



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1610

Introduced 2/8/2023, by Sen. Christopher Belt

SYNOPSIS AS INTRODUCED:

30 ILCS 105/6z-18	from Ch. 127, par. 142z-18
30 ILCS 105/6z-20	from Ch. 127, par. 142z-20
35 ILCS 105/3-6	
35 ILCS 105/3-10	
35 ILCS 105/9	from Ch. 120, par. 439.9
35 ILCS 120/2-8	
35 ILCS 120/2-10	
35 ILCS 120/3	from Ch. 120, par. 442

Amends the Use Tax Act, the Retailers' Occupation Tax Act, and the State Finance Act. Provides for a sales tax holiday on school supplies from August 5, 2023 through August 14, 2023. Effective immediately.

LRB103 28478 HLH 54859 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 State Finance Act is amended by changing
5 Sections 6z-18 and 6z-20 as follows:

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

7 Sec. 6z-18. Local Government Tax Fund. A portion of the
8 money paid into the Local Government Tax Fund from sales of
9 tangible personal property taxed at the 1% rate under the
10 Retailers' Occupation Tax Act and the Service Occupation Tax
11 Act, which occurred in municipalities, shall be distributed to
12 each municipality based upon the sales which occurred in that
13 municipality. The remainder shall be distributed to each
14 county based upon the sales which occurred in the
15 unincorporated area of that county.

16 Moneys transferred from the Grocery Tax Replacement Fund
17 to the Local Government Tax Fund under Section 6z-130 shall be
18 treated under this Section in the same manner as if they had
19 been remitted with the return on which they were reported.

20 A portion of the money paid into the Local Government Tax
21 Fund from the 6.25% general use tax rate on the selling price
22 of tangible personal property which is purchased outside
23 Illinois at retail from a retailer and which is titled or

1 registered by any agency of this State's government shall be
2 distributed to municipalities as provided in this paragraph.
3 Each municipality shall receive the amount attributable to
4 sales for which Illinois addresses for titling or registration
5 purposes are given as being in such municipality. The
6 remainder of the money paid into the Local Government Tax Fund
7 from such sales shall be distributed to counties. Each county
8 shall receive the amount attributable to sales for which
9 Illinois addresses for titling or registration purposes are
10 given as being located in the unincorporated area of such
11 county.

12 A portion of the money paid into the Local Government Tax
13 Fund from the 6.25% general rate (and, beginning July 1, 2000
14 and through December 31, 2000, the 1.25% rate on motor fuel and
15 gasohol, and during a sales tax holiday period, as defined in
16 Section 3-6 of the Use Tax Act, beginning on August 6, 2010
17 through August 15, 2010, and beginning again on August 5, 2022
18 through August 14, 2022, the 1.25% rate on sales tax holiday
19 items) on sales subject to taxation under the Retailers'
20 Occupation Tax Act and the Service Occupation Tax Act, which
21 occurred in municipalities, shall be distributed to each
22 municipality, based upon the sales which occurred in that
23 municipality. The remainder shall be distributed to each
24 county, based upon the sales which occurred in the
25 unincorporated area of such county.

26 For the purpose of determining allocation to the local

1 government unit, a retail sale by a producer of coal or other
2 mineral mined in Illinois is a sale at retail at the place
3 where the coal or other mineral mined in Illinois is extracted
4 from the earth. This paragraph does not apply to coal or other
5 mineral when it is delivered or shipped by the seller to the
6 purchaser at a point outside Illinois so that the sale is
7 exempt under the United States Constitution as a sale in
8 interstate or foreign commerce.

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

17 As soon as possible after the first day of each month,
18 beginning January 1, 2011, upon certification of the
19 Department of Revenue, the Comptroller shall order
20 transferred, and the Treasurer shall transfer, to the STAR
21 Bonds Revenue Fund the local sales tax increment, as defined
22 in the Innovation Development and Economy Act, collected
23 during the second preceding calendar month for sales within a
24 STAR bond district and deposited into the Local Government Tax
25 Fund, less 3% of that amount, which shall be transferred into
26 the Tax Compliance and Administration Fund and shall be used

1 by the Department, subject to appropriation, to cover the
2 costs of the Department in administering the Innovation
3 Development and Economy Act.

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

1 Department, the Comptroller shall cause the orders to be drawn
2 for the respective amounts in accordance with the directions
3 contained in such certification.

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

10 The provisions directing the distributions from the
11 special fund in the State treasury ~~Treasury~~ provided for in
12 this Section shall constitute an irrevocable and continuing
13 appropriation of all amounts as provided herein. The State
14 Treasurer and State Comptroller are hereby authorized to make
15 distributions as provided in this Section.

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

24 As soon as possible after March 8, 2013 (the effective
25 date of Public Act 98-3) ~~this amendatory Act of the 98th~~
26 ~~General Assembly~~, the State Comptroller shall order and the

1 State Treasurer shall transfer \$6,600,000 from the Local
2 Government Tax Fund to the Illinois State Medical Disciplinary
3 Fund.

4 (Source: P.A. 102-700, Article 60, Section 60-10, eff.
5 4-19-22; 102-700, Article 65, Section 65-15, eff. 4-19-22;
6 revised 6-2-22.)

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

8 Sec. 6z-20. County and Mass Transit District Fund. Of the
9 money received from the 6.25% general rate (and, beginning
10 July 1, 2000 and through December 31, 2000, the 1.25% rate on
11 motor fuel and gasohol, and beginning on August 6, 2010
12 through August 15, 2010, and during a sales tax holiday
13 period, as defined in Section 3-6 of the Use Tax Act, beginning
14 ~~again on August 5, 2022 through August 14, 2022,~~ the 1.25% rate
15 on sales tax holiday items) on sales subject to taxation under
16 the Retailers' Occupation Tax Act and Service Occupation Tax
17 Act and paid into the County and Mass Transit District Fund,
18 distribution to the Regional Transportation Authority tax
19 fund, created pursuant to Section 4.03 of the Regional
20 Transportation Authority Act, for deposit therein shall be
21 made based upon the retail sales occurring in a county having
22 more than 3,000,000 inhabitants. The remainder shall be
23 distributed to each county having 3,000,000 or fewer
24 inhabitants based upon the retail sales occurring in each such
25 county.

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

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

1 prior to that date, shall be transferred to the Regional
2 Transportation Authority tax fund.

3 Whenever the Department determines that a refund of money
4 paid into the County and Mass Transit District Fund should be
5 made to a claimant instead of issuing a credit memorandum, the
6 Department shall notify the State Comptroller, who shall cause
7 the order to be drawn for the amount specified, and to the
8 person named, in such notification from the Department. Such
9 refund shall be paid by the State Treasurer out of the County
10 and Mass Transit District Fund.

11 As soon as possible after the first day of each month,
12 beginning January 1, 2011, upon certification of the
13 Department of Revenue, the Comptroller shall order
14 transferred, and the Treasurer shall transfer, to the STAR
15 Bonds Revenue Fund the local sales tax increment, as defined
16 in the Innovation Development and Economy Act, collected
17 during the second preceding calendar month for sales within a
18 STAR bond district and deposited into the County and Mass
19 Transit District Fund, less 3% of that amount, which shall be
20 transferred into the Tax Compliance and Administration Fund
21 and shall be used by the Department, subject to appropriation,
22 to cover the costs of the Department in administering the
23 Innovation Development and Economy Act.

24 After the monthly transfer to the STAR Bonds Revenue Fund,
25 on or before the 25th day of each calendar month, the
26 Department shall prepare and certify to the Comptroller the

1 disbursement of stated sums of money to the Regional
2 Transportation Authority and to named counties, the counties
3 to be those entitled to distribution, as hereinabove provided,
4 of taxes or penalties paid to the Department during the second
5 preceding calendar month. The amount to be paid to the
6 Regional Transportation Authority and each county having
7 3,000,000 or fewer inhabitants shall be the amount (not
8 including credit memoranda) collected during the second
9 preceding calendar month by the Department and paid into the
10 County and Mass Transit District Fund, plus an amount the
11 Department determines is necessary to offset any amounts which
12 were erroneously paid to a different taxing body, and not
13 including an amount equal to the amount of refunds made during
14 the second preceding calendar month by the Department, and not
15 including any amount which the Department determines is
16 necessary to offset any amounts which were payable to a
17 different taxing body but were erroneously paid to the
18 Regional Transportation Authority or county, and not including
19 any amounts that are transferred to the STAR Bonds Revenue
20 Fund, less 1.5% of the amount to be paid to the Regional
21 Transportation Authority, which shall be transferred into the
22 Tax Compliance and Administration Fund. The Department, at the
23 time of each monthly disbursement to the Regional
24 Transportation Authority, shall prepare and certify to the
25 State Comptroller the amount to be transferred into the Tax
26 Compliance and Administration Fund under this Section. Within

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

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

15 The provisions directing the distributions from the
16 special fund in the State Treasury provided for in this
17 Section and from the Regional Transportation Authority tax
18 fund created by Section 4.03 of the Regional Transportation
19 Authority Act shall constitute an irrevocable and continuing
20 appropriation of all amounts as provided herein. The State
21 Treasurer and State Comptroller are hereby authorized to make
22 distributions as provided in this Section.

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

1 service occupation tax which now cannot be imposed, such
2 description or reference shall be deemed to include the
3 replacement revenue for such abolished taxes, distributed from
4 the County and Mass Transit District Fund or Local Government
5 Distributive Fund, as the case may be.

6 (Source: P.A. 102-700, eff. 4-19-22.)

7 Section 10. The Use Tax Act is amended by changing
8 Sections 3-6, 3-10, and 9 as follows:

9 (35 ILCS 105/3-6)

10 Sec. 3-6. Sales tax holiday items.

11 (a) Any tangible personal property described in this
12 subsection is a sales tax holiday item and qualifies for the
13 1.25% reduced rate of tax during the sales tax holiday period
14 ~~for the period set forth in Section 3-10 of this Act~~
15 ~~(hereinafter referred to as the Sales Tax Holiday Period)~~. The
16 reduced rate on these items shall be administered under the
17 provisions of subsection (b) of this Section. The following
18 items are subject to the reduced rate:

19 (1) Clothing items that each have a retail selling
20 price of less than \$125.

21 "Clothing" means, unless otherwise specified in this
22 Section, all human wearing apparel suitable for general
23 use. "Clothing" does not include clothing accessories,
24 protective equipment, or sport or recreational equipment.

1 "Clothing" includes, but is not limited to: household and
2 shop aprons; athletic supporters; bathing suits and caps;
3 belts and suspenders; boots; coats and jackets; ear muffs;
4 footlets; gloves and mittens for general use; hats and
5 caps; hosiery; insoles for shoes; lab coats; neckties;
6 overshoes; pantyhose; rainwear; rubber pants; sandals;
7 scarves; shoes and shoelaces; slippers; sneakers; socks
8 and stockings; steel-toed shoes; underwear; and school
9 uniforms.

