Section 9 of the Service Occupation
6 Tax Act, and Section 3 of the Retailers' Occupation Tax Act,
7 the Department shall pay into the Tax Compliance and
8 Administration Fund, to be used, subject to appropriation, to
9 fund additional auditors and compliance personnel at the
10 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
11 the cash receipts collected during the preceding fiscal year by
12 the Audit Bureau of the Department under the Use Tax Act, the
13 Service Use Tax Act, the Service Occupation Tax Act, the
14 Retailers' Occupation Tax Act, and associated local occupation
15 and use taxes administered by the Department.

16 Subject to payments of amounts into the Build Illinois
17 Fund, the McCormick Place Expansion Project Fund, the Illinois
18 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax
19 Compliance and Administration Fund as provided in this Section,
20 beginning on July 1, 2018 the Department shall pay each month
21 into the Downstate Public Transportation Fund the moneys
22 required to be so paid under Section 2-3 of the Downstate
23 Public Transportation Act.

24 Of the remainder of the moneys received by the Department
25 pursuant to this Act, 75% thereof shall be paid into the State
26 Treasury and 25% shall be reserved in a special account and

1 used only for the transfer to the Common School Fund as part of
2 the monthly transfer from the General Revenue Fund in
3 accordance with Section 8a of the State Finance Act.

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

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

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

22 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;
23 99-933, eff. 1-27-17; 100-303, eff. 8-24-17; 100-363, eff.
24 7-1-18; 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19.)

25 Section 15. The Service Use Tax Act is amended by changing

1 Section 9 as follows:

2 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

3 Sec. 9. Each serviceman required or authorized to collect
4 the tax herein imposed shall pay to the Department the amount
5 of such tax (except as otherwise provided) at the time when he
6 is required to file his return for the period during which such
7 tax was collected, less a discount of 2.1% prior to January 1,
8 1990 and 1.75% on and after January 1, 1990, ~~or \$5 per calendar~~
9 ~~year, whichever is greater~~, which is allowed to reimburse the
10 serviceman for expenses incurred in collecting the tax, keeping
11 records, preparing and filing returns, remitting the tax and
12 supplying data to the Department on request. On and after
13 January 1, 1990 and prior to January 1, 2020, in no event shall
14 the discount allowed to any vendor be less than \$5 in any
15 calendar year. On and after January 1, 2020, in no event shall
16 the discount allowed to any vendor be less than \$5 in any
17 calendar year or more than \$1,000 in any calendar year. The
18 discount allowed under this Section is allowed only for returns
19 that are filed in the manner required by this Act. The
20 Department may disallow the discount for servicemen whose
21 certificate of registration is revoked at the time the return
22 is filed, but only if the Department's decision to revoke the
23 certificate of registration has become final. A serviceman need
24 not remit that part of any tax collected by him to the extent
25 that he is required to pay and does pay the tax imposed by the

1 Service Occupation Tax Act with respect to his sale of service
2 involving the incidental transfer by him of the same property.

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

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

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

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

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

7 5. The amount of tax due;

8 5-5. The signature of the taxpayer; and

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

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

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

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

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

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

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

26 The Department shall adopt such rules as are necessary to

1 effectuate a program of electronic funds transfer and the
2 requirements of this Section.

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

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

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

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

1 this Act, such serviceman shall file a final return under this
2 Act with the Department not more than 1 month after
3 discontinuing such business.

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

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

26 If experience indicates such action to be practicable, the

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

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

11 Beginning January 1, 1990, each month the Department shall
12 pay into the State and Local Tax Reform Fund, a special fund in
13 the State Treasury, the net revenue realized for the preceding
14 month from the 1% tax imposed under this Act.

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

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

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

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

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

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

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

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

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

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

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

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

17 and
18 each fiscal year
19 thereafter that bonds
20 are outstanding under
21 Section 13.2 of the
22 Metropolitan Pier and
23 Exposition Authority Act,
24 but not after fiscal year 2060.

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

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

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

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

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

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

26 Subject to payments of amounts into the Build Illinois

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

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

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

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

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

1 100-303, eff. 8-24-17; 100-363, eff. 7-1-18; 100-863, eff.
2 8-14-18; 100-1171, eff. 1-4-19.)

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

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

6 Sec. 9. Each serviceman required or authorized to collect
7 the tax herein imposed shall pay to the Department the amount
8 of such tax at the time when he is required to file his return
9 for the period during which such tax was collectible, less a
10 discount of 2.1% prior to January 1, 1990, and 1.75% on and
11 after January 1, 1990, ~~or \$5 per calendar year, whichever is~~
12 ~~greater~~, which is allowed to reimburse the serviceman for
13 expenses incurred in collecting the tax, keeping records,
14 preparing and filing returns, remitting the tax and supplying
15 data to the Department on request. On and after January 1, 1990
16 and prior to January 1, 2020, in no event shall the discount
17 allowed to any vendor be less than \$5 in any calendar year. On
18 and after January 1, 2020, in no event shall the discount
19 allowed to any vendor be less than \$5 in any calendar year or
20 more than \$1,000 in any calendar year. The discount allowed
21 under this Section is allowed only for returns that are filed
22 in the manner required by this Act. The Department may disallow
23 the discount for servicemen whose certificate of registration
24 is revoked at the time the return is filed, but only if the

1 Department's decision to revoke the certificate of
2 registration has become final.

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

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

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

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

6 1. The name of the seller;

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

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

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

15 5. The amount of tax due;

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

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

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

23 Prior to October 1, 2003, and on and after September 1,
24 2004 a serviceman may accept a Manufacturer's Purchase Credit
25 certification from a purchaser in satisfaction of Service Use
26 Tax as provided in Section 3-70 of the Service Use Tax Act if

1 the purchaser provides the appropriate documentation as
2 required by Section 3-70 of the Service Use Tax Act. A
3 Manufacturer's Purchase Credit certification, accepted prior
4 to October 1, 2003 or on or after September 1, 2004 by a
5 serviceman as provided in Section 3-70 of the Service Use Tax
6 Act, may be used by that serviceman to satisfy Service
7 Occupation Tax liability in the amount claimed in the
8 certification, not to exceed 6.25% of the receipts subject to
9 tax from a qualifying purchase. A Manufacturer's Purchase
10 Credit reported on any original or amended return filed under
11 this Act after October 20, 2003 for reporting periods prior to
12 September 1, 2004 shall be disallowed. Manufacturer's Purchase
13 Credit reported on annual returns due on or after January 1,
14 2005 will be disallowed for periods prior to September 1, 2004.
15 No Manufacturer's Purchase Credit may be used after September
16 30, 2003 through August 31, 2004 to satisfy any tax liability
17 imposed under this Act, including any audit liability.

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

1 January 20 of the following year.

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

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

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

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

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

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

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

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

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 Retailers' Occupation Tax
25 Act, the Use Tax Act or the Service Use Tax Act, to furnish all
26 the return information required by all said Acts on the one

1 form.

2 Where the serviceman has more than one business registered
3 with the Department under separate registrations hereunder,
4 such serviceman shall file separate returns for each registered
5 business.

6 Beginning January 1, 1990, each month the Department shall
7 pay into the Local Government Tax Fund the revenue realized for
8 the preceding month from the 1% tax imposed under this Act.

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

13 Beginning August 1, 2000, each month the Department shall
14 pay into the County and Mass Transit District Fund 20% 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 Beginning January 1, 1990, each month the Department shall
18 pay into the Local Government Tax Fund 16% of the revenue
19 realized for the preceding month from the 6.25% general rate on
20 transfers of tangible personal property.

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

25 Beginning October 1, 2009, each month the Department shall
26 pay into the Capital Projects Fund an amount that is equal to

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

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

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

26 Of the remainder of the moneys received by the Department

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

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

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

25	Fiscal Year	Total Deposit
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1	1993	\$0
2	1994	53,000,000
3	1995	58,000,000
4	1996	61,000,000
5	1997	64,000,000
6	1998	68,000,000
7	1999	71,000,000
8	2000	75,000,000
9	2001	80,000,000
10	2002	93,000,000
11	2003	99,000,000
12	2004	103,000,000
13	2005	108,000,000
14	2006	113,000,000
15	2007	119,000,000
16	2008	126,000,000
17	2009	132,000,000
18	2010	139,000,000
19	2011	146,000,000
20	2012	153,000,000
21	2013	161,000,000
22	2014	170,000,000
23	2015	179,000,000
24	2016	189,000,000
25	2017	199,000,000
26	2018	210,000,000

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

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

23 Beginning July 20, 1993 and in each month of each fiscal
24 year thereafter, one-eighth of the amount requested in the
25 certificate of the Chairman of the Metropolitan Pier and
26 Exposition Authority for that fiscal year, less the amount

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

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

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

1 paragraph, the term "eligible business" means a new electric
2 generating facility certified pursuant to Section 605-332 of
3 the Department of Commerce and Economic Opportunity Law of the
4 Civil Administrative Code of Illinois.

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

24 Subject to payments of amounts into the Build Illinois
25 Fund, the McCormick Place Expansion Project Fund, the Illinois
26 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax

1 Compliance and Administration Fund as provided in this Section,
2 beginning on July 1, 2018 the Department shall pay each month
3 into the Downstate Public Transportation Fund the moneys
4 required to be so paid under Section 2-3 of the Downstate
5 Public Transportation Act.

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

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

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

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

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

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

23 The chief executive officer, proprietor, owner or highest
24 ranking manager shall sign the annual return to certify the
25 accuracy of the information contained therein. Any person who
26 willfully signs the annual return containing false or

1 inaccurate information shall be guilty of perjury and punished
2 accordingly. The annual return form prescribed by the
3 Department shall include a warning that the person signing the
4 return may be liable for perjury.

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

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

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

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

1 arrangement.

2 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;
3 100-303, eff. 8-24-17; 100-363, eff. 7-1-18; 100-863, eff.
4 8-14-18; 100-1171, eff. 1-4-19.)

5 Section 25. The Retailers' Occupation Tax Act is amended by
6 changing Section 3 as follows:

7 (35 ILCS 120/3) (from Ch. 120, par. 442)

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

13 1. The name of the seller;

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

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

24 4. Total amount received by him during the preceding

1 calendar month or quarter on charge and time sales of
2 tangible personal property, and from services furnished,
3 by him prior to the month or quarter for which the return
4 is filed;

5 5. Deductions allowed by law;

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

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

11 8. The amount of tax due;

12 9. The signature of the taxpayer; and

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

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

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

1 due on the return shall be deemed assessed.

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

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

26 The Department may require returns to be filed on a

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

7 1. The name of the seller;

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

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

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

18 5. The amount of tax due; and

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

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

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

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

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

11 If a total amount of less than \$1 is payable, refundable or
12 creditable, such amount shall be disregarded if it is less than
13 50 cents and shall be increased to \$1 if it is 50 cents or more.

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

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

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

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

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

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

1 requirements of this Section.

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

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

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

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

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

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

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

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

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

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

1 manner and form as required by the Department.

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

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

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

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

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

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

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

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

1 mandate of this paragraph.

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

21 Refunds made by the seller during the preceding return
22 period to purchasers, on account of tangible personal property
23 returned to the seller, shall be allowed as a deduction under
24 subdivision 5 of his monthly or quarterly return, as the case
25 may be, in case the seller had theretofore included the
26 receipts from the sale of such tangible personal property in a

1 return filed by him and had paid the tax imposed by this Act
2 with respect to such receipts.

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

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

11 Except as provided in this Section, the retailer filing the
12 return under this Section shall, at the time of filing such
13 return, pay to the Department the amount of tax imposed by this
14 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
15 on and after January 1, 1990, ~~or \$5 per calendar year,~~
16 ~~whichever is greater,~~ which is allowed to reimburse the
17 retailer for the expenses incurred in keeping records,
18 preparing and filing returns, remitting the tax and supplying
19 data to the Department on request. On and after January 1, 1990
20 and prior to January 1, 2020, in no event shall the discount
21 allowed to any vendor be less than \$5 in any calendar year. On
22 and after January 1, 2020, in no event shall the discount
23 allowed to any vendor be less than \$5 in any calendar year or
24 more than \$1,000 in any calendar year. Any prepayment made
25 pursuant to Section 2d of this Act shall be included in the
26 amount on which such 2.1% or 1.75% discount is computed. In the

1 case of retailers who report and pay the tax on a transaction
2 by transaction basis, as provided in this Section, such
3 discount shall be taken with each such tax remittance instead
4 of when such retailer files his periodic return. The discount
5 allowed under this Section is allowed only for returns that are
6 filed in the manner required by this Act. The Department may
7 disallow the discount for retailers whose certificate of
8 registration is revoked at the time the return is filed, but
9 only if the Department's decision to revoke the certificate of
10 registration has become final.

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

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

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

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

1 paid, except insofar as the taxpayer has previously made
2 payments for that month to the Department in excess of the
3 minimum payments previously due as provided in this Section.
4 The Department shall make reasonable rules and regulations to
5 govern the quarter monthly payment amount and quarter monthly
6 payment dates for taxpayers who file on other than a calendar
7 monthly basis.

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

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

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

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

22 If any payment provided for in this Section exceeds the
23 taxpayer's liabilities under this Act, the Use Tax Act, the
24 Service Occupation Tax Act and the Service Use Tax Act, as
25 shown on an original monthly return, the Department shall, if
26 requested by the taxpayer, issue to the taxpayer a credit

1 memorandum no later than 30 days after the date of payment. The
2 credit evidenced by such credit memorandum may be assigned by
3 the taxpayer to a similar taxpayer under this Act, the Use Tax
4 Act, the Service Occupation Tax Act or the Service Use Tax Act,
5 in accordance with reasonable rules and regulations to be
6 prescribed by the Department. If no such request is made, the
7 taxpayer may credit such excess payment against tax liability
8 subsequently to be remitted to the Department under this Act,
9 the Use Tax Act, the Service Occupation Tax Act or the Service
10 Use Tax Act, in accordance with reasonable rules and
11 regulations prescribed by the Department. If the Department
12 subsequently determined that all or any part of the credit
13 taken was not actually due to the taxpayer, the taxpayer's ~~2.1%~~
14 ~~and 1.75%~~ vendor's discount shall be reduced by ~~2.1% or 1.75%~~
15 ~~of~~ the difference between the credit taken and that actually
16 due multiplied by the vendor discount amount, and that taxpayer
17 shall be liable for penalties and interest on such difference.

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

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

1 this Act.

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

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

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

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

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

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

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

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

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

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

1 moneys received by the Department pursuant to the Tax Acts; the
2 "Annual Specified Amount" means the amounts specified below for
3 fiscal years 1986 through 1993:

4	Fiscal Year	Annual Specified Amount
5	1986	\$54,800,000
6	1987	\$76,650,000
7	1988	\$80,480,000
8	1989	\$88,510,000
9	1990	\$115,330,000
10	1991	\$145,470,000
11	1992	\$182,730,000
12	1993	\$206,520,000;

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

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

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

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

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

12 and

13 each fiscal year

14 thereafter that bonds

15 are outstanding under

16 Section 13.2 of the

17 Metropolitan Pier and

18 Exposition Authority Act,

19 but not after fiscal year 2060.

20 Beginning July 20, 1993 and in each month of each fiscal

21 year thereafter, one-eighth of the amount requested in the

22 certificate of the Chairman of the Metropolitan Pier and

23 Exposition Authority for that fiscal year, less the amount

24 deposited into the McCormick Place Expansion Project Fund by

25 the State Treasurer in the respective month under subsection

26 (g) of Section 13 of the Metropolitan Pier and Exposition

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

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

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

1 Civil Administrative Code of Illinois.

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

21 Subject to payments of amounts into the Build Illinois
22 Fund, the McCormick Place Expansion Project Fund, the Illinois
23 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax
24 Compliance and Administration Fund as provided in this Section,
25 beginning on July 1, 2018 the Department shall pay each month
26 into the Downstate Public Transportation Fund the moneys

1 required to be so paid under Section 2-3 of the Downstate
2 Public Transportation Act.

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

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

1 retailer'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 retailer as provided for in
5 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.

1 The provisions of this Section concerning the filing of an
2 annual information return do not apply to a retailer who is not
3 required to file an income tax return with the United States
4 Government.

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

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

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

23 Any person who promotes, organizes, provides retail
24 selling space for concessionaires or other types of sellers at
25 the Illinois State Fair, DuQuoin State Fair, county fairs,
26 local fairs, art shows, flea markets and similar exhibitions or

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

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

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

8 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;
9 99-933, eff. 1-27-17; 100-303, eff. 8-24-17; 100-363, eff.
10 7-1-18; 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19.)

11 Section 30. The Cigarette Tax Act is amended by changing
12 Section 2 as follows:

13 (35 ILCS 130/2) (from Ch. 120, par. 453.2)

14 Sec. 2. Tax imposed; rate; collection, payment, and
15 distribution; discount.

16 (a) A tax is imposed upon any person engaged in business as
17 a retailer of cigarettes in this State at the rate of 5 1/2
18 mills per cigarette sold, or otherwise disposed of in the
19 course of such business in this State. In addition to any other
20 tax imposed by this Act, a tax is imposed upon any person
21 engaged in business as a retailer of cigarettes in this State
22 at a rate of 1/2 mill per cigarette sold or otherwise disposed
23 of in the course of such business in this State on and after
24 January 1, 1947, and shall be paid into the Metropolitan Fair

1 and Exposition Authority Reconstruction Fund or as otherwise
2 provided in Section 29. On and after December 1, 1985, in
3 addition to any other tax imposed by this Act, a tax is imposed
4 upon any person engaged in business as a retailer of cigarettes
5 in this State at a rate of 4 mills per cigarette sold or
6 otherwise disposed of in the course of such business in this
7 State. Of the additional tax imposed by this amendatory Act of
8 1985, \$9,000,000 of the moneys received by the Department of
9 Revenue pursuant to this Act shall be paid each month into the
10 Common School Fund. On and after the effective date of this
11 amendatory Act of 1989, in addition to any other tax imposed by
12 this Act, a tax is imposed upon any person engaged in business
13 as a retailer of cigarettes at the rate of 5 mills per
14 cigarette sold or otherwise disposed of in the course of such
15 business in this State. On and after the effective date of this
16 amendatory Act of 1993, in addition to any other tax imposed by
17 this Act, a tax is imposed upon any person engaged in business
18 as a retailer of cigarettes at the rate of 7 mills per
19 cigarette sold or otherwise disposed of in the course of such
20 business in this State. On and after December 15, 1997, in
21 addition to any other tax imposed by this Act, a tax is imposed
22 upon any person engaged in business as a retailer of cigarettes
23 at the rate of 7 mills per cigarette sold or otherwise disposed
24 of in the course of such business of this State. All of the
25 moneys received by the Department of Revenue pursuant to this
26 Act and the Cigarette Use Tax Act from the additional taxes

1 imposed by this amendatory Act of 1997, shall be paid each
2 month into the Common School Fund. On and after July 1, 2002,
3 in addition to any other tax imposed by this Act, a tax is
4 imposed upon any person engaged in business as a retailer of
5 cigarettes at the rate of 20.0 mills per cigarette sold or
6 otherwise disposed of in the course of such business in this
7 State. Beginning on June 24, 2012, in addition to any other tax
8 imposed by this Act, a tax is imposed upon any person engaged
9 in business as a retailer of cigarettes at the rate of 50 mills
10 per cigarette sold or otherwise disposed of in the course of
11 such business in this State. All moneys received by the
12 Department of Revenue under this Act and the Cigarette Use Tax
13 Act from the additional taxes imposed by this amendatory Act of
14 the 97th General Assembly shall be paid each month into the
15 Healthcare Provider Relief Fund. The payment of such taxes
16 shall be evidenced by a stamp affixed to each original package
17 of cigarettes, or an authorized substitute for such stamp
18 imprinted on each original package of such cigarettes
19 underneath the sealed transparent outside wrapper of such
20 original package, as hereinafter provided. However, such taxes
21 are not imposed upon any activity in such business in
22 interstate commerce or otherwise, which activity may not under
23 the Constitution and statutes of the United States be made the
24 subject of taxation by this State.

25 Beginning on the effective date of this amendatory Act of
26 the 92nd General Assembly and through June 30, 2006, all of the

1 moneys received by the Department of Revenue pursuant to this
2 Act and the Cigarette Use Tax Act, other than the moneys that
3 are dedicated to the Common School Fund, shall be distributed
4 each month as follows: first, there shall be paid into the
5 General Revenue Fund an amount which, when added to the amount
6 paid into the Common School Fund for that month, equals
7 \$33,300,000, except that in the month of August of 2004, this
8 amount shall equal \$83,300,000; then, from the moneys
9 remaining, if any amounts required to be paid into the General
10 Revenue Fund in previous months remain unpaid, those amounts
11 shall be paid into the General Revenue Fund; then, beginning on
12 April 1, 2003, from the moneys remaining, \$5,000,000 per month
13 shall be paid into the School Infrastructure Fund; then, if any
14 amounts required to be paid into the School Infrastructure Fund
15 in previous months remain unpaid, those amounts shall be paid
16 into the School Infrastructure Fund; then the moneys remaining,
17 if any, shall be paid into the Long-Term Care Provider Fund. To
18 the extent that more than \$25,000,000 has been paid into the
19 General Revenue Fund and Common School Fund per month for the
20 period of July 1, 1993 through the effective date of this
21 amendatory Act of 1994 from combined receipts of the Cigarette
22 Tax Act and the Cigarette Use Tax Act, notwithstanding the
23 distribution provided in this Section, the Department of
24 Revenue is hereby directed to adjust the distribution provided
25 in this Section to increase the next monthly payments to the
26 Long Term Care Provider Fund by the amount paid to the General

1 Revenue Fund and Common School Fund in excess of \$25,000,000
2 per month and to decrease the next monthly payments to the
3 General Revenue Fund and Common School Fund by that same excess
4 amount.