10 "Clothing accessories" means, but is not limited to:
11 briefcases; cosmetics; hair notions, including, but not
12 limited to barrettes, hair bows, and hair nets; handbags;
13 handkerchiefs; jewelry; non-prescription sunglasses;
14 umbrellas; wallets; watches; and wigs and hair pieces.

15 "Protective equipment" means, but is not limited to:
16 breathing masks; clean room apparel and equipment; ear and
17 hearing protectors; face shields; hard hats; helmets;
18 paint or dust respirators; protective gloves; safety
19 glasses and goggles; safety belts; tool belts; and
20 welder's gloves and masks.

21 "Sport or recreational equipment" means, but is not
22 limited to: ballet and tap shoes; cleated or spiked
23 athletic shoes; gloves, including, but not limited to,
24 baseball, bowling, boxing, hockey, and golf gloves;
25 goggles; hand and elbow guards; life preservers and vests;
26 mouth guards; roller and ice skates; shin guards; shoulder

1 pads; ski boots; waders; and wetsuits and fins.

2 (2) School supplies. "School supplies" means, unless
3 otherwise specified in this Section, items used by a
4 student in a course of study. The purchase of school
5 supplies for use by persons other than students for use in
6 a course of study are not eligible for the reduced rate of
7 tax. "School supplies" do not include school art supplies;
8 school instructional materials; cameras; film and memory
9 cards; videocameras, tapes, and videotapes; computers;
10 cell phones; Personal Digital Assistants (PDAs); handheld
11 electronic schedulers; and school computer supplies.

12 "School supplies" includes, but is not limited to:
13 binders; book bags; calculators; cellophane tape;
14 blackboard chalk; compasses; composition books; crayons;
15 erasers; expandable, pocket, plastic, and manila folders;
16 glue, paste, and paste sticks; highlighters; index cards;
17 index card boxes; legal pads; lunch boxes; markers;
18 notebooks; paper, including loose leaf ruled notebook
19 paper, copy paper, graph paper, tracing paper, manila
20 paper, colored paper, poster board, and construction
21 paper; pencils; pencil leads; pens; ink and ink refills
22 for pens; pencil boxes and other school supply boxes;
23 pencil sharpeners; protractors; rulers; scissors; and
24 writing tablets.

25 "School art supply" means an item commonly used by a
26 student in a course of study for artwork and includes only

1 the following items: clay and glazes; acrylic, tempera,
2 and oil paint; paintbrushes for artwork; sketch and
3 drawing pads; and watercolors.

4 "School instructional material" means written material
5 commonly used by a student in a course of study as a
6 reference and to learn the subject being taught and
7 includes only the following items: reference books;
8 reference maps and globes; textbooks; and workbooks.

9 "School computer supply" means an item commonly used
10 by a student in a course of study in which a computer is
11 used and applies only to the following items: flashdrives
12 and other computer data storage devices; data storage
13 media, such as diskettes and compact disks; boxes and
14 cases for disk storage; external ports or drives; computer
15 cases; computer cables; computer printers; and printer
16 cartridges, toner, and ink.

17 (b) Administration. Notwithstanding any other provision of
18 this Act, the reduced rate of tax under Section 3-10 of this
19 Act for clothing and school supplies shall be administered by
20 the Department under the provisions of this subsection (b).

21 (1) Bundled sales. Items that qualify for the reduced
22 rate of tax that are bundled together with items that do
23 not qualify for the reduced rate of tax and that are sold
24 for one itemized price will be subject to the reduced rate
25 of tax only if the value of the items that qualify for the
26 reduced rate of tax exceeds the value of the items that do

1 not qualify for the reduced rate of tax.

2 (2) Coupons and discounts. An unreimbursed discount by
3 the seller reduces the sales price of the property so that
4 the discounted sales price determines whether the sales
5 price is within a sales tax holiday price threshold. A
6 coupon or other reduction in the sales price is treated as
7 a discount if the seller is not reimbursed for the coupon
8 or reduction amount by a third party.

9 (3) Splitting of items normally sold together.
10 Articles that are normally sold as a single unit must
11 continue to be sold in that manner. Such articles cannot
12 be priced separately and sold as individual items in order
13 to obtain the reduced rate of tax. For example, a pair of
14 shoes cannot have each shoe sold separately so that the
15 sales price of each shoe is within a sales tax holiday
16 price threshold.

17 (4) Rain checks. A rain check is a procedure that
18 allows a customer to purchase an item at a certain price at
19 a later time because the particular item was out of stock.
20 Eligible property that customers purchase during the Sales
21 Tax Holiday Period with the use of a rain check will
22 qualify for the reduced rate of tax regardless of when the
23 rain check was issued. Issuance of a rain check during the
24 Sales Tax Holiday Period will not qualify eligible
25 property for the reduced rate of tax if the property is
26 actually purchased after the Sales Tax Holiday Period.

1 (5) Exchanges. The procedure for an exchange in
2 regards to a sales tax holiday is as follows:

3 (A) If a customer purchases an item of eligible
4 property during the Sales Tax Holiday Period, but
5 later exchanges the item for a similar eligible item,
6 even if a different size, different color, or other
7 feature, no additional tax is due even if the exchange
8 is made after the Sales Tax Holiday Period.

9 (B) If a customer purchases an item of eligible
10 property during the Sales Tax Holiday Period, but
11 after the Sales Tax Holiday Period has ended, the
12 customer returns the item and receives credit on the
13 purchase of a different item, the 6.25% general
14 merchandise sales tax rate is due on the sale of the
15 newly purchased item.

16 (C) If a customer purchases an item of eligible
17 property before the Sales Tax Holiday Period, but
18 during the Sales Tax Holiday Period the customer
19 returns the item and receives credit on the purchase
20 of a different item of eligible property, the reduced
21 rate of tax is due on the sale of the new item if the
22 new item is purchased during the Sales Tax Holiday
23 Period.

24 (6) (Blank).

25 (7) Order date and back orders. For the purpose of a
26 sales tax holiday, eligible property qualifies for the

1 reduced rate of tax if: (i) the item is both delivered to
2 and paid for by the customer during the Sales Tax Holiday
3 Period or (ii) the customer orders and pays for the item
4 and the seller accepts the order during the Sales Tax
5 Holiday Period for immediate shipment, even if delivery is
6 made after the Sales Tax Holiday Period. The seller
7 accepts an order when the seller has taken action to fill
8 the order for immediate shipment. Actions to fill an order
9 include placement of an "in date" stamp on an order or
10 assignment of an "order number" to an order within the
11 Sales Tax Holiday Period. An order is for immediate
12 shipment when the customer does not request delayed
13 shipment. An order is for immediate shipment
14 notwithstanding that the shipment may be delayed because
15 of a backlog of orders or because stock is currently
16 unavailable to, or on back order by, the seller.

17 (8) Returns. For a 60-day period immediately after the
18 Sales Tax Holiday Period, if a customer returns an item
19 that would qualify for the reduced rate of tax, credit for
20 or refund of sales tax shall be given only at the reduced
21 rate unless the customer provides a receipt or invoice
22 that shows tax was paid at the 6.25% general merchandise
23 rate, or the seller has sufficient documentation to show
24 that tax was paid at the 6.25% general merchandise rate on
25 the specific item. This 60-day period is set solely for
26 the purpose of designating a time period during which the

1 customer must provide documentation that shows that the
2 appropriate sales tax rate was paid on returned
3 merchandise. The 60-day period is not intended to change a
4 seller's policy on the time period during which the seller
5 will accept returns.

6 (c) The Department may implement the provisions of this
7 Section through the use of emergency rules, along with
8 permanent rules filed concurrently with such emergency rules,
9 in accordance with the provisions of Section 5-45 of the
10 Illinois Administrative Procedure Act. For purposes of the
11 Illinois Administrative Procedure Act, the adoption of rules
12 to implement the provisions of this Section shall be deemed an
13 emergency and necessary for the public interest, safety, and
14 welfare.

15 (d) As used in this Section, "sales tax holiday period"
16 means:

- 17 (1) from August 6, 2010 through August 15, 2010;
18 (2) from August 5, 2022 through August 14, 2022; and
19 (3) from August 5, 2023 through August 14, 2023.

20 (Source: P.A. 102-700, eff. 4-19-22.)

21 (35 ILCS 105/3-10)

22 Sec. 3-10. Rate of tax. Unless otherwise provided in this
23 Section, the tax imposed by this Act is at the rate of 6.25% of
24 either the selling price or the fair market value, if any, of
25 the tangible personal property. In all cases where property

1 functionally used or consumed is the same as the property that
2 was purchased at retail, then the tax is imposed on the selling
3 price of the property. In all cases where property
4 functionally used or consumed is a by-product or waste product
5 that has been refined, manufactured, or produced from property
6 purchased at retail, then the tax is imposed on the lower of
7 the fair market value, if any, of the specific property so used
8 in this State or on the selling price of the property purchased
9 at retail. For purposes of this Section "fair market value"
10 means the price at which property would change hands between a
11 willing buyer and a willing seller, neither being under any
12 compulsion to buy or sell and both having reasonable knowledge
13 of the relevant facts. The fair market value shall be
14 established by Illinois sales by the taxpayer of the same
15 property as that functionally used or consumed, or if there
16 are no such sales by the taxpayer, then comparable sales or
17 purchases of property of like kind and character in Illinois.

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

22 During the sales tax holiday period set forth in Section
23 3-6, Beginning on August 6, 2010 through August 15, 2010, and
24 beginning again on August 5, 2022 through August 14, 2022,
25 with respect to sales tax holiday items as defined in Section
26 3-6 ~~of this Act~~, the tax is imposed at the rate of 1.25%.

1 With respect to gasohol, the tax imposed by this Act
2 applies to (i) 70% of the proceeds of sales made on or after
3 January 1, 1990, and before July 1, 2003, (ii) 80% of the
4 proceeds of sales made on or after July 1, 2003 and on or
5 before July 1, 2017, and (iii) 100% of the proceeds of sales
6 made thereafter. If, at any time, however, the tax under this
7 Act on sales of gasohol is imposed at the rate of 1.25%, then
8 the tax imposed by this Act applies to 100% of the proceeds of
9 sales of gasohol made during that time.

10 With respect to majority blended ethanol fuel, the tax
11 imposed by this Act does not apply to the proceeds of sales
12 made on or after July 1, 2003 and on or before December 31,
13 2023 but applies to 100% of the proceeds of sales made
14 thereafter.

15 With respect to biodiesel blends with no less than 1% and
16 no more than 10% biodiesel, the tax imposed by this Act applies
17 to (i) 80% of the proceeds of sales made on or after July 1,
18 2003 and on or before December 31, 2018 and (ii) 100% of the
19 proceeds of sales made after December 31, 2018 and before
20 January 1, 2024. On and after January 1, 2024 and on or before
21 December 31, 2030, the taxation of biodiesel, renewable
22 diesel, and biodiesel blends shall be as provided in Section
23 3-5.1. If, at any time, however, the tax under this Act on
24 sales of biodiesel blends with no less than 1% and no more than
25 10% biodiesel is imposed at the rate of 1.25%, then the tax
26 imposed by this Act applies to 100% of the proceeds of sales of

1 biodiesel blends with no less than 1% and no more than 10%
2 biodiesel made during that time.