5 Beginning on July 1, 2006, all of the moneys received by
6 the Department of Revenue pursuant to this Act and the
7 Cigarette Use Tax Act, other than the moneys that are dedicated
8 to the Common School Fund and, beginning on the effective date
9 of this amendatory Act of the 97th General Assembly, other than
10 the moneys from the additional taxes imposed by this amendatory
11 Act of the 97th General Assembly that must be paid each month
12 into the Healthcare Provider Relief Fund, shall be distributed
13 each month as follows: first, there shall be paid into the
14 General Revenue Fund an amount that, when added to the amount
15 paid into the Common School Fund for that month, equals
16 \$29,200,000; then, from the moneys remaining, if any amounts
17 required to be paid into the General Revenue Fund in previous
18 months remain unpaid, those amounts shall be paid into the
19 General Revenue Fund; then from the moneys remaining,
20 \$5,000,000 per month shall be paid into the School
21 Infrastructure Fund; then, if any amounts required to be paid
22 into the School Infrastructure Fund in previous months remain
23 unpaid, those amounts shall be paid into the School
24 Infrastructure Fund; then the moneys remaining, if any, shall
25 be paid into the Long-Term Care Provider Fund.

26 Moneys collected from the tax imposed on little cigars

1 under Section 10-10 of the Tobacco Products Tax Act of 1995
2 shall be included with the moneys collected under the Cigarette
3 Tax Act and the Cigarette Use Tax Act when making distributions
4 to the Common School Fund, the Healthcare Provider Relief Fund,
5 the General Revenue Fund, the School Infrastructure Fund, and
6 the Long-Term Care Provider Fund under this Section.

7 When any tax imposed herein terminates or has terminated,
8 distributors who have bought stamps while such tax was in
9 effect and who therefore paid such tax, but who can show, to
10 the Department's satisfaction, that they sold the cigarettes to
11 which they affixed such stamps after such tax had terminated
12 and did not recover the tax or its equivalent from purchasers,
13 shall be allowed by the Department to take credit for such
14 absorbed tax against subsequent tax stamp purchases from the
15 Department by such distributor.

16 The impact of the tax levied by this Act is imposed upon
17 the retailer and shall be prepaid or pre-collected by the
18 distributor for the purpose of convenience and facility only,
19 and the amount of the tax shall be added to the price of the
20 cigarettes sold by such distributor. Collection of the tax
21 shall be evidenced by a stamp or stamps affixed to each
22 original package of cigarettes, as hereinafter provided. Any
23 distributor who purchases stamps may credit any excess payments
24 verified by the Department against amounts subsequently due for
25 the purchase of additional stamps, until such time as no excess
26 payment remains.

1 Each distributor shall collect the tax from the retailer at
2 or before the time of the sale, shall affix the stamps as
3 hereinafter required, and shall remit the tax collected from
4 retailers to the Department, as hereinafter provided. Any
5 distributor who fails to properly collect and pay the tax
6 imposed by this Act shall be liable for the tax. Any
7 distributor having cigarettes to which stamps have been affixed
8 in his possession for sale on the effective date of this
9 amendatory Act of 1989 shall not be required to pay the
10 additional tax imposed by this amendatory Act of 1989 on such
11 stamped cigarettes. Any distributor having cigarettes to which
12 stamps have been affixed in his or her possession for sale at
13 12:01 a.m. on the effective date of this amendatory Act of
14 1993, is required to pay the additional tax imposed by this
15 amendatory Act of 1993 on such stamped cigarettes. This
16 payment, less the discount provided in subsection (b), shall be
17 due when the distributor first makes a purchase of cigarette
18 tax stamps after the effective date of this amendatory Act of
19 1993, or on the first due date of a return under this Act after
20 the effective date of this amendatory Act of 1993, whichever
21 occurs first. Any distributor having cigarettes to which stamps
22 have been affixed in his possession for sale on December 15,
23 1997 shall not be required to pay the additional tax imposed by
24 this amendatory Act of 1997 on such stamped cigarettes.

25 Any distributor having cigarettes to which stamps have been
26 affixed in his or her possession for sale on July 1, 2002 shall

1 not be required to pay the additional tax imposed by this
2 amendatory Act of the 92nd General Assembly on those stamped
3 cigarettes.

4 Any retailer having cigarettes in his or her possession on
5 June 24, 2012 to which tax stamps have been affixed is not
6 required to pay the additional tax that begins on June 24, 2012
7 imposed by this amendatory Act of the 97th General Assembly on
8 those stamped cigarettes. Any distributor having cigarettes in
9 his or her possession on June 24, 2012 to which tax stamps have
10 been affixed, and any distributor having stamps in his or her
11 possession on June 24, 2012 that have not been affixed to
12 packages of cigarettes before June 24, 2012, is required to pay
13 the additional tax that begins on June 24, 2012 imposed by this
14 amendatory Act of the 97th General Assembly to the extent the
15 calendar year 2012 average monthly volume of cigarette stamps
16 in the distributor's possession exceeds the average monthly
17 volume of cigarette stamps purchased by the distributor in
18 calendar year 2011. This payment, less the discount provided in
19 subsection (b), is due when the distributor first makes a
20 purchase of cigarette stamps on or after June 24, 2012 or on
21 the first due date of a return under this Act occurring on or
22 after June 24, 2012, whichever occurs first. Those distributors
23 may elect to pay the additional tax on packages of cigarettes
24 to which stamps have been affixed and on any stamps in the
25 distributor's possession that have not been affixed to packages
26 of cigarettes over a period not to exceed 12 months from the

1 due date of the additional tax by notifying the Department in
2 writing. The first payment for distributors making such
3 election is due when the distributor first makes a purchase of
4 cigarette tax stamps on or after June 24, 2012 or on the first
5 due date of a return under this Act occurring on or after June
6 24, 2012, whichever occurs first. Distributors making such an
7 election are not entitled to take the discount provided in
8 subsection (b) on such payments.

9 Distributors making sales of cigarettes to secondary
10 distributors shall add the amount of the tax to the price of
11 the cigarettes sold by the distributors. Secondary
12 distributors making sales of cigarettes to retailers shall
13 include the amount of the tax in the price of the cigarettes
14 sold to retailers. The amount of tax shall not be less than the
15 amount of taxes imposed by the State and all local
16 jurisdictions. The amount of local taxes shall be calculated
17 based on the location of the retailer's place of business shown
18 on the retailer's certificate of registration or
19 sub-registration issued to the retailer pursuant to Section 2a
20 of the Retailers' Occupation Tax Act. The original packages of
21 cigarettes sold to the retailer shall bear all the required
22 stamps, or other indicia, for the taxes included in the price
23 of cigarettes.

24 The amount of the Cigarette Tax imposed by this Act shall
25 be separately stated, apart from the price of the goods, by
26 distributors, manufacturer representatives, secondary

1 distributors, and retailers, in all bills and sales invoices.

2 (b) The distributor shall be required to collect the taxes
3 provided under paragraph (a) hereof, and, to cover the costs of
4 such collection, shall be allowed a discount during any year
5 commencing July 1st and ending the following June 30th in
6 accordance with the schedule set out hereinbelow, which
7 discount shall be allowed at the time of purchase of the stamps
8 when purchase is required by this Act, or at the time when the
9 tax is remitted to the Department without the purchase of
10 stamps from the Department when that method of paying the tax
11 is required or authorized by this Act. Prior to December 1,
12 1985, a discount equal to 1 2/3% of the amount of the tax up to
13 and including the first \$700,000 paid hereunder by such
14 distributor to the Department during any such year; 1 1/3% of
15 the next \$700,000 of tax or any part thereof, paid hereunder by
16 such distributor to the Department during any such year; 1% of
17 the next \$700,000 of tax, or any part thereof, paid hereunder
18 by such distributor to the Department during any such year, and
19 2/3 of 1% of the amount of any additional tax paid hereunder by
20 such distributor to the Department during any such year shall
21 apply. On and after December 1, 1985, a discount ~~equal to 1.75%~~
22 ~~of the amount of the tax payable under this Act up to and~~
23 ~~including the first \$3,000,000 paid hereunder by such~~
24 ~~distributor to the Department during any such year and 1.5% of~~
25 ~~the amount of any additional tax paid hereunder by such~~
26 ~~distributor to the Department during any such year shall apply.~~

1 On and after December 1, 1985 and until January 1, 2020, the
2 discount amount shall be 1.75% of the amount of the tax payable
3 under this Act up to and including the first \$3,000,000 paid
4 hereunder by such distributor to the Department during any such
5 year and 1.5% of the amount of any additional tax paid
6 hereunder by such distributor to the Department during any the
7 year. On and after January 1, 2020, the discount amount shall
8 be 1.75% of the tax payable under this Act during the calendar
9 year; however, on and after January 1, 2020, in no event shall
10 the discount allowed to any distributor be less than \$5 in any
11 calendar year or more than \$1,000 in any calendar year.

12 Two or more distributors that use a common means of
13 affixing revenue tax stamps or that are owned or controlled by
14 the same interests shall be treated as a single distributor for
15 the purpose of computing the discount.

16 (c) The taxes herein imposed are in addition to all other
17 occupation or privilege taxes imposed by the State of Illinois,
18 or by any political subdivision thereof, or by any municipal
19 corporation.

20 (Source: P.A. 100-1171, eff. 1-4-19.)

21 Section 35. The Cigarette Use Tax Act is amended by
22 changing Section 3 as follows:

23 (35 ILCS 135/3) (from Ch. 120, par. 453.33)

24 Sec. 3. Stamp payment. The tax hereby imposed shall be

1 collected by a distributor maintaining a place of business in
2 this State or a distributor authorized by the Department
3 pursuant to Section 7 hereof to collect the tax, and the amount
4 of the tax shall be added to the price of the cigarettes sold
5 by such distributor. Collection of the tax shall be evidenced
6 by a stamp or stamps affixed to each original package of
7 cigarettes or by an authorized substitute for such stamp
8 imprinted on each original package of such cigarettes
9 underneath the sealed transparent outside wrapper of such
10 original package, except as hereinafter provided. Each
11 distributor who is required or authorized to collect the tax
12 herein imposed, before delivering or causing to be delivered
13 any original packages of cigarettes in this State to any
14 purchaser, shall firmly affix a proper stamp or stamps to each
15 such package, or (in the case of manufacturers of cigarettes in
16 original packages which are contained inside a sealed
17 transparent wrapper) shall imprint the required language on the
18 original package of cigarettes beneath such outside wrapper as
19 hereinafter provided. Such stamp or stamps need not be affixed
20 to the original package of any cigarettes with respect to which
21 the distributor is required to affix a like stamp or stamps by
22 virtue of the Cigarette Tax Act, however, and no tax imprint
23 need be placed underneath the sealed transparent wrapper of an
24 original package of cigarettes with respect to which the
25 distributor is required or authorized to employ a like tax
26 imprint by virtue of the Cigarette Tax Act. Any distributor who

1 purchases stamps may credit any excess payments verified by the
2 Department against amounts subsequently due for the purchase of
3 additional stamps, until such time as no excess payment
4 remains.

5 No stamp or imprint may be affixed to, or made upon, any
6 package of cigarettes unless that package complies with all
7 requirements of the federal Cigarette Labeling and Advertising
8 Act, 15 U.S.C. 1331 and following, for the placement of labels,
9 warnings, or any other information upon a package of cigarettes
10 that is sold within the United States. Under the authority of
11 Section 6, the Department shall revoke the license of any
12 distributor that is determined to have violated this paragraph.
13 A person may not affix a stamp on a package of cigarettes,
14 cigarette papers, wrappers, or tubes if that individual package
15 has been marked for export outside the United States with a
16 label or notice in compliance with Section 290.185 of Title 27
17 of the Code of Federal Regulations. It is not a defense to a
18 proceeding for violation of this paragraph that the label or
19 notice has been removed, mutilated, obliterated, or altered in
20 any manner.

21 Only distributors licensed under this Act and
22 transporters, as defined in Section 9c of the Cigarette Tax
23 Act, may possess unstamped original packages of cigarettes.
24 Prior to shipment to an Illinois retailer or secondary
25 distributor, a stamp shall be applied to each original package
26 of cigarettes sold to the retailer or secondary distributor. A

1 distributor may apply a tax stamp only to an original package
2 of cigarettes purchased or obtained directly from an in-state
3 maker, manufacturer, or fabricator licensed as a distributor
4 under Section 4 of this Act or an out-of-state maker,
5 manufacturer, or fabricator holding a permit under Section 7 of
6 this Act. A licensed distributor may ship or otherwise cause to
7 be delivered unstamped original packages of cigarettes in,
8 into, or from this State. A licensed distributor may transport
9 unstamped original packages of cigarettes to a facility,
10 wherever located, owned or controlled by such distributor;
11 however, a distributor may not transport unstamped original
12 packages of cigarettes to a facility where retail sales of
13 cigarettes take place or to a facility where a secondary
14 distributor makes sales for resale. Any licensed distributor
15 that ships or otherwise causes to be delivered unstamped
16 original packages of cigarettes into, within, or from this
17 State shall ensure that the invoice or equivalent documentation
18 and the bill of lading or freight bill for the shipment
19 identifies the true name and address of the consignor or
20 seller, the true name and address of the consignee or
21 purchaser, and the quantity by brand style of the cigarettes so
22 transported, provided that this Section shall not be construed
23 as to impose any requirement or liability upon any common or
24 contract carrier.

25 Distributors making sales of cigarettes to secondary
26 distributors shall add the amount of the tax to the price of

1 the cigarettes sold by the distributors. Secondary
2 distributors making sales of cigarettes to retailers shall
3 include the amount of the tax in the price of the cigarettes
4 sold to retailers. The amount of tax shall not be less than the
5 amount of taxes imposed by the State and all local
6 jurisdictions. The amount of local taxes shall be calculated
7 based on the location of the retailer's place of business shown
8 on the retailer's certificate of registration or
9 sub-registration issued to the retailer pursuant to Section 2a
10 of the Retailers' Occupation Tax Act. The original packages of
11 cigarettes sold by the retailer shall bear all the required
12 stamps, or other indicia, for the taxes included in the price
13 of cigarettes.

14 Stamps, when required hereunder, shall be purchased from
15 the Department, or any person authorized by the Department, by
16 distributors. On and after July 1, 2003, payment for such
17 stamps must be made by means of electronic funds transfer. The
18 Department may refuse to sell stamps to any person who does not
19 comply with the provisions of this Act. Beginning on June 6,
20 2002 and through June 30, 2002, persons holding valid licenses
21 as distributors may purchase cigarette tax stamps up to an
22 amount equal to 115% of the distributor's average monthly
23 cigarette tax stamp purchases over the 12 calendar months prior
24 to June 6, 2002.

25 Prior to December 1, 1985, the Department shall allow a
26 distributor 21 days in which to make final payment of the

1 amount to be paid for such stamps, by allowing the distributor
2 to make payment for the stamps at the time of purchasing them
3 with a draft which shall be in such form as the Department
4 prescribes, and which shall be payable within 21 days
5 thereafter: Provided that such distributor has filed with the
6 Department, and has received the Department's approval of, a
7 bond, which is in addition to the bond required under Section 4
8 of this Act, payable to the Department in an amount equal to
9 80% of such distributor's average monthly tax liability to the
10 Department under this Act during the preceding calendar year or
11 \$500,000, whichever is less. The bond shall be joint and
12 several and shall be in the form of a surety company bond in
13 such form as the Department prescribes, or it may be in the
14 form of a bank certificate of deposit or bank letter of credit.
15 The bond shall be conditioned upon the distributor's payment of
16 the amount of any 21-day draft which the Department accepts
17 from that distributor for the delivery of stamps to that
18 distributor under this Act. The distributor's failure to pay
19 any such draft, when due, shall also make such distributor
20 automatically liable to the Department for a penalty equal to
21 25% of the amount of such draft.

22 On and after December 1, 1985 and until July 1, 2003, the
23 Department shall allow a distributor 30 days in which to make
24 final payment of the amount to be paid for such stamps, by
25 allowing the distributor to make payment for the stamps at the
26 time of purchasing them with a draft which shall be in such

1 form as the Department prescribes, and which shall be payable
2 within 30 days thereafter, and beginning on January 1, 2003 and
3 thereafter, the draft shall be payable by means of electronic
4 funds transfer: Provided that such distributor has filed with
5 the Department, and has received the Department's approval of,
6 a bond, which is in addition to the bond required under Section
7 4 of this Act, payable to the Department in an amount equal to
8 150% of such distributor's average monthly tax liability to the
9 Department under this Act during the preceding calendar year or
10 \$750,000, whichever is less, except that as to bonds filed on
11 or after January 1, 1987, such additional bond shall be in an
12 amount equal to 100% of such distributor's average monthly tax
13 liability under this Act during the preceding calendar year or
14 \$750,000, whichever is less. The bond shall be joint and
15 several and shall be in the form of a surety company bond in
16 such form as the Department prescribes, or it may be in the
17 form of a bank certificate of deposit or bank letter of credit.
18 The bond shall be conditioned upon the distributor's payment of
19 the amount of any 30-day draft which the Department accepts
20 from that distributor for the delivery of stamps to that
21 distributor under this Act. The distributor's failure to pay
22 any such draft, when due, shall also make such distributor
23 automatically liable to the Department for a penalty equal to
24 25% of the amount of such draft.

25 Every prior continuous compliance taxpayer shall be exempt
26 from all requirements under this Section concerning the

1 furnishing of such bond, as defined in this Section, as a
2 condition precedent to his being authorized to engage in the
3 business licensed under this Act. This exemption shall continue
4 for each such taxpayer until such time as he may be determined
5 by the Department to be delinquent in the filing of any
6 returns, or is determined by the Department (either through the
7 Department's issuance of a final assessment which has become
8 final under the Act, or by the taxpayer's filing of a return
9 which admits tax to be due that is not paid) to be delinquent
10 or deficient in the paying of any tax under this Act, at which
11 time that taxpayer shall become subject to the bond
12 requirements of this Section and, as a condition of being
13 allowed to continue to engage in the business licensed under
14 this Act, shall be required to furnish bond to the Department
15 in such form as provided in this Section. Such taxpayer shall
16 furnish such bond for a period of 2 years, after which, if the
17 taxpayer has not been delinquent in the filing of any returns,
18 or delinquent or deficient in the paying of any tax under this
19 Act, the Department may reinstate such person as a prior
20 continuance compliance taxpayer. Any taxpayer who fails to pay
21 an admitted or established liability under this Act may also be
22 required to post bond or other acceptable security with the
23 Department guaranteeing the payment of such admitted or
24 established liability.

25 Except as otherwise provided in this Section, any person
26 aggrieved by any decision of the Department under this Section

1 may, within the time allowed by law, protest and request a
2 hearing before the Department, whereupon the Department shall
3 give notice and shall hold a hearing in conformity with the
4 provisions of this Act and then issue its final administrative
5 decision in the matter to such person. Effective July 1, 2013,
6 protests concerning matters that are subject to the
7 jurisdiction of the Illinois Independent Tax Tribunal shall be
8 filed in accordance with the Illinois Independent Tax Tribunal
9 Act of 2012, and hearings concerning those matters shall be
10 held before the Tribunal in accordance with that Act. With
11 respect to protests filed with the Department prior to July 1,
12 2013 that would otherwise be subject to the jurisdiction of the
13 Illinois Independent Tax Tribunal, the person filing the
14 protest may elect to be subject to the provisions of the
15 Illinois Independent Tax Tribunal Act of 2012 at any time on or
16 after July 1, 2013, but not later than 30 days after the date
17 on which the protest was filed. If made, the election shall be
18 irrevocable. In the absence of such a protest filed within the
19 time allowed by law, the Department's decision shall become
20 final without any further determination being made or notice
21 given.

22 The Department shall discharge any surety and shall release
23 and return any bond or security deposited, assigned, pledged,
24 or otherwise provided to it by a taxpayer under this Section
25 within 30 days after:

26 (1) such Taxpayer becomes a prior continuous

1 compliance taxpayer; or

2 (2) such taxpayer has ceased to collect receipts on
3 which he is required to remit tax to the Department, has
4 filed a final tax return, and has paid to the Department an
5 amount sufficient to discharge his remaining tax liability
6 as determined by the Department under this Act. The
7 Department shall make a final determination of the
8 taxpayer's outstanding tax liability as expeditiously as
9 possible after his final tax return has been filed. If the
10 Department cannot make such final determination within 45
11 days after receiving the final tax return, within such
12 period it shall so notify the taxpayer, stating its reasons
13 therefor.

14 At the time of purchasing such stamps from the Department
15 when purchase is required by this Act, or at the time when the
16 tax which he has collected is remitted by a distributor to the
17 Department without the purchase of stamps from the Department
18 when that method of remitting the tax that has been collected
19 is required or authorized by this Act, the distributor shall be
20 allowed a discount during any year commencing July 1 and ending
21 the following June 30 in accordance with the schedule set out
22 hereinbelow, from the amount to be paid by him to the
23 Department for such stamps, or to be paid by him to the
24 Department on the basis of monthly remittances (as the case may
25 be), to cover the cost, to such distributor, of collecting the
26 tax herein imposed by affixing such stamps to the original

1 packages of cigarettes sold by such distributor or by placing
2 tax imprints underneath the sealed transparent wrapper of
3 original packages of cigarettes sold by such distributor (as
4 the case may be). ~~:(1) Prior to December 1, 1985, a discount~~
5 ~~equal to 1 2/3% of the amount of the tax up to and including~~
6 ~~the first \$700,000 paid hereunder by such distributor to the~~
7 ~~Department during any such year; 1 1/3% of the next \$700,000 of~~
8 ~~tax or any part thereof, paid hereunder by such distributor to~~
9 ~~the Department during any such year; 1% of the next \$700,000 of~~
10 ~~tax, or any part thereof, paid hereunder by such distributor to~~
11 ~~the Department during any such year; and 2/3 of 1% of the~~
12 ~~amount of any additional tax paid hereunder by such distributor~~
13 ~~to the Department during any such year or (2) On and after~~
14 December 1, 1985 and until January 1, 2020, a discount equal to
15 1.75% of the amount of the tax payable under this Act up to and
16 including the first \$3,000,000 paid hereunder by such
17 distributor to the Department during any such year and 1.5% of
18 the amount of any additional tax paid hereunder by such
19 distributor to the Department during any such year. On and
20 after January 1, 2020, the discount shall be equal to 1.75% of
21 the tax paid by the distributor to the Department under this
22 Act during the calendar year; however, on and after January 1,
23 2020, in no event shall the discount allowed to any distributor
24 be less than \$5 in any calendar year or more than \$1,000 in any
25 calendar year.