3 With respect to biodiesel and biodiesel blends with more
4 than 10% but no more than 99% biodiesel, the tax imposed by
5 this Act does not apply to the proceeds of sales made on or
6 after July 1, 2003 and on or before December 31, 2023. On and
7 after January 1, 2024 and on or before December 31, 2030, the
8 taxation of biodiesel, renewable diesel, and biodiesel blends
9 shall be as provided in Section 3-5.1.

10 Until July 1, 2022 and beginning again on July 1, 2023,
11 with respect to food for human consumption that is to be
12 consumed off the premises where it is sold (other than
13 alcoholic beverages, food consisting of or infused with adult
14 use cannabis, soft drinks, and food that has been prepared for
15 immediate consumption), the tax is imposed at the rate of 1%.
16 Beginning on July 1, 2022 and until July 1, 2023, with respect
17 to food for human consumption that is to be consumed off the
18 premises where it is sold (other than alcoholic beverages,
19 food consisting of or infused with adult use cannabis, soft
20 drinks, and food that has been prepared for immediate
21 consumption), the tax is imposed at the rate of 0%.

22 With respect to prescription and nonprescription
23 medicines, drugs, medical appliances, products classified as
24 Class III medical devices by the United States Food and Drug
25 Administration that are used for cancer treatment pursuant to
26 a prescription, as well as any accessories and components

1 related to those devices, modifications to a motor vehicle for
2 the purpose of rendering it usable by a person with a
3 disability, and insulin, blood sugar testing materials,
4 syringes, and needles used by human diabetics, the tax is
5 imposed at the rate of 1%. For the purposes of this Section,
6 until September 1, 2009: the term "soft drinks" means any
7 complete, finished, ready-to-use, non-alcoholic drink, whether
8 carbonated or not, including, but not limited to, soda water,
9 cola, fruit juice, vegetable juice, carbonated water, and all
10 other preparations commonly known as soft drinks of whatever
11 kind or description that are contained in any closed or sealed
12 bottle, can, carton, or container, regardless of size; but
13 "soft drinks" does not include coffee, tea, non-carbonated
14 water, infant formula, milk or milk products as defined in the
15 Grade A Pasteurized Milk and Milk Products Act, or drinks
16 containing 50% or more natural fruit or vegetable juice.

17 Notwithstanding any other provisions of this Act,
18 beginning September 1, 2009, "soft drinks" means non-alcoholic
19 beverages that contain natural or artificial sweeteners. "Soft
20 drinks" does ~~do~~ not include beverages that contain milk or
21 milk products, soy, rice or similar milk substitutes, or
22 greater than 50% of vegetable or fruit juice by volume.

23 Until August 1, 2009, and notwithstanding any other
24 provisions of this Act, "food for human consumption that is to
25 be consumed off the premises where it is sold" includes all
26 food sold through a vending machine, except soft drinks and

1 food products that are dispensed hot from a vending machine,
2 regardless of the location of the vending machine. Beginning
3 August 1, 2009, and notwithstanding any other provisions of
4 this Act, "food for human consumption that is to be consumed
5 off the premises where it is sold" includes all food sold
6 through a vending machine, except soft drinks, candy, and food
7 products that are dispensed hot from a vending machine,
8 regardless of the location of the vending machine.

9 Notwithstanding any other provisions of this Act,
10 beginning September 1, 2009, "food for human consumption that
11 is to be consumed off the premises where it is sold" does not
12 include candy. For purposes of this Section, "candy" means a
13 preparation of sugar, honey, or other natural or artificial
14 sweeteners in combination with chocolate, fruits, nuts or
15 other ingredients or flavorings in the form of bars, drops, or
16 pieces. "Candy" does not include any preparation that contains
17 flour or requires refrigeration.

18 Notwithstanding any other provisions of this Act,
19 beginning September 1, 2009, "nonprescription medicines and
20 drugs" does not include grooming and hygiene products. For
21 purposes of this Section, "grooming and hygiene products"
22 includes, but is not limited to, soaps and cleaning solutions,
23 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
24 lotions and screens, unless those products are available by
25 prescription only, regardless of whether the products meet the
26 definition of "over-the-counter-drugs". For the purposes of

1 this paragraph, "over-the-counter-drug" means a drug for human
2 use that contains a label that identifies the product as a drug
3 as required by 21 CFR ~~C.F.R.~~ § 201.66. The
4 "over-the-counter-drug" label includes:

5 (A) a ~~A~~ "Drug Facts" panel; or

6 (B) a ~~A~~ statement of the "active ingredient(s)" with a
7 list of those ingredients contained in the compound,
8 substance or preparation.

9 Beginning on January 1, 2014 (the effective date of Public
10 Act 98-122) ~~this amendatory Act of the 98th General Assembly,~~
11 "prescription and nonprescription medicines and drugs"
12 includes medical cannabis purchased from a registered
13 dispensing organization under the Compassionate Use of Medical
14 Cannabis Program Act.

15 As used in this Section, "adult use cannabis" means
16 cannabis subject to tax under the Cannabis Cultivation
17 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law
18 and does not include cannabis subject to tax under the
19 Compassionate Use of Medical Cannabis Program Act.

20 If the property that is purchased at retail from a
21 retailer is acquired outside Illinois and used outside
22 Illinois before being brought to Illinois for use here and is
23 taxable under this Act, the "selling price" on which the tax is
24 computed shall be reduced by an amount that represents a
25 reasonable allowance for depreciation for the period of prior
26 out-of-state use.

1 (Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19;
2 102-4, eff. 4-27-21; 102-700, Article 20, Section 20-5, eff.
3 4-19-22; 102-700, Article 60, Section 60-15, eff. 4-19-22;
4 102-700, Article 65, Section 65-5, eff. 4-19-22; revised
5 5-27-22.)

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. When
19 determining the discount allowed under this Section, retailers
20 shall include the amount of tax that would have been due at the
21 6.25% rate but for the 1.25% rate imposed on sales tax holiday
22 items during the sales tax period set forth in Section 3-6
23 ~~under this amendatory Act of the 102nd General Assembly.~~ The
24 discount under this Section is not allowed for the 1.25%
25 portion of taxes paid on aviation fuel that is subject to the

1 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
2 47133. When determining the discount allowed under this
3 Section, retailers shall include the amount of tax that would
4 have been due at the 1% rate but for the 0% rate imposed under
5 Public Act 102-700 ~~this amendatory Act of the 102nd General~~
6 ~~Assembly~~. In the case of retailers who report and pay the tax
7 on a transaction by transaction basis, as provided in this
8 Section, such discount shall be taken with each such tax
9 remittance instead of when such retailer files his periodic
10 return. The discount allowed under this Section is allowed
11 only for returns that are filed in the manner required by this
12 Act. The Department may disallow the discount for retailers
13 whose certificate of registration is revoked at the time the
14 return is filed, but only if the Department's decision to
15 revoke the certificate of registration has become final. A
16 retailer need not remit that part of any tax collected by him
17 to the extent that he is required to remit and does remit the
18 tax imposed by the Retailers' Occupation Tax Act, with respect
19 to the sale of the same property.

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

1 each tax return period, only the tax applicable to that part of
2 the selling price actually received during such tax return
3 period.

4 Except as provided in this Section, on or before the
5 twentieth day of each calendar month, such retailer shall file
6 a return for the preceding calendar month. Such return shall
7 be filed on forms prescribed by the Department and shall
8 furnish such information as the Department may reasonably
9 require. The return shall include the gross receipts on food
10 for human consumption that is to be consumed off the premises
11 where it is sold (other than alcoholic beverages, food
12 consisting of or infused with adult use cannabis, soft drinks,
13 and food that has been prepared for immediate consumption)
14 which were received during the preceding calendar month,
15 quarter, or year, as appropriate, and upon which tax would
16 have been due but for the 0% rate imposed under Public Act
17 102-700 ~~this amendatory Act of the 102nd General Assembly~~. The
18 return shall also include the amount of tax that would have
19 been due on food for human consumption that is to be consumed
20 off the premises where it is sold (other than alcoholic
21 beverages, food consisting of or infused with adult use
22 cannabis, soft drinks, and food that has been prepared for
23 immediate consumption) but for the 0% rate imposed under
24 Public Act 102-700 ~~this amendatory Act of the 102nd General~~
25 ~~Assembly~~.

26 On and after January 1, 2018, except for returns required

1 to be filed prior to January 1, 2023 for motor vehicles,
2 watercraft, aircraft, and trailers that are required to be
3 registered with an agency of this State, with respect to
4 retailers whose annual gross receipts average \$20,000 or more,
5 all returns required to be filed pursuant to this Act shall be
6 filed electronically. On and after January 1, 2023, with
7 respect to retailers whose annual gross receipts average
8 \$20,000 or more, all returns required to be filed pursuant to
9 this Act, including, but not limited to, returns for motor
10 vehicles, watercraft, aircraft, and trailers that are required
11 to be registered with an agency of this State, shall be filed
12 electronically. Retailers who demonstrate that they do not
13 have access to the Internet or demonstrate hardship in filing
14 electronically may petition the Department to waive the
15 electronic filing requirement.

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

- 23 1. The name of the seller;
- 24 2. The address of the principal place of business from
25 which he engages in the business of selling tangible
26 personal property at retail in this State;

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

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

8 5. The amount of tax due;

9 5-5. The signature of the taxpayer; and

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

12 Each retailer required or authorized to collect the tax
13 imposed by this Act on aviation fuel sold at retail in this
14 State during the preceding calendar month shall, instead of
15 reporting and paying tax on aviation fuel as otherwise
16 required by this Section, report and pay such tax on a separate
17 aviation fuel tax return. The requirements related to the
18 return shall be as otherwise provided in this Section.
19 Notwithstanding any other provisions of this Act to the
20 contrary, retailers collecting tax on aviation fuel shall file
21 all aviation fuel tax returns and shall make all aviation fuel
22 tax payments by electronic means in the manner and form
23 required by the Department. For purposes of this Section,
24 "aviation fuel" means jet fuel and aviation gasoline.

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

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

3 Notwithstanding any other provision of this Act to the
4 contrary, retailers subject to tax on cannabis shall file all
5 cannabis tax returns and shall make all cannabis tax payments
6 by electronic means in the manner and form required by the
7 Department.

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

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

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

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

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

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

22 Before October 1, 2000, if the taxpayer's average monthly
23 tax liability to the Department under this Act, the Retailers'
24 Occupation Tax Act, the Service Occupation Tax Act, the
25 Service Use Tax Act was \$10,000 or more during the preceding 4
26 complete calendar quarters, he shall file a return with the

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

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

1 taxpayer's average monthly liability to the Department as
2 computed for each calendar quarter of the 4 preceding complete
3 calendar quarter period is less than \$10,000. However, if a
4 taxpayer can show the Department that a substantial change in
5 the taxpayer's business has occurred which causes the taxpayer
6 to anticipate that his average monthly tax liability for the
7 reasonably foreseeable future will fall below the \$10,000
8 threshold stated above, then such taxpayer may petition the
9 Department for change in such taxpayer's reporting status. On
10 and after October 1, 2000, once applicable, the requirement of
11 the making of quarter monthly payments to the Department shall
12 continue until such taxpayer's average monthly liability to
13 the Department during the preceding 4 complete calendar
14 quarters (excluding the month of highest liability and the
15 month of lowest liability) is less than \$19,000 or until such
16 taxpayer's average monthly liability to the Department as
17 computed for each calendar quarter of the 4 preceding complete
18 calendar quarter period is less than \$20,000. However, if a
19 taxpayer can show the Department that a substantial change in
20 the taxpayer's business has occurred which causes the taxpayer
21 to anticipate that his average monthly tax liability for the
22 reasonably foreseeable future will fall below the \$20,000
23 threshold stated above, then such taxpayer may petition the
24 Department for a change in such taxpayer's reporting status.
25 The Department shall change such taxpayer's reporting status
26 unless it finds that such change is seasonal in nature and not

1 likely to be long term. Quarter monthly payment status shall
2 be determined under this paragraph as if the rate reduction to
3 1.25% in Public Act 102-700 and this amendatory Act of the
4 103rd ~~102nd~~ General Assembly on sales tax holiday items had
5 not occurred. For quarter monthly payments due on or after
6 July 1, 2023 and through June 30, 2025 ~~June 30, 2024~~, "25% of
7 the taxpayer's liability for the same calendar month of the
8 preceding year" shall be determined as if the rate reduction
9 to 1.25% in Public Act 102-700 and this amendatory Act of the
10 103rd ~~102nd~~ General Assembly on sales tax holiday items had
11 not occurred. Quarter monthly payment status shall be
12 determined under this paragraph as if the rate reduction to 0%
13 in Public Act 102-700 ~~this amendatory Act of the 102nd General~~
14 ~~Assembly~~ on food for human consumption that is to be consumed
15 off the premises where it is sold (other than alcoholic
16 beverages, food consisting of or infused with adult use
17 cannabis, soft drinks, and food that has been prepared for
18 immediate consumption) had not occurred. For quarter monthly
19 payments due under this paragraph on or after July 1, 2023 and
20 through June 30, 2024, "25% of the taxpayer's liability for
21 the same calendar month of the preceding year" shall be
22 determined as if the rate reduction to 0% in Public Act 102-700
23 ~~this amendatory Act of the 102nd General Assembly~~ had not
24 occurred. If any such quarter monthly payment is not paid at
25 the time or in the amount required by this Section, then the
26 taxpayer shall be liable for penalties and interest on the

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

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

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

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

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

1 of the following year.

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

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

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

1 provided in Section 3-55 of this Act, then that seller may
2 report the transfer of all the aircraft, watercraft, motor
3 vehicles or trailers involved in that transaction to the
4 Department on the same uniform invoice-transaction reporting
5 return form. For purposes of this Section, "watercraft" means
6 a Class 2, Class 3, or Class 4 watercraft as defined in Section
7 3-2 of the Boat Registration and Safety Act, a personal
8 watercraft, or any boat equipped with an inboard motor.

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

25 The transaction reporting return in the case of motor
26 vehicles or trailers that are required to be registered with

1 an agency of this State, shall be the same document as the
2 Uniform Invoice referred to in Section 5-402 of the Illinois
3 Vehicle Code and must show the name and address of the seller;
4 the name and address of the purchaser; the amount of the
5 selling 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
11 price; the amount of tax due from the retailer with respect to
12 such transaction; the amount of tax collected from the
13 purchaser by the retailer on such transaction (or satisfactory
14 evidence that such tax is not due in that particular instance,
15 if that is claimed to be the fact); the place and date of the
16 sale; a sufficient identification of the property sold; such
17 other information as is required in Section 5-402 of the
18 Illinois Vehicle Code, and such other information as the
19 Department may reasonably require.

20 The transaction reporting return in the case of watercraft
21 and aircraft must show the name and address of the seller; the
22 name and address of the purchaser; the amount of the selling
23 price including the amount allowed by the retailer for
24 traded-in property, if any; the amount allowed by the retailer
25 for the traded-in tangible personal property, if any, to the
26 extent to which Section 2 of this Act allows an exemption for

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

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

23 With each such transaction reporting return, the retailer
24 shall remit the proper amount of tax due (or shall submit
25 satisfactory evidence that the sale is not taxable if that is
26 the case), to the Department or its agents, whereupon the

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

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

18 If the user who would otherwise pay tax to the retailer
19 wants the transaction reporting return filed and the payment
20 of tax or proof of exemption made to the Department before the
21 retailer is willing to take these actions and such user has not
22 paid the tax to the retailer, such user may certify to the fact
23 of such delay by the retailer, and may (upon the Department
24 being satisfied of the truth of such certification) transmit
25 the information required by the transaction reporting return
26 and the remittance for tax or proof of exemption directly to

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

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

26 Any retailer filing a return under this Section shall also

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

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

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

19 Beginning January 1, 1990, each month the Department shall
20 pay into the State and Local Sales Tax Reform Fund, a special
21 fund in the State Treasury which is hereby created, the net
22 revenue realized for the preceding month from the 1% tax
23 imposed under this Act.

24 Beginning January 1, 1990, each month the Department shall
25 pay into the County and Mass Transit District Fund 4% of the
26 net revenue realized for the preceding month from the 6.25%

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

5 Beginning January 1, 1990, each month the Department shall
6 pay into the State and Local Sales Tax Reform Fund, a special
7 fund in the State Treasury, 20% of the net revenue realized for
8 the preceding month from the 6.25% general rate on the selling
9 price of tangible personal property, other than (i) tangible
10 personal property which is purchased outside Illinois at
11 retail from a retailer and which is titled or registered by an
12 agency of this State's government and (ii) aviation fuel sold
13 on or after December 1, 2019. This exception for aviation fuel
14 only applies for so long as the revenue use requirements of 49
15 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

16 For aviation fuel sold on or after December 1, 2019, each
17 month the Department shall pay into the State Aviation Program
18 Fund 20% of the net revenue realized for the preceding month
19 from the 6.25% general rate on the selling price of aviation
20 fuel, less an amount estimated by the Department to be
21 required for refunds of the 20% portion of the tax on aviation
22 fuel under this Act, which amount shall be deposited into the
23 Aviation Fuel Sales Tax Refund Fund. The Department shall only
24 pay moneys into the State Aviation Program Fund and the
25 Aviation Fuels Sales Tax Refund Fund under this Act for so long
26 as the revenue use requirements of 49 U.S.C. 47107(b) and 49

1 U.S.C. 47133 are binding on the State.

2 Beginning August 1, 2000, each month the Department shall
3 pay into the State and Local Sales Tax Reform Fund 100% of the
4 net revenue realized for the preceding month from the 1.25%
5 rate on the selling price of motor fuel and gasohol. If, in any
6 month, the tax on sales tax holiday items, as defined in
7 Section 3-6, is imposed at the rate of 1.25%, then the
8 Department shall pay 100% of the net revenue realized for that
9 month from the 1.25% rate on the selling price of sales tax
10 holiday items into the State and Local Sales Tax Reform Fund.

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

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

25 Beginning July 1, 2011, each month the Department shall
26 pay into the Clean Air Act Permit Fund 80% of the net revenue

1 realized for the preceding month from the 6.25% general rate
2 on the selling price of sorbents used in Illinois in the
3 process of sorbent injection as used to comply with the
4 Environmental Protection Act or the federal Clean Air Act, but
5 the total payment into the Clean Air Act Permit Fund under this
6 Act and the Retailers' Occupation Tax Act shall not exceed
7 \$2,000,000 in any fiscal year.

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

23 Beginning July 1, 2015, of the remainder of the moneys
24 received by the Department under this Act, the Service Use Tax
25 Act, the Service Occupation Tax Act, and the Retailers'
26 Occupation Tax Act, each month the Department shall deposit

1 \$500,000 into the State Crime Laboratory Fund.

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

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

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

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

1 Expansion Project Fund in the specified fiscal years.

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

1	2017	199,000,000
2	2018	210,000,000
3	2019	221,000,000
4	2020	233,000,000
5	2021	300,000,000
6	2022	300,000,000
7	2023	300,000,000
8	2024	300,000,000
9	2025	300,000,000
10	2026	300,000,000
11	2027	375,000,000
12	2028	375,000,000
13	2029	375,000,000
14	2030	375,000,000
15	2031	375,000,000
16	2032	375,000,000
17	2033	375,000,000
18	2034	375,000,000
19	2035	375,000,000
20	2036	450,000,000

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

1 Exposition Authority Act,
2 but not after fiscal year 2060.

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

16 Subject to payment of amounts into the Capital Projects
17 Fund, the Clean Air Act Permit Fund, the Build Illinois Fund,
18 and the McCormick Place Expansion Project Fund pursuant to the
19 preceding paragraphs or in any amendments thereto hereafter
20 enacted, for aviation fuel sold on or after December 1, 2019,
21 the Department shall each month deposit into the Aviation Fuel
22 Sales Tax Refund Fund an amount estimated by the Department to
23 be required for refunds of the 80% portion of the tax on
24 aviation fuel under this Act. The Department shall only
25 deposit moneys into the Aviation Fuel Sales Tax Refund Fund
26 under this paragraph for so long as the revenue use

1 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
2 binding on the State.

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

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

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

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

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

25 Subject to successful execution and delivery of a
26 public-private agreement between the public agency and private

1 entity and completion of the civic build, beginning on July 1,
 2 2023, of the remainder of the moneys received by the
 3 Department under the Use Tax Act, the Service Use Tax Act, the
 4 Service Occupation Tax Act, and this Act, the Department shall
 5 deposit the following specified deposits in the aggregate from
 6 collections under the Use Tax Act, the Service Use Tax Act, the
 7 Service Occupation Tax Act, and the Retailers' Occupation Tax
 8 Act, as required under Section 8.25g of the State Finance Act
 9 for distribution consistent with the Public-Private
 10 Partnership for Civic and Transit Infrastructure Project Act.
 11 The moneys received by the Department pursuant to this Act and
 12 required to be deposited into the Civic and Transit
 13 Infrastructure Fund are subject to the pledge, claim, and
 14 charge set forth in Section 25-55 of the Public-Private
 15 Partnership for Civic and Transit Infrastructure Project Act.
 16 As used in this paragraph, "civic build", "private entity",
 17 "public-private agreement", and "public agency" have the
 18 meanings provided in Section 25-10 of the Public-Private
 19 Partnership for Civic and Transit Infrastructure Project Act.