26 Two or more distributors that use a common means of

1 affixing revenue tax stamps or that are owned or controlled by
2 the same interests shall be treated as a single distributor for
3 the purpose of computing the discount.

4 Cigarette manufacturers who are distributors under Section
5 7(a) of this Act, and who place their cigarettes in original
6 packages which are contained inside a sealed transparent
7 wrapper, shall be required to remit the tax which they are
8 required to collect under this Act to the Department by
9 remitting the amount thereof to the Department by the 5th day
10 of each month, covering cigarettes shipped or otherwise
11 delivered to points in Illinois to purchasers during the
12 preceding calendar month, but a distributor need not remit to
13 the Department the tax so collected by him from purchasers
14 under this Act to the extent to which such distributor is
15 required to remit the tax imposed by the Cigarette Tax Act to
16 the Department with respect to the same cigarettes. All taxes
17 upon cigarettes under this Act are a direct tax upon the retail
18 consumer and shall conclusively be presumed to be precollected
19 for the purpose of convenience and facility only. Cigarette
20 manufacturers that are distributors licensed under Section
21 7(a) of this Act and who place their cigarettes in original
22 packages which are contained inside a sealed transparent
23 wrapper, before delivering such cigarettes or causing such
24 cigarettes to be delivered in this State to purchasers, shall
25 evidence their obligation to collect and remit the tax due with
26 respect to such cigarettes by imprinting language to be

1 prescribed by the Department on each original package of such
2 cigarettes underneath the sealed transparent outside wrapper
3 of such original package, in such place thereon and in such
4 manner as the Department may prescribe; provided (as stated
5 hereinbefore) that this requirement does not apply when such
6 distributor is required or authorized by the Cigarette Tax Act
7 to place the tax imprint provided for in the last paragraph of
8 Section 3 of that Act underneath the sealed transparent wrapper
9 of such original package of cigarettes. Such imprinted language
10 shall acknowledge the manufacturer's collection and payment of
11 or liability for the tax imposed by this Act with respect to
12 such cigarettes.

13 The Department shall adopt the design or designs of the tax
14 stamps and shall procure the printing of such stamps in such
15 amounts and denominations as it deems necessary to provide for
16 the affixation of the proper amount of tax stamps to each
17 original package of cigarettes.

18 Where tax stamps are required, the Department may authorize
19 distributors to affix revenue tax stamps by imprinting tax
20 meter stamps upon original packages of cigarettes. The
21 Department shall adopt rules and regulations relating to the
22 imprinting of such tax meter stamps as will result in payment
23 of the proper taxes as herein imposed. No distributor may affix
24 revenue tax stamps to original packages of cigarettes by
25 imprinting meter stamps thereon unless such distributor has
26 first obtained permission from the Department to employ this

1 method of affixation. The Department shall regulate the use of
2 tax meters and may, to assure the proper collection of the
3 taxes imposed by this Act, revoke or suspend the privilege,
4 theretofore granted by the Department to any distributor, to
5 imprint tax meter stamps upon original packages of cigarettes.

6 The tax hereby imposed and not paid pursuant to this
7 Section shall be paid to the Department directly by any person
8 using such cigarettes within this State, pursuant to Section 12
9 hereof.

10 A distributor shall not affix, or cause to be affixed, any
11 stamp or imprint to a package of cigarettes, as provided for in
12 this Section, if the tobacco product manufacturer, as defined
13 in Section 10 of the Tobacco Product Manufacturers' Escrow Act,
14 that made or sold the cigarettes has failed to become a
15 participating manufacturer, as defined in subdivision (a)(1)
16 of Section 15 of the Tobacco Product Manufacturers' Escrow Act,
17 or has failed to create a qualified escrow fund for any
18 cigarettes manufactured by the tobacco product manufacturer
19 and sold in this State or otherwise failed to bring itself into
20 compliance with subdivision (a)(2) of Section 15 of the Tobacco
21 Product Manufacturers' Escrow Act.

22 (Source: P.A. 100-1171, eff. 1-4-19.)

23 Section 40. The Hotel Operators' Occupation Tax Act is
24 amended by changing Section 6 as follows:

1 (35 ILCS 145/6) (from Ch. 120, par. 481b.36)

2 Sec. 6. Filing of returns and distribution of proceeds.

3 Except as provided hereinafter in this Section, on or
4 before the last day of each calendar month, every person
5 engaged in the business of renting, leasing or letting rooms in
6 a hotel in this State during the preceding calendar month shall
7 file a return with the Department, stating:

8 1. The name of the operator;

9 2. His residence address and the address of his
10 principal place of business and the address of the
11 principal place of business (if that is a different
12 address) from which he engages in the business of renting,
13 leasing or letting rooms in a hotel in this State;

14 3. Total amount of rental receipts received by him
15 during the preceding calendar month from renting, leasing
16 or letting rooms during such preceding calendar month;

17 4. Total amount of rental receipts received by him
18 during the preceding calendar month from renting, leasing
19 or letting rooms to permanent residents during such
20 preceding calendar month;

21 5. Total amount of other exclusions from gross rental
22 receipts allowed by this Act;

23 6. Gross rental receipts which were received by him
24 during the preceding calendar month and upon the basis of
25 which the tax is imposed;

26 7. The amount of tax due;

1 8. Such other reasonable information as the Department
2 may require.

3 If the operator's average monthly tax liability to the
4 Department does not exceed \$200, the Department may authorize
5 his returns to be filed on a quarter annual basis, with the
6 return for January, February and March of a given year being
7 due by April 30 of such year; with the return for April, May
8 and June of a given year being due by July 31 of such year; with
9 the return for July, August and September of a given year being
10 due by October 31 of such year, and with the return for
11 October, November and December of a given year being due by
12 January 31 of the following year.

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

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

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

1 Where the same person has more than 1 business registered
2 with the Department under separate registrations under this
3 Act, such person shall not file each return that is due as a
4 single return covering all such registered businesses, but
5 shall file separate returns for each such registered business.

6 In his return, the operator shall determine the value of
7 any consideration other than money received by him in
8 connection with the renting, leasing or letting of rooms in the
9 course of his business and he shall include such value in his
10 return. Such determination shall be subject to review and
11 revision by the Department in the manner hereinafter provided
12 for the correction of returns.

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

17 The person filing the return herein provided for shall, at
18 the time of filing such return, pay to the Department the
19 amount of tax herein imposed. The operator filing the return
20 under this Section shall, at the time of filing such return,
21 pay to the Department the amount of tax imposed by this Act
22 less the vendor discount amount ~~a discount of 2.1% or \$25 per~~
23 ~~calendar year, whichever is greater,~~ which is allowed to
24 reimburse the operator for the expenses incurred in keeping
25 records, preparing and filing returns, remitting the tax and
26 supplying data to the Department on request. Prior to January

1 1, 2020, the vendor discount amount shall be 2.1% or \$25 per
2 calendar year, whichever is greater. On and after January 1,
3 2020, the vendor discount amount shall be 1.75% of the proceeds
4 collected during the calendar year; however, on and after
5 January 1, 2020, in no event shall the discount allowed to any
6 person be less than \$5 in any calendar year or more than \$1,000
7 in any calendar year.

8 If any payment provided for in this Section exceeds the
9 operator's liabilities under this Act, as shown on an original
10 return, the Department may authorize the operator to credit
11 such excess payment against liability subsequently to be
12 remitted to the Department under this Act, in accordance with
13 reasonable rules adopted by the Department. If the Department
14 subsequently determines that all or any part of the credit
15 taken was not actually due to the operator, the operator's
16 discount shall be reduced by an amount equal to the difference
17 between the discount as applied to the credit taken and that
18 actually due, and that operator shall be liable for penalties
19 and interest on such difference.

20 There shall be deposited in the Build Illinois Fund in the
21 State Treasury for each State fiscal year 40% of the amount of
22 total net proceeds from the tax imposed by subsection (a) of
23 Section 3. Of the remaining 60%, \$5,000,000 shall be deposited
24 in the Illinois Sports Facilities Fund and credited to the
25 Subsidy Account each fiscal year by making monthly deposits in
26 the amount of 1/8 of \$5,000,000 plus cumulative deficiencies in

1 such deposits for prior months, and an additional \$8,000,000
2 shall be deposited in the Illinois Sports Facilities Fund and
3 credited to the Advance Account each fiscal year by making
4 monthly deposits in the amount of 1/8 of \$8,000,000 plus any
5 cumulative deficiencies in such deposits for prior months;
6 provided, that for fiscal years ending after June 30, 2001, the
7 amount to be so deposited into the Illinois Sports Facilities
8 Fund and credited to the Advance Account each fiscal year shall
9 be increased from \$8,000,000 to the then applicable Advance
10 Amount and the required monthly deposits beginning with July
11 2001 shall be in the amount of 1/8 of the then applicable
12 Advance Amount plus any cumulative deficiencies in those
13 deposits for prior months. (The deposits of the additional
14 \$8,000,000 or the then applicable Advance Amount, as
15 applicable, during each fiscal year shall be treated as
16 advances of funds to the Illinois Sports Facilities Authority
17 for its corporate purposes to the extent paid to the Authority
18 or its trustee and shall be repaid into the General Revenue
19 Fund in the State Treasury by the State Treasurer on behalf of
20 the Authority pursuant to Section 19 of the Illinois Sports
21 Facilities Authority Act, as amended. If in any fiscal year the
22 full amount of the then applicable Advance Amount is not repaid
23 into the General Revenue Fund, then the deficiency shall be
24 paid from the amount in the Local Government Distributive Fund
25 that would otherwise be allocated to the City of Chicago under
26 the State Revenue Sharing Act.)

1 For purposes of the foregoing paragraph, the term "Advance
2 Amount" means, for fiscal year 2002, \$22,179,000, and for
3 subsequent fiscal years through fiscal year 2032, 105.615% of
4 the Advance Amount for the immediately preceding fiscal year,
5 rounded up to the nearest \$1,000.