20	Fiscal Year.....	Total Deposit
21	2024	\$200,000,000
22	2025	\$206,000,000
23	2026	\$212,200,000
24	2027	\$218,500,000
25	2028	\$225,100,000
26	2029	\$288,700,000

1	2030	.....	\$298,900,000
2	2031	.....	\$309,300,000
3	2032	.....	\$320,100,000
4	2033	.....	\$331,200,000
5	2034	.....	\$341,200,000
6	2035	.....	\$351,400,000
7	2036	.....	\$361,900,000
8	2037	.....	\$372,800,000
9	2038	.....	\$384,000,000
10	2039	.....	\$395,500,000
11	2040	.....	\$407,400,000
12	2041	.....	\$419,600,000
13	2042	.....	\$432,200,000
14	2043	.....	\$445,100,000

15 Beginning July 1, 2021 and until July 1, 2022, subject to
16 the payment of amounts into the State and Local Sales Tax
17 Reform Fund, the Build Illinois Fund, the McCormick Place
18 Expansion Project Fund, the Illinois Tax Increment Fund, the
19 Energy Infrastructure Fund, and the Tax Compliance and
20 Administration Fund as provided in this Section, the
21 Department shall pay each month into the Road Fund the amount
22 estimated to represent 16% of the net revenue realized from
23 the taxes imposed on motor fuel and gasohol. Beginning July 1,
24 2022 and until July 1, 2023, subject to the payment of amounts
25 into the State and Local Sales Tax Reform Fund, the Build
26 Illinois Fund, the McCormick Place Expansion Project Fund, the

1 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
2 and the Tax Compliance and Administration Fund as provided in
3 this Section, the Department shall pay each month into the
4 Road Fund the amount estimated to represent 32% of the net
5 revenue realized from the taxes imposed on motor fuel and
6 gasohol. Beginning July 1, 2023 and until July 1, 2024,
7 subject to the payment of amounts into the State and Local
8 Sales Tax Reform Fund, the Build Illinois Fund, the McCormick
9 Place Expansion Project Fund, the Illinois Tax Increment Fund,
10 the Energy Infrastructure Fund, and the Tax Compliance and
11 Administration Fund as provided in this Section, the
12 Department shall pay each month into the Road Fund the amount
13 estimated to represent 48% of the net revenue realized from
14 the taxes imposed on motor fuel and gasohol. Beginning July 1,
15 2024 and until July 1, 2025, subject to the payment of amounts
16 into the State and Local Sales Tax Reform Fund, the Build
17 Illinois Fund, the McCormick Place Expansion Project Fund, the
18 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
19 and the Tax Compliance and Administration Fund as provided in
20 this Section, the Department shall pay each month into the
21 Road Fund the amount estimated to represent 64% of the net
22 revenue realized from the taxes imposed on motor fuel and
23 gasohol. Beginning on July 1, 2025, subject to the payment of
24 amounts into the State and Local Sales Tax Reform Fund, the
25 Build Illinois Fund, the McCormick Place Expansion Project
26 Fund, the Illinois Tax Increment Fund, the Energy

1 Infrastructure Fund, and the Tax Compliance and Administration
2 Fund as provided in this Section, the Department shall pay
3 each month into the Road Fund the amount estimated to
4 represent 80% of the net revenue realized from the taxes
5 imposed on motor fuel and gasohol. As used in this paragraph
6 "motor fuel" has the meaning given to that term in Section 1.1
7 of the Motor Fuel Tax Law, and "gasohol" has the meaning given
8 to that term in Section 3-40 of this Act.

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

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

7 (Source: P.A. 101-10, Article 15, Section 15-10, eff. 6-5-19;
8 101-10, Article 25, Section 25-105, eff. 6-5-19; 101-27, eff.
9 6-25-19; 101-32, eff. 6-28-19; 101-604, eff. 12-13-19;
10 101-636, eff. 6-10-20; 102-700, Article 60, Section 60-15,
11 eff. 4-19-22; 102-700, Article 65, Section 65-5, eff. 4-19-22;
12 102-1019, eff. 1-1-23; revised 12-13-22.)

13 Section 15. The Retailers' Occupation Tax Act is amended
14 by changing Sections 2-8, 2-10, and 3 as follows:

15 (35 ILCS 120/2-8)

16 Sec. 2-8. Sales tax holiday items.

17 (a) Any tangible personal property described in this
18 subsection is a sales tax holiday item and qualifies for the
19 1.25% reduced rate of tax during the sales tax holiday period
20 ~~for the period set forth in Section 2-10 of this Act~~
21 ~~(hereinafter referred to as the Sales Tax Holiday Period)~~. The
22 reduced rate on these items shall be administered under the
23 provisions of subsection (b) of this Section. The following
24 items are subject to the reduced rate:

1 (1) Clothing items that each have a retail selling
2 price of less than \$125.

3 "Clothing" means, unless otherwise specified in this
4 Section, all human wearing apparel suitable for general
5 use. "Clothing" does not include clothing accessories,
6 protective equipment, or sport or recreational equipment.
7 "Clothing" includes, but is not limited to: household and
8 shop aprons; athletic supporters; bathing suits and caps;
9 belts and suspenders; boots; coats and jackets; ear muffs;
10 footlets; gloves and mittens for general use; hats and
11 caps; hosiery; insoles for shoes; lab coats; neckties;
12 overshoes; pantyhose; rainwear; rubber pants; sandals;
13 scarves; shoes and shoelaces; slippers; sneakers; socks
14 and stockings; steel-toed shoes; underwear; and school
15 uniforms.

16 "Clothing accessories" means, but is not limited to:
17 briefcases; cosmetics; hair notions, including, but not
18 limited to barrettes, hair bows, and hair nets; handbags;
19 handkerchiefs; jewelry; non-prescription sunglasses;
20 umbrellas; wallets; watches; and wigs and hair pieces.

21 "Protective equipment" means, but is not limited to:
22 breathing masks; clean room apparel and equipment; ear and
23 hearing protectors; face shields; hard hats; helmets;
24 paint or dust respirators; protective gloves; safety
25 glasses and goggles; safety belts; tool belts; and
26 welder's gloves and masks.

1 "Sport or recreational equipment" means, but is not
2 limited to: ballet and tap shoes; clefted or spiked
3 athletic shoes; gloves, including, but not limited to,
4 baseball, bowling, boxing, hockey, and golf gloves;
5 goggles; hand and elbow guards; life preservers and vests;
6 mouth guards; roller and ice skates; shin guards; shoulder
7 pads; ski boots; waders; and wetsuits and fins.

8 (2) School supplies. "School supplies" means, unless
9 otherwise specified in this Section, items used by a
10 student in a course of study. The purchase of school
11 supplies for use by persons other than students for use in
12 a course of study are not eligible for the reduced rate of
13 tax. "School supplies" do not include school art supplies;
14 school instructional materials; cameras; film and memory
15 cards; videocameras, tapes, and videotapes; computers;
16 cell phones; Personal Digital Assistants (PDAs); handheld
17 electronic schedulers; and school computer supplies.

18 "School supplies" includes, but is not limited to:
19 binders; book bags; calculators; cellophane tape;
20 blackboard chalk; compasses; composition books; crayons;
21 erasers; expandable, pocket, plastic, and manila folders;
22 glue, paste, and paste sticks; highlighters; index cards;
23 index card boxes; legal pads; lunch boxes; markers;
24 notebooks; paper, including loose leaf ruled notebook
25 paper, copy paper, graph paper, tracing paper, manila
26 paper, colored paper, poster board, and construction

1 paper; pencils; pencil leads; pens; ink and ink refills
2 for pens; pencil boxes and other school supply boxes;
3 pencil sharpeners; protractors; rulers; scissors; and
4 writing tablets.

5 "School art supply" means an item commonly used by a
6 student in a course of study for artwork and includes only
7 the following items: clay and glazes; acrylic, tempera,
8 and oil paint; paintbrushes for artwork; sketch and
9 drawing pads; and watercolors.

10 "School instructional material" means written material
11 commonly used by a student in a course of study as a
12 reference and to learn the subject being taught and
13 includes only the following items: reference books;
14 reference maps and globes; textbooks; and workbooks.

15 "School computer supply" means an item commonly used
16 by a student in a course of study in which a computer is
17 used and applies only to the following items: flashdrives
18 and other computer data storage devices; data storage
19 media, such as diskettes and compact disks; boxes and
20 cases for disk storage; external ports or drives; computer
21 cases; computer cables; computer printers; and printer
22 cartridges, toner, and ink.

23 (b) Administration. Notwithstanding any other provision of
24 this Act, the reduced rate of tax under Section 3-10 of this
25 Act for clothing and school supplies shall be administered by
26 the Department under the provisions of this subsection (b).

1 (1) Bundled sales. Items that qualify for the reduced
2 rate of tax that are bundled together with items that do
3 not qualify for the reduced rate of tax and that are sold
4 for one itemized price will be subject to the reduced rate
5 of tax only if the value of the items that qualify for the
6 reduced rate of tax exceeds the value of the items that do
7 not qualify for the reduced rate of tax.

8 (2) Coupons and discounts. An unreimbursed discount by
9 the seller reduces the sales price of the property so that
10 the discounted sales price determines whether the sales
11 price is within a sales tax holiday price threshold. A
12 coupon or other reduction in the sales price is treated as
13 a discount if the seller is not reimbursed for the coupon
14 or reduction amount by a third party.

15 (3) Splitting of items normally sold together.
16 Articles that are normally sold as a single unit must
17 continue to be sold in that manner. Such articles cannot
18 be priced separately and sold as individual items in order
19 to obtain the reduced rate of tax. For example, a pair of
20 shoes cannot have each shoe sold separately so that the
21 sales price of each shoe is within a sales tax holiday
22 price threshold.

23 (4) Rain checks. A rain check is a procedure that
24 allows a customer to purchase an item at a certain price at
25 a later time because the particular item was out of stock.
26 Eligible property that customers purchase during the Sales

1 Tax Holiday Period with the use of a rain check will
2 qualify for the reduced rate of tax regardless of when the
3 rain check was issued. Issuance of a rain check during the
4 Sales Tax Holiday Period will not qualify eligible
5 property for the reduced rate of tax if the property is
6 actually purchased after the Sales Tax Holiday Period.

7 (5) Exchanges. The procedure for an exchange in
8 regards to a sales tax holiday is as follows:

9 (A) If a customer purchases an item of eligible
10 property during the Sales Tax Holiday Period, but
11 later exchanges the item for a similar eligible item,
12 even if a different size, different color, or other
13 feature, no additional tax is due even if the exchange
14 is made after the Sales Tax Holiday Period.

15 (B) If a customer purchases an item of eligible
16 property during the Sales Tax Holiday Period, but
17 after the Sales Tax Holiday Period has ended, the
18 customer returns the item and receives credit on the
19 purchase of a different item, the 6.25% general
20 merchandise sales tax rate is due on the sale of the
21 newly purchased item.

22 (C) If a customer purchases an item of eligible
23 property before the Sales Tax Holiday Period, but
24 during the Sales Tax Holiday Period the customer
25 returns the item and receives credit on the purchase
26 of a different item of eligible property, the reduced

1 rate of tax is due on the sale of the new item if the
2 new item is purchased during the Sales Tax Holiday
3 Period.