6 Of the remaining 60% of the amount of total net proceeds
7 prior to August 1, 2011 from the tax imposed by subsection (a)
8 of Section 3 after all required deposits in the Illinois Sports
9 Facilities Fund, the amount equal to 8% of the net revenue
10 realized from this Act plus an amount equal to 8% of the net
11 revenue realized from any tax imposed under Section 4.05 of the
12 Chicago World's Fair-1992 Authority Act during the preceding
13 month shall be deposited in the Local Tourism Fund each month
14 for purposes authorized by Section 605-705 of the Department of
15 Commerce and Economic Opportunity Law (20 ILCS 605/605-705). Of
16 the remaining 60% of the amount of total net proceeds beginning
17 on August 1, 2011 from the tax imposed by subsection (a) of
18 Section 3 after all required deposits in the Illinois Sports
19 Facilities Fund, an amount equal to 8% of the net revenue
20 realized from this Act plus an amount equal to 8% of the net
21 revenue realized from any tax imposed under Section 4.05 of the
22 Chicago World's Fair-1992 Authority Act during the preceding
23 month shall be deposited as follows: 18% of such amount shall
24 be deposited into the Chicago Travel Industry Promotion Fund
25 for the purposes described in subsection (n) of Section 5 of
26 the Metropolitan Pier and Exposition Authority Act and the

1 remaining 82% of such amount shall be deposited into the Local
2 Tourism Fund each month for purposes authorized by Section
3 605-705 of the Department of Commerce and Economic Opportunity
4 Law. Beginning on August 1, 1999 and ending on July 31, 2011,
5 an amount equal to 4.5% of the net revenue realized from the
6 Hotel Operators' Occupation Tax Act during the preceding month
7 shall be deposited into the International Tourism Fund for the
8 purposes authorized in Section 605-707 of the Department of
9 Commerce and Economic Opportunity Law. Beginning on August 1,
10 2011, an amount equal to 4.5% of the net revenue realized from
11 this Act during the preceding month shall be deposited as
12 follows: 55% of such amount shall be deposited into the Chicago
13 Travel Industry Promotion Fund for the purposes described in
14 subsection (n) of Section 5 of the Metropolitan Pier and
15 Exposition Authority Act and the remaining 45% of such amount
16 deposited into the International Tourism Fund for the purposes
17 authorized in Section 605-707 of the Department of Commerce and
18 Economic Opportunity Law. "Net revenue realized for a month"
19 means the revenue collected by the State under that Act during
20 the previous month less the amount paid out during that same
21 month as refunds to taxpayers for overpayment of liability
22 under that Act.

23 After making all these deposits, all other proceeds of the
24 tax imposed under subsection (a) of Section 3 shall be
25 deposited in the Tourism Promotion Fund in the State Treasury.
26 All moneys received by the Department from the additional tax

1 imposed under subsection (b) of Section 3 shall be deposited
2 into the Build Illinois Fund in the State Treasury.

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

22 If the annual information return required by this Section
23 is not filed when and as required the taxpayer shall be liable
24 for a penalty in an amount determined in accordance with
25 Section 3-4 of the Uniform Penalty and Interest Act until such
26 return is filed as required, the penalty to be assessed and

1 collected in the same manner as any other penalty provided for
2 in this Act.

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

11 The foregoing portion of this Section concerning the filing
12 of an annual information return shall not apply to an operator
13 who is not required to file an income tax return with the
14 United States Government.

15 (Source: P.A. 100-23, eff. 7-6-17; 100-1171, eff. 1-4-19.)

16 Section 45. The Motor Fuel Tax Law is amended by changing
17 Sections 2b, 6, and 6a as follows:

18 (35 ILCS 505/2b) (from Ch. 120, par. 418b)

19 Sec. 2b. Receiver's monthly return. In addition to the tax
20 collection and reporting responsibilities imposed elsewhere in
21 this Act, a person who is required to pay the tax imposed by
22 Section 2a of this Act shall pay the tax to the Department by
23 return showing all fuel purchased, acquired or received and
24 sold, distributed or used during the preceding calendar month

1 including losses of fuel as the result of evaporation or
2 shrinkage due to temperature variations, and such other
3 reasonable information as the Department may require. Losses of
4 fuel as the result of evaporation or shrinkage due to
5 temperature variations may not exceed 1% of the total gallons
6 in storage at the beginning of the month, plus the receipts of
7 gallonage during the month, minus the gallonage remaining in
8 storage at the end of the month. Any loss reported that is in
9 excess of this amount shall be subject to the tax imposed by
10 Section 2a of this Law. On and after July 1, 2001, for each
11 6-month period January through June, net losses of fuel (for
12 each category of fuel that is required to be reported on a
13 return) as the result of evaporation or shrinkage due to
14 temperature variations may not exceed 1% of the total gallons
15 in storage at the beginning of each January, plus the receipts
16 of gallonage each January through June, minus the gallonage
17 remaining in storage at the end of each June. On and after July
18 1, 2001, for each 6-month period July through December, net
19 losses of fuel (for each category of fuel that is required to
20 be reported on a return) as the result of evaporation or
21 shrinkage due to temperature variations may not exceed 1% of
22 the total gallons in storage at the beginning of each July,
23 plus the receipts of gallonage each July through December,
24 minus the gallonage remaining in storage at the end of each
25 December. Any net loss reported that is in excess of this
26 amount shall be subject to the tax imposed by Section 2a of

1 this Law. For purposes of this Section, "net loss" means the
2 number of gallons gained through temperature variations minus
3 the number of gallons lost through temperature variations or
4 evaporation for each of the respective 6-month periods.

5 The return shall be prescribed by the Department and shall
6 be filed between the 1st and 20th days of each calendar month.
7 The Department may, in its discretion, combine the returns
8 filed under this Section, Section 5, and Section 5a of this
9 Act. The return must be accompanied by appropriate
10 computer-generated magnetic media supporting schedule data in
11 the format required by the Department, unless, as provided by
12 rule, the Department grants an exception upon petition of a
13 taxpayer. If the return is filed timely, the seller shall take
14 a discount ~~of 2% through June 30, 2003 and 1.75% thereafter~~
15 which is allowed to reimburse the seller for the expenses
16 incurred in keeping records, preparing and filing returns,
17 collecting and remitting the tax and supplying data to the
18 Department on request. The discount, however, shall be
19 applicable only to the amount of payment which accompanies a
20 return that is filed timely in accordance with this Section.
21 Prior to January 1, 2020, the vendor discount amount shall be
22 1.75%. On and after January 1, 2020, the vendor discount amount
23 shall be 1.75% of the proceeds collected during the calendar
24 year; however, on and after January 1, 2020, in no event shall
25 the discount allowed to any person be less than \$5 in any
26 calendar year or more than \$1,000 in any calendar year.

1 If any payment provided for in this Section exceeds the
2 receiver's liabilities under this Act, as shown on an original
3 return, the Department may authorize the receiver to credit
4 such excess payment against liability subsequently to be
5 remitted to the Department under this Act, in accordance with
6 reasonable rules adopted by the Department. If the Department
7 subsequently determines that all or any part of the credit
8 taken was not actually due to the receiver, the receiver's
9 discount shall be reduced by an amount equal to the difference
10 between the discount as applied to the credit taken and that
11 actually due, and that receiver shall be liable for penalties
12 and interest on such difference.

13 (Source: P.A. 100-1171, eff. 1-4-19.)

14 (35 ILCS 505/6) (from Ch. 120, par. 422)

15 Sec. 6. Collection of tax; distributors. A distributor who
16 sells or distributes any motor fuel, which he is required by
17 Section 5 to report to the Department when filing a return,
18 shall (except as hereinafter provided) collect at the time of
19 such sale and distribution, the amount of tax imposed under
20 this Act on all such motor fuel sold and distributed, and at
21 the time of making a return, the distributor shall pay to the
22 Department the amount so collected less a discount ~~of 2%~~
23 ~~through June 30, 2003 and 1.75% thereafter~~ which is allowed to
24 reimburse the distributor for the expenses incurred in keeping
25 records, preparing and filing returns, collecting and

1 remitting the tax and supplying data to the Department on
2 request, and shall also pay to the Department an amount equal
3 to the amount that would be collectible as a tax in the event
4 of a sale thereof on all such motor fuel used by said
5 distributor during the period covered by the return. Prior to
6 July 1, 2003, the discount amount shall be 2%. From July 1,
7 2003 through December 31, 2019, the discount amount shall be
8 1.75%. On and after January 1, 2020, the discount amount shall
9 be 1.75% of the proceeds collected during the calendar year;
10 however, on and after January 1, 2020, in no event shall the
11 discount allowed to any distributor be less than \$5 in any
12 calendar year or more than \$1,000 in any calendar year.
13 However, no payment shall be made based upon dyed diesel fuel
14 used by the distributor for non-highway purposes. The discount
15 shall only be applicable to the amount of tax payment which
16 accompanies a return which is filed timely in accordance with
17 Section 5 of this Act. In each subsequent sale of motor fuel on
18 which the amount of tax imposed under this Act has been
19 collected as provided in this Section, the amount so collected
20 shall be added to the selling price, so that the amount of tax
21 is paid ultimately by the user of the motor fuel. However, no
22 collection or payment shall be made in the case of the sale or
23 use of any motor fuel to the extent to which such sale or use of
24 motor fuel may not, under the constitution and statutes of the
25 United States, be made the subject of taxation by this State. A
26 person whose license to act as a distributor of fuel has been

1 revoked shall, at the time of making a return, also pay to the
2 Department an amount equal to the amount that would be
3 collectible as a tax in the event of a sale thereof on all
4 motor fuel, which he is required by the second paragraph of
5 Section 5 to report to the Department in making a return, and
6 which he had on hand on the date on which the license was
7 revoked, and with respect to which no tax had been previously
8 paid under this Act.

9 A distributor may make tax free sales of motor fuel, with
10 respect to which he is otherwise required to collect the tax,
11 only as specified in the following items 1 through 7.

12 1. When the sale is made to a person holding a valid
13 unrevoked license as a distributor, by making a specific
14 notation thereof on invoices or sales slip covering each
15 sale.

16 2. When the sale is made with delivery to a purchaser
17 outside of this State.

18 3. When the sale is made to the Federal Government or
19 its instrumentalities.

20 4. When the sale is made to a municipal corporation
21 owning and operating a local transportation system for
22 public service in this State when an official certificate
23 of exemption is obtained in lieu of the tax.

24 5. When the sale is made to a privately owned public
25 utility owning and operating 2 axle vehicles designed and
26 used for transporting more than 7 passengers, which

1 vehicles are used as common carriers in general
2 transportation of passengers, are not devoted to any
3 specialized purpose and are operated entirely within the
4 territorial limits of a single municipality or of any group
5 of contiguous municipalities, or in a close radius thereof,
6 and the operations of which are subject to the regulations
7 of the Illinois Commerce Commission, when an official
8 certificate of exemption is obtained in lieu of the tax.

9 6. When a sale of special fuel is made to a person
10 holding a valid, unrevoked license as a supplier, by making
11 a specific notation thereof on the invoice or sales slip
12 covering each such sale.

13 7. When a sale of dyed diesel fuel is made to someone
14 other than a licensed distributor or a licensed supplier
15 for non-highway purposes and the fuel is (i) delivered from
16 a vehicle designed for the specific purpose of such sales
17 and delivered directly into a stationary bulk storage tank
18 that displays the notice required by Section 4f of this
19 Act, (ii) delivered from a vehicle designed for the
20 specific purpose of such sales and delivered directly into
21 the fuel supply tanks of non-highway vehicles that are not
22 required to be registered for highway use, or (iii)
23 dispensed from a dyed diesel fuel dispensing facility that
24 has withdrawal facilities that are not readily accessible
25 to and are not capable of dispensing dyed diesel fuel into
26 the fuel supply tank of a motor vehicle.

1 A specific notation is required on the invoice or sales
2 slip covering such sales, and any supporting documentation
3 that may be required by the Department must be obtained by
4 the distributor. The distributor shall obtain and keep the
5 supporting documentation in such form as the Department may
6 require by rule.