4 (6) (Blank).

5 (7) Order date and back orders. For the purpose of a
6 sales tax holiday, eligible property qualifies for the
7 reduced rate of tax if: (i) the item is both delivered to
8 and paid for by the customer during the Sales Tax Holiday
9 Period or (ii) the customer orders and pays for the item
10 and the seller accepts the order during the Sales Tax
11 Holiday Period for immediate shipment, even if delivery is
12 made after the Sales Tax Holiday Period. The seller
13 accepts an order when the seller has taken action to fill
14 the order for immediate shipment. Actions to fill an order
15 include placement of an "in date" stamp on an order or
16 assignment of an "order number" to an order within the
17 Sales Tax Holiday Period. An order is for immediate
18 shipment when the customer does not request delayed
19 shipment. An order is for immediate shipment
20 notwithstanding that the shipment may be delayed because
21 of a backlog of orders or because stock is currently
22 unavailable to, or on back order by, the seller.

23 (8) Returns. For a 60-day period immediately after the
24 Sales Tax Holiday Period, if a customer returns an item
25 that would qualify for the reduced rate of tax, credit for
26 or refund of sales tax shall be given only at the reduced

1 rate unless the customer provides a receipt or invoice
2 that shows tax was paid at the 6.25% general merchandise
3 rate, or the seller has sufficient documentation to show
4 that tax was paid at the 6.25% general merchandise rate on
5 the specific item. This 60-day period is set solely for
6 the purpose of designating a time period during which the
7 customer must provide documentation that shows that the
8 appropriate sales tax rate was paid on returned
9 merchandise. The 60-day period is not intended to change a
10 seller's policy on the time period during which the seller
11 will accept returns.

12 (c) The Department may implement the provisions of this
13 Section through the use of emergency rules, along with
14 permanent rules filed concurrently with such emergency rules,
15 in accordance with the provisions of Section 5-45 of the
16 Illinois Administrative Procedure Act. For purposes of the
17 Illinois Administrative Procedure Act, the adoption of rules
18 to implement the provisions of this Section shall be deemed an
19 emergency and necessary for the public interest, safety, and
20 welfare.

21 (d) As used in this Section, "sales tax holiday period"
22 means:

23 (1) from August 6, 2010 through August 15, 2010;

24 (2) from August 5, 2022 through August 14, 2022; and

25 (3) from August 5, 2023 through August 14, 2023.

26 (Source: P.A. 102-700, eff. 4-19-22.)

1 (35 ILCS 120/2-10)

2 Sec. 2-10. Rate of tax. Unless otherwise provided in this
3 Section, the tax imposed by this Act is at the rate of 6.25% of
4 gross receipts from sales of tangible personal property made
5 in the course of business.

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

10 During the sales tax holiday period set forth in Section
11 2-8, Beginning on August 6, 2010 through August 15, 2010, and
12 beginning again on August 5, 2022 through August 14, 2022,
13 with respect to sales tax holiday items as defined in Section
14 2-8 of this Act, the tax is imposed at the rate of 1.25%.

15 Within 14 days after July 1, 2000 (the effective date of
16 Public Act 91-872) ~~this amendatory Act of the 91st General~~
17 ~~Assembly~~, each retailer of motor fuel and gasohol shall cause
18 the following notice to be posted in a prominently visible
19 place on each retail dispensing device that is used to
20 dispense motor fuel or gasohol in the State of Illinois: "As of
21 July 1, 2000, the State of Illinois has eliminated the State's
22 share of sales tax on motor fuel and gasohol through December
23 31, 2000. The price on this pump should reflect the
24 elimination of the tax." The notice shall be printed in bold
25 print on a sign that is no smaller than 4 inches by 8 inches.

1 The sign shall be clearly visible to customers. Any retailer
2 who fails to post or maintain a required sign through December
3 31, 2000 is guilty of a petty offense for which the fine shall
4 be \$500 per day per each retail premises where a violation
5 occurs.

6 With respect to gasohol, as defined in the Use Tax Act, the
7 tax imposed by this Act applies to (i) 70% of the proceeds of
8 sales made on or after January 1, 1990, and before July 1,
9 2003, (ii) 80% of the proceeds of sales made on or after July
10 1, 2003 and on or before July 1, 2017, and (iii) 100% of the
11 proceeds of sales made thereafter. If, at any time, however,
12 the tax under this Act on sales of gasohol, as defined in the
13 Use Tax Act, is imposed at the rate of 1.25%, then the tax
14 imposed by this Act applies to 100% of the proceeds of sales of
15 gasohol made during that time.

16 With respect to majority blended ethanol fuel, as defined
17 in the Use Tax Act, the tax imposed by this Act does not apply
18 to the proceeds of sales made on or after July 1, 2003 and on
19 or before December 31, 2023 but applies to 100% of the proceeds
20 of sales made thereafter.

21 With respect to biodiesel blends, as defined in the Use
22 Tax Act, with no less than 1% and no more than 10% biodiesel,
23 the tax imposed by this Act applies to (i) 80% of the proceeds
24 of sales made on or after July 1, 2003 and on or before
25 December 31, 2018 and (ii) 100% of the proceeds of sales made
26 after December 31, 2018 and before January 1, 2024. On and

1 after January 1, 2024 and on or before December 31, 2030, the
2 taxation of biodiesel, renewable diesel, and biodiesel blends
3 shall be as provided in Section 3-5.1 of the Use Tax Act. If,
4 at any time, however, the tax under this Act on sales of
5 biodiesel blends, as defined in the Use Tax Act, with no less
6 than 1% and no more than 10% biodiesel is imposed at the rate
7 of 1.25%, then the tax imposed by this Act applies to 100% of
8 the proceeds of sales of biodiesel blends with no less than 1%
9 and no more than 10% biodiesel made during that time.

10 With respect to biodiesel, as defined in the Use Tax Act,
11 and biodiesel blends, as defined in the Use Tax Act, with more
12 than 10% but no more than 99% biodiesel, the tax imposed by
13 this Act does not apply to the proceeds of sales made on or
14 after July 1, 2003 and on or before December 31, 2023. On and
15 after January 1, 2024 and on or before December 31, 2030, the
16 taxation of biodiesel, renewable diesel, and biodiesel blends
17 shall be as provided in Section 3-5.1 of the Use Tax Act.

18 Until July 1, 2022 and beginning again on July 1, 2023,
19 with respect to food for human consumption that is to be
20 consumed off the premises where it is sold (other than
21 alcoholic beverages, food consisting of or infused with adult
22 use cannabis, soft drinks, and food that has been prepared for
23 immediate consumption), the tax is imposed at the rate of 1%.
24 Beginning July 1, 2022 and until July 1, 2023, with respect to
25 food for human consumption that is to be consumed off the
26 premises where it is sold (other than alcoholic beverages,

1 food consisting of or infused with adult use cannabis, soft
2 drinks, and food that has been prepared for immediate
3 consumption), the tax is imposed at the rate of 0%.

4 With respect to prescription and nonprescription
5 medicines, drugs, medical appliances, products classified as
6 Class III medical devices by the United States Food and Drug
7 Administration that are used for cancer treatment pursuant to
8 a prescription, as well as any accessories and components
9 related to those devices, modifications to a motor vehicle for
10 the purpose of rendering it usable by a person with a
11 disability, and insulin, blood sugar testing materials,
12 syringes, and needles used by human diabetics, the tax is
13 imposed at the rate of 1%. For the purposes of this Section,
14 until September 1, 2009: the term "soft drinks" means any
15 complete, finished, ready-to-use, non-alcoholic drink, whether
16 carbonated or not, including, but not limited to, soda water,
17 cola, fruit juice, vegetable juice, carbonated water, and all
18 other preparations commonly known as soft drinks of whatever
19 kind or description that are contained in any closed or sealed
20 bottle, can, carton, or container, regardless of size; but
21 "soft drinks" does not include coffee, tea, non-carbonated
22 water, infant formula, milk or milk products as defined in the
23 Grade A Pasteurized Milk and Milk Products Act, or drinks
24 containing 50% or more natural fruit or vegetable juice.

25 Notwithstanding any other provisions of this Act,
26 beginning September 1, 2009, "soft drinks" means non-alcoholic

1 beverages that contain natural or artificial sweeteners. "Soft
2 drinks" does ~~do~~ not include beverages that contain milk or
3 milk products, soy, rice or similar milk substitutes, or
4 greater than 50% of vegetable or fruit juice by volume.

5 Until August 1, 2009, and notwithstanding any other
6 provisions of this Act, "food for human consumption that is to
7 be consumed off the premises where it is sold" includes all
8 food sold through a vending machine, except soft drinks and
9 food products that are dispensed hot from a vending machine,
10 regardless of the location of the vending machine. Beginning
11 August 1, 2009, and notwithstanding any other provisions of
12 this Act, "food for human consumption that is to be consumed
13 off the premises where it is sold" includes all food sold
14 through a vending machine, except soft drinks, candy, and food
15 products that are dispensed hot from a vending machine,
16 regardless of the location of the vending machine.

17 Notwithstanding any other provisions of this Act,
18 beginning September 1, 2009, "food for human consumption that
19 is to be consumed off the premises where it is sold" does not
20 include candy. For purposes of this Section, "candy" means a
21 preparation of sugar, honey, or other natural or artificial
22 sweeteners in combination with chocolate, fruits, nuts or
23 other ingredients or flavorings in the form of bars, drops, or
24 pieces. "Candy" does not include any preparation that contains
25 flour or requires refrigeration.

26 Notwithstanding any other provisions of this Act,

1 beginning September 1, 2009, "nonprescription medicines and
2 drugs" does not include grooming and hygiene products. For
3 purposes of this Section, "grooming and hygiene products"
4 includes, but is not limited to, soaps and cleaning solutions,
5 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
6 lotions and screens, unless those products are available by
7 prescription only, regardless of whether the products meet the
8 definition of "over-the-counter-drugs". For the purposes of
9 this paragraph, "over-the-counter-drug" means a drug for human
10 use that contains a label that identifies the product as a drug
11 as required by 21 CFR ~~C.F.R.~~ § 201.66. The
12 "over-the-counter-drug" label includes:

- 13 (A) a ~~A~~ "Drug Facts" panel; or
14 (B) a ~~A~~ statement of the "active ingredient(s)" with a
15 list of those ingredients contained in the compound,
16 substance or preparation.

17 Beginning on January 1, 2014 (the effective date of Public
18 Act 98-122) ~~this amendatory Act of the 98th General Assembly,~~
19 "prescription and nonprescription medicines and drugs"
20 includes medical cannabis purchased from a registered
21 dispensing organization under the Compassionate Use of Medical
22 Cannabis Program Act.

23 As used in this Section, "adult use cannabis" means
24 cannabis subject to tax under the Cannabis Cultivation
25 Privilege Tax Law and the Cannabis Purchaser Excise Tax Law
26 and does not include cannabis subject to tax under the

1 Compassionate Use of Medical Cannabis Program Act.

2 (Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19;
3 102-4, eff. 4-27-21; 102-700, Article 20, Section 20-20, eff.
4 4-19-22; 102-700, Article 60, Section 60-30, eff. 4-19-22;
5 102-700, Article 65, Section 65-10, eff. 4-19-22; revised
6 6-1-22.)

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
11 retail in this State during the preceding calendar month shall
12 file a 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
22 services furnished, by him during such preceding calendar
23 month or quarter;

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

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

4 5. Deductions allowed by law;

5 6. Gross receipts which were received by him during
6 the preceding calendar month or quarter and upon the basis
7 of which the tax is imposed, including gross receipts on
8 food for human consumption that is to be consumed off the
9 premises where it is sold (other than alcoholic beverages,
10 food consisting of or infused with adult use cannabis,
11 soft drinks, and food that has been prepared for immediate
12 consumption) which were received during the preceding
13 calendar month or quarter and upon which tax would have
14 been due but for the 0% rate imposed under Public Act
15 102-700 ~~this amendatory Act of the 102nd General Assembly;~~

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

18 8. The amount of tax due, including the amount of tax
19 that would have been due on food for human consumption
20 that is to be consumed off the premises where it is sold
21 (other than alcoholic beverages, food consisting of or
22 infused with adult use cannabis, soft drinks, and food
23 that has been prepared for immediate consumption) but for
24 the 0% rate imposed under Public Act 102-700 ~~this~~
25 ~~amendatory Act of the 102nd General Assembly;~~

26 9. The signature of the taxpayer; and

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

3 On and after January 1, 2018, except for returns required
4 to be filed prior to January 1, 2023 for motor vehicles,
5 watercraft, aircraft, and trailers that are required to be
6 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. On and after January 1, 2023, with
10 respect to retailers whose annual gross receipts average
11 \$20,000 or more, all returns required to be filed pursuant to
12 this Act, including, but not limited to, returns for motor
13 vehicles, watercraft, aircraft, and trailers that are required
14 to be registered with an agency of this State, shall be filed
15 electronically. Retailers who demonstrate that they do not
16 have access to the Internet or demonstrate hardship in filing
17 electronically may petition the Department to waive the
18 electronic filing requirement.

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

26 Prior to October 1, 2003, and on and after September 1,

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

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

1 the twentieth day of the following calendar month, stating:

2 1. The name of the seller;

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

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

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

13 5. The amount of tax due; and

14 6. Such other reasonable information as the Department
15 may require.

16 Every person engaged in the business of selling aviation
17 fuel at retail in this State during the preceding calendar
18 month shall, instead of reporting and paying tax as otherwise
19 required by this Section, report and pay such tax on a separate
20 aviation fuel tax return. The requirements related to the
21 return shall be as otherwise provided in this Section.
22 Notwithstanding any other provisions of this Act to the
23 contrary, retailers selling aviation fuel shall file all
24 aviation fuel tax returns and shall make all aviation fuel tax
25 payments by electronic means in the manner and form required
26 by the Department. For purposes of this Section, "aviation

1 fuel" means jet fuel and aviation gasoline.

2 Beginning on October 1, 2003, any person who is not a
3 licensed distributor, importing distributor, or manufacturer,
4 as defined in the Liquor Control Act of 1934, but is engaged in
5 the business of selling, at retail, alcoholic liquor shall
6 file a statement with the Department of Revenue, in a format
7 and at a time prescribed by the Department, showing the total
8 amount paid for alcoholic liquor purchased during the
9 preceding month and such other information as is reasonably
10 required by the Department. The Department may adopt rules to
11 require that this statement be filed in an electronic or
12 telephonic format. Such rules may provide for exceptions from
13 the filing requirements of this paragraph. For the purposes of
14 this paragraph, the term "alcoholic liquor" shall have the
15 meaning prescribed in the Liquor Control Act of 1934.

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

1 distributor, importing distributor, or manufacturer of
2 alcoholic liquor must personally deliver, mail, or provide by
3 electronic means to each retailer listed on the monthly
4 statement a report containing a cumulative total of that
5 distributor's, importing distributor's, or manufacturer's
6 total sales of alcoholic liquor to that retailer no later than
7 the 10th day of the month for the preceding month during which
8 the transaction occurred. The distributor, importing
9 distributor, or manufacturer shall notify the retailer as to
10 the method by which the distributor, importing distributor, or
11 manufacturer will provide the sales information. If the
12 retailer is unable to receive the sales information by
13 electronic means, the distributor, importing distributor, or
14 manufacturer shall furnish the sales information by personal
15 delivery or by mail. For purposes of this paragraph, the term
16 "electronic means" includes, but is not limited to, the use of
17 a secure Internet website, e-mail, or facsimile.

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

22 Notwithstanding any other provision of this Act to the
23 contrary, retailers subject to tax on cannabis shall file all
24 cannabis tax returns and shall make all cannabis tax payments
25 by electronic means in the manner and form required by the
26 Department.

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

26 Before August 1 of each year beginning in 1993, the

1 Department shall notify all taxpayers required to make
2 payments by electronic funds transfer. All taxpayers required
3 to make payments by electronic funds transfer shall make those
4 payments for a minimum of one year beginning on October 1.

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

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

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

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

22 If the retailer is otherwise required to file a monthly
23 return and if the retailer's average monthly tax liability to
24 the Department does not exceed \$200, the Department may
25 authorize his returns to be filed on a quarter annual basis,
26 with the return for January, February and March of a given year

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

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

13 Such quarter annual and annual returns, as to form and
14 substance, shall be subject to the same requirements as
15 monthly returns.

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

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

1 businesses, but shall file separate returns for each such
2 registered business.

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

26 In addition, with respect to motor vehicles, watercraft,

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

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

24 The transaction reporting return, in the case of motor
25 vehicles or trailers that are required to be registered with
26 an agency of this State, shall be the same document as the

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

19 The transaction reporting return in the case of watercraft
20 or aircraft must show the name and address of the seller; the
21 name and address of the purchaser; the amount of the selling
22 price including the amount allowed by the retailer for
23 traded-in property, if any; the amount allowed by the retailer
24 for the traded-in tangible personal property, if any, to the
25 extent to which Section 1 of this Act allows an exemption for
26 the value of traded-in property; the balance payable after

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

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

22 With each such transaction reporting return, the retailer
23 shall remit the proper amount of tax due (or shall submit
24 satisfactory evidence that the sale is not taxable if that is
25 the case), to the Department or its agents, whereupon the
26 Department shall issue, in the purchaser's name, a use tax

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

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

17 If the user who would otherwise pay tax to the retailer
18 wants the transaction reporting return filed and the payment
19 of the tax or proof of exemption made to the Department before
20 the retailer is willing to take these actions and such user has
21 not paid the tax to the retailer, such user may certify to the
22 fact of such delay by the retailer and may (upon the Department
23 being satisfied of the truth of such certification) transmit
24 the information required by the transaction reporting return
25 and the remittance for tax or proof of exemption directly to
26 the Department and obtain his tax receipt or exemption

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

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

17 Where the seller is a corporation, the return filed on
18 behalf of such corporation shall be signed by the president,
19 vice-president, secretary or treasurer or by the properly
20 accredited agent of such corporation.

21 Where the seller is a limited liability company, the
22 return filed on behalf of the limited liability company shall
23 be signed by a manager, member, or properly accredited agent
24 of the limited liability company.

25 Except as provided in this Section, the retailer filing
26 the return under this Section shall, at the time of filing such

1 return, pay to the Department the amount of tax imposed by this
2 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
3 on and after January 1, 1990, or \$5 per calendar year,
4 whichever is greater, which is allowed to reimburse the
5 retailer for the expenses incurred in keeping records,
6 preparing and filing returns, remitting the tax and supplying
7 data to the Department on request. On and after January 1,
8 2021, a certified service provider, as defined in the Leveling
9 the Playing Field for Illinois Retail Act, filing the return
10 under this Section on behalf of a remote retailer shall, at the
11 time of such return, pay to the Department the amount of tax
12 imposed by this Act less a discount of 1.75%. A remote retailer
13 using a certified service provider to file a return on its
14 behalf, as provided in the Leveling the Playing Field for
15 Illinois Retail Act, is not eligible for the discount. When
16 determining the discount allowed under this Section, retailers
17 shall include the amount of tax that would have been due at the
18 1% rate but for the 0% rate imposed under Public Act 102-700
19 ~~this amendatory Act of the 102nd General Assembly~~. When
20 determining the discount allowed under this Section, retailers
21 shall include the amount of tax that would have been due at the
22 6.25% rate but for the 1.25% rate imposed on sales tax holiday
23 items during the sales tax holiday period set forth in Section
24 2-8 ~~under this amendatory Act of the 102nd General Assembly~~.
25 The discount under this Section is not allowed for the 1.25%
26 portion of taxes paid on aviation fuel that is subject to the

1 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
2 47133. Any prepayment made pursuant to Section 2d of this Act
3 shall be included in the amount on which such 2.1% or 1.75%
4 discount is computed. In the case of retailers who report and
5 pay the tax on a transaction by transaction basis, as provided
6 in this Section, such discount shall be taken with each such
7 tax remittance instead of when such retailer files his
8 periodic return. The discount allowed under this Section is
9 allowed only for returns that are filed in the manner required
10 by this Act. The Department may disallow the discount for
11 retailers whose certificate of registration is revoked at the
12 time the return is filed, but only if the Department's
13 decision to revoke the certificate of registration has become
14 final.

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

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

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

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

1 likely to be long term. Quarter monthly payment status shall
2 be determined under this paragraph as if the rate reduction to
3 0% in Public Act 102-700 ~~this amendatory Act of the 102nd~~
4 ~~General Assembly~~ on food for human consumption that is to be
5 consumed off the premises where it is sold (other than
6 alcoholic beverages, food consisting of or infused with adult
7 use cannabis, soft drinks, and food that has been prepared for
8 immediate consumption) had not occurred. For quarter monthly
9 payments due under this paragraph on or after July 1, 2023 and
10 through June 30, 2024, "25% of the taxpayer's liability for
11 the same calendar month of the preceding year" shall be
12 determined as if the rate reduction to 0% in Public Act 102-700
13 ~~this amendatory Act of the 102nd General Assembly~~ had not
14 occurred. Quarter monthly payment status shall be determined
15 under this paragraph as if the rate reduction to 1.25% in
16 Public Act 102-700 and this amendatory Act of the 103rd
17 General Assembly ~~this amendatory Act of the 102nd General~~
18 ~~Assembly~~ on sales tax holiday items had not occurred. For
19 quarter monthly payments due on or after July 1, 2023 and
20 through June 30, 2025 ~~June 30, 2024~~, "25% of the taxpayer's
21 liability for the same calendar month of the preceding year"
22 shall be determined as if the rate reduction to 1.25% in Public
23 Act 102-700 and this amendatory Act of the 103rd General
24 Assembly ~~this amendatory Act of the 102nd General Assembly~~ on
25 sales tax holiday items had not occurred. If any such quarter
26 monthly payment is not paid at the time or in the amount

1 required by this Section, then the taxpayer shall be liable
2 for penalties and interest on the difference between the
3 minimum amount due as a payment and the amount of such quarter
4 monthly payment actually and timely paid, except insofar as
5 the taxpayer has previously made payments for that month to
6 the Department in excess of the minimum payments previously
7 due as provided in this Section. The Department shall make
8 reasonable rules and regulations to govern the quarter monthly
9 payment amount and quarter monthly payment dates for taxpayers
10 who file on other than a calendar monthly basis.