7 For purposes of this item 7, a dyed diesel fuel
8 dispensing facility is considered to have withdrawal
9 facilities that are "not readily accessible to and not
10 capable of dispensing dyed diesel fuel into the fuel supply
11 tank of a motor vehicle" only if the dyed diesel fuel is
12 delivered from: (i) a dispenser hose that is short enough
13 so that it will not reach the fuel supply tank of a motor
14 vehicle or (ii) a dispenser that is enclosed by a fence or
15 other physical barrier so that a vehicle cannot pull
16 alongside the dispenser to permit fueling.

17 8. (Blank).

18 All special fuel sold or used for non-highway purposes must
19 have a dye added in accordance with Section 4d of this Law.

20 All suits or other proceedings brought for the purpose of
21 recovering any taxes, interest or penalties due the State of
22 Illinois under this Act may be maintained in the name of the
23 Department.

24 (Source: P.A. 96-1384, eff. 7-29-10.)

25 (35 ILCS 505/6a) (from Ch. 120, par. 422a)

1 Sec. 6a. Collection of tax; suppliers. A supplier, other
2 than a licensed distributor, who sells or distributes any
3 special fuel, which he is required by Section 5a to report to
4 the Department when filing a return, shall (except as
5 hereinafter provided) collect at the time of such sale and
6 distribution, the amount of tax imposed under this Act on all
7 such special fuel sold and distributed, and at the time of
8 making a return, the supplier shall pay to the Department the
9 amount so collected less a discount ~~of 2% through June 30, 2003~~
10 ~~and 1.75% thereafter~~ which is allowed to reimburse the supplier
11 for the expenses incurred in keeping records, preparing and
12 filing returns, collecting and remitting the tax and supplying
13 data to the Department on request, and shall also pay to the
14 Department an amount equal to the amount that would be
15 collectible as a tax in the event of a sale thereof on all such
16 special fuel used by said supplier during the period covered by
17 the return. Prior to July 1, 2003, the discount amount shall be
18 2%. From July 1, 2003 through December 31, 2019, the discount
19 amount shall be 1.75%. On and after January 1, 2020, the
20 discount amount shall be 1.75% of the proceeds collected during
21 the calendar year; however, on and after January 1, 2020, in no
22 event shall the discount allowed to any distributor be less
23 than \$5 in any calendar year or more than \$1,000 in any
24 calendar year. However, no payment shall be made based upon
25 dyed diesel fuel used by said supplier for non-highway
26 purposes. The discount shall only be applicable to the amount

1 of tax payment which accompanies a return which is filed timely
2 in accordance with Section 5(a) of this Act. In each subsequent
3 sale of special fuel on which the amount of tax imposed under
4 this Act has been collected as provided in this Section, the
5 amount so collected shall be added to the selling price, so
6 that the amount of tax is paid ultimately by the user of the
7 special fuel. However, no collection or payment shall be made
8 in the case of the sale or use of any special fuel to the extent
9 to which such sale or use of motor fuel may not, under the
10 Constitution and statutes of the United States, be made the
11 subject of taxation by this State.

12 A person whose license to act as supplier of special fuel
13 has been revoked shall, at the time of making a return, also
14 pay to the Department an amount equal to the amount that would
15 be collectible as a tax in the event of a sale thereof on all
16 special fuel, which he is required by the 1st paragraph of
17 Section 5a to report to the Department in making a return.

18 A supplier may make tax-free sales of special fuel, with
19 respect to which he is otherwise required to collect the tax,
20 only as specified in the following items 1 through 7.

21 1. When the sale is made to the federal government or
22 its instrumentalities.

23 2. When the sale is made to a municipal corporation
24 owning and operating a local transportation system for
25 public service in this State when an official certificate
26 of exemption is obtained in lieu of the tax.

1 3. When the sale is made to a privately owned public
2 utility owning and operating 2 axle vehicles designed and
3 used for transporting more than 7 passengers, which
4 vehicles are used as common carriers in general
5 transportation of passengers, are not devoted to any
6 specialized purpose and are operated entirely within the
7 territorial limits of a single municipality or of any group
8 of contiguous municipalities, or in a close radius thereof,
9 and the operations of which are subject to the regulations
10 of the Illinois Commerce Commission, when an official
11 certificate of exemption is obtained in lieu of the tax.

12 4. When a sale is made to a person holding a valid
13 unrevoked license as a supplier or a distributor by making
14 a specific notation thereof on invoice or sales slip
15 covering each such sale.

16 5. When a sale of dyed diesel fuel is made to someone
17 other than a licensed distributor or licensed supplier for
18 non-highway purposes and the fuel is (i) delivered from a
19 vehicle designed for the specific purpose of such sales and
20 delivered directly into a stationary bulk storage tank that
21 displays the notice required by Section 4f of this Act,
22 (ii) delivered from a vehicle designed for the specific
23 purpose of such sales and delivered directly into the fuel
24 supply tanks of non-highway vehicles that are not required
25 to be registered for highway use, or (iii) dispensed from a
26 dyed diesel fuel dispensing facility that has withdrawal

1 facilities that are not readily accessible to and are not
2 capable of dispensing dyed diesel fuel into the fuel supply
3 tank of a motor vehicle.

4 A specific notation is required on the invoice or sales
5 slip covering such sales, and any supporting documentation
6 that may be required by the Department must be obtained by
7 the supplier. The supplier shall obtain and keep the
8 supporting documentation in such form as the Department may
9 require by rule.

10 For purposes of this item 5, a dyed diesel fuel
11 dispensing facility is considered to have withdrawal
12 facilities that are "not readily accessible to and not
13 capable of dispensing dyed diesel fuel into the fuel supply
14 tank of a motor vehicle" only if the dyed diesel fuel is
15 delivered from: (i) a dispenser hose that is short enough
16 so that it will not reach the fuel supply tank of a motor
17 vehicle or (ii) a dispenser that is enclosed by a fence or
18 other physical barrier so that a vehicle cannot pull
19 alongside the dispenser to permit fueling.

20 6. (Blank).

21 7. When a sale of special fuel is made to a person
22 where delivery is made outside of this State.

23 All special fuel sold or used for non-highway purposes must
24 have a dye added in accordance with Section 4d of this Law.

25 All suits or other proceedings brought for the purpose of
26 recovering any taxes, interest or penalties due the State of

1 Illinois under this Act may be maintained in the name of the
2 Department.

3 (Source: P.A. 96-1384, eff. 7-29-10.)

4 Section 50. The Telecommunications Excise Tax Act is
5 amended by changing Section 6 as follows:

6 (35 ILCS 630/6) (from Ch. 120, par. 2006)

7 Sec. 6. Returns; payments. Except as provided hereinafter
8 in this Section, on or before the last day of each month, each
9 retailer maintaining a place of business in this State shall
10 make a return to the Department for the preceding calendar
11 month, stating:

12 1. His name;

13 2. The address of his principal place of business, or
14 the address of the principal place of business (if that is
15 a different address) from which he engages in the business
16 of transmitting telecommunications;

17 3. Total amount of gross charges billed by him during
18 the preceding calendar month for providing
19 telecommunications during such calendar month;

20 4. Total amount received by him during the preceding
21 calendar month on credit extended;

22 5. Deductions allowed by law;

23 6. Gross charges which were billed by him during the
24 preceding calendar month and upon the basis of which the

1 tax is imposed;

2 7. Amount of tax (computed upon Item 6);

3 8. Such other reasonable information as the Department
4 may require.

5 Any taxpayer required to make payments under this Section
6 may make the payments by electronic funds transfer. The
7 Department shall adopt rules necessary to effectuate a program
8 of electronic funds transfer. Any taxpayer who has average
9 monthly tax billings due to the Department under this Act and
10 the Simplified Municipal Telecommunications Tax Act that
11 exceed \$1,000 shall make all payments by electronic funds
12 transfer as required by rules of the Department and shall file
13 the return required by this Section by electronic means as
14 required by rules of the Department.

15 If the retailer's average monthly tax billings due to the
16 Department under this Act and the Simplified Municipal
17 Telecommunications Tax Act do not exceed \$1,000, the Department
18 may authorize his returns to be filed on a quarter annual
19 basis, with the return for January, February and March of a
20 given year being due by April 30 of such year; with the return
21 for April, May and June of a given year being due by July 31st
22 of such year; with the return for July, August and September of
23 a given year being due by October 31st of such year; and with
24 the return of October, November and December of a given year
25 being due by January 31st of the following year.

26 If the retailer is otherwise required to file a monthly or

1 quarterly return and if the retailer's average monthly tax
2 billings due to the Department under this Act and the
3 Simplified Municipal Telecommunications Tax Act do not exceed
4 \$400, the Department may authorize his or her return to be
5 filed on an annual basis, with the return for a given year
6 being due by January 31st of the following year.

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

14 In making such return, the retailer shall determine the
15 value of any consideration other than money received by him and
16 he shall include such value in his return. Such determination
17 shall be subject to review and revision by the Department in
18 the manner hereinafter provided for the correction of returns.

19 Each retailer whose average monthly liability to the
20 Department under this Article and the Simplified Municipal
21 Telecommunications Tax Act was \$25,000 or more during the
22 preceding calendar year, excluding the month of highest
23 liability and the month of lowest liability in such calendar
24 year, and who is not operated by a unit of local government,
25 shall make estimated payments to the Department on or before
26 the 7th, 15th, 22nd and last day of the month during which tax

1 collection liability to the Department is incurred in an amount
2 not less than the lower of either 22.5% of the retailer's
3 actual tax collections for the month or 25% of the retailer's
4 actual tax collections for the same calendar month of the
5 preceding year. The amount of such quarter monthly payments
6 shall be credited against the final liability of the retailer's
7 return for that month. Any outstanding credit, approved by the
8 Department, arising from the retailer's overpayment of its
9 final liability for any month may be applied to reduce the
10 amount of any subsequent quarter monthly payment or credited
11 against the final liability of the retailer's return for any
12 subsequent month. If any quarter monthly payment is not paid at
13 the time or in the amount required by this Section, the
14 retailer shall be liable for penalty and interest on the
15 difference between the minimum amount due as a payment and the
16 amount of such payment actually and timely paid, except insofar
17 as the retailer has previously made payments for that month to
18 the Department in excess of the minimum payments previously
19 due.

20 The retailer making the return herein provided for shall,
21 at the time of making such return, pay to the Department the
22 amount of tax herein imposed, less a discount of 1% which is
23 allowed to reimburse the retailer for the expenses incurred in
24 keeping records, billing the customer, preparing and filing
25 returns, remitting the tax, and supplying data to the
26 Department upon request. No discount may be claimed by a

1 retailer on returns not timely filed and for taxes not timely
2 remitted. On and after January 1, 2020, in no event shall the
3 discount allowed to any retailer be more than \$1,000 in any
4 calendar year.

5 If any payment provided for in this Section exceeds the
6 retailer's liabilities under this Act, as shown on an original
7 return, the Department may authorize the retailer to credit
8 such excess payment against liability subsequently to be
9 remitted to the Department under this Act, in accordance with
10 reasonable rules adopted by the Department. If the Department
11 subsequently determines that all or any part of the credit
12 taken was not actually due to the retailer, the retailer's
13 discount shall be reduced by an amount equal to the difference
14 between the discount as applied to the credit taken and that
15 actually due, and that retailer shall be liable for penalties
16 and interest on such difference.

17 On and after the effective date of this Article of 1985, of
18 the moneys received by the Department of Revenue pursuant to
19 this Article, other than moneys received pursuant to the
20 additional taxes imposed by Public Act 90-548:

21 (1) \$1,000,000 shall be paid each month into the Common
22 School Fund;

23 (2) beginning on the first day of the first calendar
24 month to occur on or after the effective date of this
25 amendatory Act of the 98th General Assembly, an amount
26 equal to 1/12 of 5% of the cash receipts collected during

1 the preceding fiscal year by the Audit Bureau of the
2 Department from the tax under this Act and the Simplified
3 Municipal Telecommunications Tax Act shall be paid each
4 month into the Tax Compliance and Administration Fund;
5 those moneys shall be used, subject to appropriation, to
6 fund additional auditors and compliance personnel at the
7 Department of Revenue; and

8 (3) the remainder shall be deposited into the General
9 Revenue Fund.

10 On and after February 1, 1998, however, of the moneys
11 received by the Department of Revenue pursuant to the
12 additional taxes imposed by Public Act 90-548, one-half shall
13 be deposited into the School Infrastructure Fund and one-half
14 shall be deposited into the Common School Fund. On and after
15 the effective date of this amendatory Act of the 91st General
16 Assembly, if in any fiscal year the total of the moneys
17 deposited into the School Infrastructure Fund under this Act is
18 less than the total of the moneys deposited into that Fund from
19 the additional taxes imposed by Public Act 90-548 during fiscal
20 year 1999, then, as soon as possible after the close of the
21 fiscal year, the Comptroller shall order transferred and the
22 Treasurer shall transfer from the General Revenue Fund to the
23 School Infrastructure Fund an amount equal to the difference
24 between the fiscal year total deposits and the total amount
25 deposited into the Fund in fiscal year 1999.

26 (Source: P.A. 100-1171, eff. 1-4-19.)

1 Section 55. The Liquor Control Act of 1934 is amended by
2 changing Section 8-2 as follows:

3 (235 ILCS 5/8-2) (from Ch. 43, par. 159)

4 Sec. 8-2. Payments; reports. It is the duty of each
5 manufacturer with respect to alcoholic liquor produced or
6 imported by such manufacturer, or purchased tax-free by such
7 manufacturer from another manufacturer or importing
8 distributor, and of each importing distributor as to alcoholic
9 liquor purchased by such importing distributor from foreign
10 importers or from anyone from any point in the United States
11 outside of this State or purchased tax-free from another
12 manufacturer or importing distributor, to pay the tax imposed
13 by Section 8-1 to the Department of Revenue on or before the
14 15th day of the calendar month following the calendar month in
15 which such alcoholic liquor is sold or used by such
16 manufacturer or by such importing distributor other than in an
17 authorized tax-free manner or to pay that tax electronically as
18 provided in this Section.

19 Each manufacturer and each importing distributor shall
20 make payment under one of the following methods: (1) on or
21 before the 15th day of each calendar month, file in person or
22 by United States first-class mail, postage pre-paid, with the
23 Department of Revenue, on forms prescribed and furnished by the
24 Department, a report in writing in such form as may be required

1 by the Department in order to compute, and assure the accuracy
2 of, the tax due on all taxable sales and uses of alcoholic
3 liquor occurring during the preceding month. Payment of the tax
4 in the amount disclosed by the report shall accompany the
5 report or, (2) on or before the 15th day of each calendar
6 month, electronically file with the Department of Revenue, on
7 forms prescribed and furnished by the Department, an electronic
8 report in such form as may be required by the Department in
9 order to compute, and assure the accuracy of, the tax due on
10 all taxable sales and uses of alcoholic liquor occurring during
11 the preceding month. An electronic payment of the tax in the
12 amount disclosed by the report shall accompany the report. A
13 manufacturer or distributor who files an electronic report and
14 electronically pays the tax imposed pursuant to Section 8-1 to
15 the Department of Revenue on or before the 15th day of the
16 calendar month following the calendar month in which such
17 alcoholic liquor is sold or used by that manufacturer or
18 importing distributor other than in an authorized tax-free
19 manner shall pay to the Department the amount of the tax
20 imposed pursuant to Section 8-1, less a discount which is
21 allowed to reimburse the manufacturer or importing distributor
22 for the expenses incurred in keeping and maintaining records,
23 preparing and filing the electronic returns, remitting the tax,
24 and supplying data to the Department upon request.

25 The discount shall be in an amount as follows:

26 (1) For original returns due on or after January 1,

1 2003 through September 30, 2003, the discount shall be
2 1.75% or \$1,250 per return, whichever is less;

3 (2) For original returns due on or after October 1,
4 2003 through September 30, 2004, the discount shall be 2%
5 or \$3,000 per return, whichever is less; ~~and~~

6 (3) For original returns due on or after October 1,
7 2004 through December 31, 2019, the discount shall be 2% or
8 \$2,000 per return, whichever is less; and ~~and~~

9 (4) For original returns due on and after January 1,
10 2020, 1.75% of the proceeds collected during the calendar
11 year; however, on and after January 1, 2020, in no event
12 shall the discount allowed to any manufacturer or
13 distributor be less than \$5 in any calendar year or more
14 than \$1,000 in any calendar year.

15 The Department may, if it deems it necessary in order to
16 insure the payment of the tax imposed by this Article, require
17 returns to be made more frequently than and covering periods of
18 less than a month. Such return shall contain such further
19 information as the Department may reasonably require.

20 It shall be presumed that all alcoholic liquors acquired or
21 made by any importing distributor or manufacturer have been
22 sold or used by him in this State and are the basis for the tax
23 imposed by this Article unless proven, to the satisfaction of
24 the Department, that such alcoholic liquors are (1) still in
25 the possession of such importing distributor or manufacturer,
26 or (2) prior to the termination of possession have been lost by

1 theft or through unintentional destruction, or (3) that such
2 alcoholic liquors are otherwise exempt from taxation under this
3 Act.

4 If any payment provided for in this Section exceeds the
5 manufacturer's or importing distributor's liabilities under
6 this Act, as shown on an original report, the manufacturer or
7 importing distributor may credit such excess payment against
8 liability subsequently to be remitted to the Department under
9 this Act, in accordance with reasonable rules adopted by the
10 Department. If the Department subsequently determines that all
11 or any part of the credit taken was not actually due to the
12 manufacturer or importing distributor, the manufacturer's or
13 importing distributor's discount shall be reduced by an amount
14 equal to the difference between the discount as applied to the
15 credit taken and that actually due, and the manufacturer or
16 importing distributor shall be liable for penalties and
17 interest on such difference.

18 The Department may require any foreign importer to file
19 monthly information returns, by the 15th day of the month
20 following the month which any such return covers, if the
21 Department determines this to be necessary to the proper
22 performance of the Department's functions and duties under this
23 Act. Such return shall contain such information as the
24 Department may reasonably require.

25 Every manufacturer and importing distributor shall also
26 file, with the Department, a bond in an amount not less than

1 \$1,000 and not to exceed \$100,000 on a form to be approved by,
2 and with a surety or sureties satisfactory to, the Department.
3 Such bond shall be conditioned upon the manufacturer or
4 importing distributor paying to the Department all monies
5 becoming due from such manufacturer or importing distributor
6 under this Article. The Department shall fix the penalty of
7 such bond in each case, taking into consideration the amount of
8 alcoholic liquor expected to be sold and used by such
9 manufacturer or importing distributor, and the penalty fixed by
10 the Department shall be sufficient, in the Department's
11 opinion, to protect the State of Illinois against failure to
12 pay any amount due under this Article, but the amount of the
13 penalty fixed by the Department shall not exceed twice the
14 amount of tax liability of a monthly return, nor shall the
15 amount of such penalty be less than \$1,000. The Department
16 shall notify the Commission of the Department's approval or
17 disapproval of any such manufacturer's or importing
18 distributor's bond, or of the termination or cancellation of
19 any such bond, or of the Department's direction to a
20 manufacturer or importing distributor that he must file
21 additional bond in order to comply with this Section. The
22 Commission shall not issue a license to any applicant for a
23 manufacturer's or importing distributor's license unless the
24 Commission has received a notification from the Department
25 showing that such applicant has filed a satisfactory bond with
26 the Department hereunder and that such bond has been approved

1 by the Department. Failure by any licensed manufacturer or
2 importing distributor to keep a satisfactory bond in effect
3 with the Department or to furnish additional bond to the
4 Department, when required hereunder by the Department to do so,
5 shall be grounds for the revocation or suspension of such
6 manufacturer's or importing distributor's license by the
7 Commission. If a manufacturer or importing distributor fails to
8 pay any amount due under this Article, his bond with the
9 Department shall be deemed forfeited, and the Department may
10 institute a suit in its own name on such bond.

11 After notice and opportunity for a hearing the State
12 Commission may revoke or suspend the license of any
13 manufacturer or importing distributor who fails to comply with
14 the provisions of this Section. Notice of such hearing and the
15 time and place thereof shall be in writing and shall contain a
16 statement of the charges against the licensee. Such notice may
17 be given by United States registered or certified mail with
18 return receipt requested, addressed to the person concerned at
19 his last known address and shall be given not less than 7 days
20 prior to the date fixed for the hearing. An order revoking or
21 suspending a license under the provisions of this Section may
22 be reviewed in the manner provided in Section 7-10 of this Act.
23 No new license shall be granted to a person whose license has
24 been revoked for a violation of this Section or, in case of
25 suspension, shall such suspension be terminated until he has
26 paid to the Department all taxes and penalties which he owes

1 the State under the provisions of this Act.

2 Every manufacturer or importing distributor who has, as
3 verified by the Department, continuously complied with the
4 conditions of the bond under this Act for a period of 2 years
5 shall be considered to be a prior continuous compliance
6 taxpayer. In determining the consecutive period of time for
7 qualification as a prior continuous compliance taxpayer, any
8 consecutive period of time of qualifying compliance
9 immediately prior to the effective date of this amendatory Act
10 of 1987 shall be credited to any manufacturer or importing
11 distributor.

12 A manufacturer or importing distributor that is a prior
13 continuous compliance taxpayer under this Section and becomes a
14 successor as the result of an acquisition, merger, or
15 consolidation of a manufacturer or importing distributor shall
16 be deemed to be a prior continuous compliance taxpayer with
17 respect to the acquired, merged, or consolidated entity.

18 Every prior continuous compliance taxpayer shall be exempt
19 from the bond requirements of this Act until the Department has
20 determined the taxpayer to be delinquent in the filing of any
21 return or deficient in the payment of any tax under this Act.
22 Any taxpayer who fails to pay an admitted or established
23 liability under this Act may also be required to post bond or
24 other acceptable security with the Department guaranteeing the
25 payment of such admitted or established liability.

26 The Department shall discharge any surety and shall release

1 and return any bond or security deposit assigned, pledged or
2 otherwise provided to it by a taxpayer under this Section
3 within 30 days after: (1) such taxpayer becomes a prior
4 continuous compliance taxpayer; or (2) such taxpayer has ceased
5 to collect receipts on which he is required to remit tax to the
6 Department, has filed a final tax return, and has paid to the
7 Department an amount sufficient to discharge his remaining tax
8 liability as determined by the Department under this Act.

9 (Source: P.A. 100-1171, eff. 1-4-19.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.