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

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

21 The provisions of this paragraph apply on and after
22 October 1, 2001. Without regard to whether a taxpayer is
23 required to make quarter monthly payments as specified above,
24 any taxpayer who is required by Section 2d of this Act to
25 collect and remit prepaid taxes and has collected prepaid
26 taxes that average in excess of \$20,000 per month during the

1 preceding 4 complete calendar quarters shall file a return
2 with the Department as required by Section 2f and shall make
3 payments to the Department on or before the 7th, 15th, 22nd and
4 last day of the month during which the liability is incurred.
5 Each payment shall be in an amount equal to 22.5% of the
6 taxpayer's actual liability for the month or 25% of the
7 taxpayer's liability for the same calendar month of the
8 preceding year. The amount of the quarter monthly payments
9 shall be credited against the final tax liability of the
10 taxpayer's return for that month filed under this Section or
11 Section 2f, as the case may be. Once applicable, the
12 requirement of the making of quarter monthly payments to the
13 Department pursuant to this paragraph shall continue until the
14 taxpayer's average monthly prepaid tax collections during the
15 preceding 4 complete calendar quarters (excluding the month of
16 highest liability and the month of lowest liability) is less
17 than \$19,000 or until such taxpayer's average monthly
18 liability to the Department as computed for each calendar
19 quarter of the 4 preceding complete calendar quarters is less
20 than \$20,000. If any such quarter monthly payment is not paid
21 at the time or in the amount required, the taxpayer shall be
22 liable for penalties and interest on such difference, except
23 insofar as the taxpayer has previously made payments for that
24 month in excess of the minimum payments previously due.

25 If any payment provided for in this Section exceeds the
26 taxpayer's liabilities under this Act, the Use Tax Act, the

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

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

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

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

5 Beginning January 1, 1990, each month the Department shall
6 pay into the County and Mass Transit District Fund, a special
7 fund in the State treasury which is hereby created, 4% of the
8 net revenue realized for the preceding month from the 6.25%
9 general rate other than aviation fuel sold on or after
10 December 1, 2019. This exception for aviation fuel only
11 applies for so long as the revenue use requirements of 49
12 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

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. If, in any
17 month, the tax on sales tax holiday items, as defined in
18 Section 2-8, is imposed at the rate of 1.25%, then the
19 Department shall pay 20% of the net revenue realized for that
20 month from the 1.25% rate on the selling price of sales tax
21 holiday items into the County and Mass Transit District Fund.

22 Beginning January 1, 1990, each month the Department shall
23 pay into the Local Government Tax Fund 16% of the net revenue
24 realized for the preceding month from the 6.25% general rate
25 on the selling price of tangible personal property other than
26 aviation fuel sold on or after December 1, 2019. This

1 exception for aviation fuel only applies for so long as the
2 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
3 47133 are binding on the State.

4 For aviation fuel sold on or after December 1, 2019, each
5 month the Department shall pay into the State Aviation Program
6 Fund 20% of the net revenue realized for the preceding month
7 from the 6.25% general rate on the selling price of aviation
8 fuel, less an amount estimated by the Department to be
9 required for refunds of the 20% portion of the tax on aviation
10 fuel under this Act, which amount shall be deposited into the
11 Aviation Fuel Sales Tax Refund Fund. The Department shall only
12 pay moneys into the State Aviation Program Fund and the
13 Aviation Fuel Sales Tax Refund Fund under this Act for so long
14 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
15 U.S.C. 47133 are binding on the State.

16 Beginning August 1, 2000, each month the Department shall
17 pay into the Local Government Tax Fund 80% of the net revenue
18 realized for the preceding month from the 1.25% rate on the
19 selling price of motor fuel and gasohol. If, in any month, the
20 tax on sales tax holiday items, as defined in Section 2-8, is
21 imposed at the rate of 1.25%, then the Department shall pay 80%
22 of the net revenue realized for that month from the 1.25% rate
23 on the selling price of sales tax holiday items into the Local
24 Government Tax Fund.

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

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

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

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

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

1 the "Annual Specified Amount" means the amounts specified
2 below for fiscal years 1986 through 1993:

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

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

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

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

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

21	Fiscal Year	Total Deposit
22	1993	\$0
23	1994	53,000,000
24	1995	58,000,000
25	1996	61,000,000
26	1997	64,000,000

1	1998	68,000,000
2	1999	71,000,000
3	2000	75,000,000
4	2001	80,000,000
5	2002	93,000,000
6	2003	99,000,000
7	2004	103,000,000
8	2005	108,000,000
9	2006	113,000,000
10	2007	119,000,000
11	2008	126,000,000
12	2009	132,000,000
13	2010	139,000,000
14	2011	146,000,000
15	2012	153,000,000
16	2013	161,000,000
17	2014	170,000,000
18	2015	179,000,000
19	2016	189,000,000
20	2017	199,000,000
21	2018	210,000,000
22	2019	221,000,000
23	2020	233,000,000
24	2021	300,000,000
25	2022	300,000,000
26	2023	300,000,000

1	2024	300,000,000
2	2025	300,000,000
3	2026	300,000,000
4	2027	375,000,000
5	2028	375,000,000
6	2029	375,000,000
7	2030	375,000,000
8	2031	375,000,000
9	2032	375,000,000
10	2033	375,000,000
11	2034	375,000,000
12	2035	375,000,000
13	2036	450,000,000

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

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

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

9 Subject to payment of amounts into the Capital Projects
10 Fund, the Clean Air Act Permit Fund, 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, for aviation fuel sold on or after December 1, 2019,
14 the Department shall each month deposit into the Aviation Fuel
15 Sales Tax Refund Fund an amount estimated by the Department to
16 be required for refunds of the 80% portion of the tax on
17 aviation fuel under this Act. The Department shall only
18 deposit moneys into the Aviation Fuel Sales Tax Refund Fund
19 under this paragraph for so long as the revenue use
20 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
21 binding on the State.

22 Subject to payment of amounts into the Build Illinois Fund
23 and the McCormick Place Expansion Project Fund pursuant to the
24 preceding paragraphs or in any amendments thereto hereafter
25 enacted, beginning July 1, 1993 and ending on September 30,
26 2013, the Department shall each month pay into the Illinois

1 Tax Increment Fund 0.27% of 80% of the net revenue realized for
2 the preceding month from the 6.25% general rate on the selling
3 price of tangible personal property.

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

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

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

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

18 Subject to successful execution and delivery of a
19 public-private agreement between the public agency and private
20 entity and completion of the civic build, beginning on July 1,
21 2023, of the remainder of the moneys received by the
22 Department under the Use Tax Act, the Service Use Tax Act, the
23 Service Occupation Tax Act, and this Act, the Department shall
24 deposit the following specified deposits in the aggregate from
25 collections under the Use Tax Act, the Service Use Tax Act, the
26 Service Occupation Tax Act, and the Retailers' Occupation Tax

1 Act, as required under Section 8.25g of the State Finance Act
 2 for distribution consistent with the Public-Private
 3 Partnership for Civic and Transit Infrastructure Project Act.
 4 The moneys received by the Department pursuant to this Act and
 5 required to be deposited into the Civic and Transit
 6 Infrastructure Fund are subject to the pledge, claim and
 7 charge set forth in Section 25-55 of the Public-Private
 8 Partnership for Civic and Transit Infrastructure Project Act.
 9 As used in this paragraph, "civic build", "private entity",
 10 "public-private agreement", and "public agency" have the
 11 meanings provided in Section 25-10 of the Public-Private
 12 Partnership for Civic and Transit Infrastructure Project Act.

13	Fiscal Year.....	Total Deposit
14	2024	\$200,000,000
15	2025	\$206,000,000
16	2026	\$212,200,000
17	2027	\$218,500,000
18	2028	\$225,100,000
19	2029	\$288,700,000
20	2030	\$298,900,000
21	2031	\$309,300,000
22	2032	\$320,100,000
23	2033	\$331,200,000
24	2034	\$341,200,000
25	2035	\$351,400,000
26	2036	\$361,900,000

1	2037	\$372,800,000
2	2038	\$384,000,000
3	2039	\$395,500,000
4	2040	\$407,400,000
5	2041	\$419,600,000
6	2042	\$432,200,000
7	2043	\$445,100,000

8 Beginning July 1, 2021 and until July 1, 2022, subject to
9 the payment of amounts into the County and Mass Transit
10 District Fund, the Local Government Tax Fund, the Build
11 Illinois Fund, the McCormick Place Expansion Project Fund, the
12 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
13 and the Tax Compliance and Administration Fund as provided in
14 this Section, the Department shall pay each month into the
15 Road Fund the amount estimated to represent 16% of the net
16 revenue realized from the taxes imposed on motor fuel and
17 gasohol. Beginning July 1, 2022 and until July 1, 2023,
18 subject to the payment of amounts into the County and Mass
19 Transit District Fund, the Local Government Tax Fund, the
20 Build Illinois Fund, the McCormick Place Expansion Project
21 Fund, the Illinois Tax Increment Fund, the Energy
22 Infrastructure Fund, and the Tax Compliance and Administration
23 Fund as provided in this Section, the Department shall pay
24 each month into the Road Fund the amount estimated to
25 represent 32% of the net revenue realized from the taxes
26 imposed on motor fuel and gasohol. Beginning July 1, 2023 and

1 until July 1, 2024, subject to the payment of amounts into the
2 County and Mass Transit District Fund, the Local Government
3 Tax Fund, the Build Illinois Fund, the McCormick Place
4 Expansion Project Fund, the Illinois Tax Increment Fund, the
5 Energy Infrastructure Fund, and the Tax Compliance and
6 Administration Fund as provided in this Section, the
7 Department shall pay each month into the Road Fund the amount
8 estimated to represent 48% of the net revenue realized from
9 the taxes imposed on motor fuel and gasohol. Beginning July 1,
10 2024 and until July 1, 2025, subject to the payment of amounts
11 into the County and Mass Transit District Fund, the Local
12 Government Tax Fund, the Build Illinois Fund, the McCormick
13 Place Expansion Project Fund, the Illinois Tax Increment Fund,
14 the Energy Infrastructure Fund, and the Tax Compliance and
15 Administration Fund as provided in this Section, the
16 Department shall pay each month into the Road Fund the amount
17 estimated to represent 64% of the net revenue realized from
18 the taxes imposed on motor fuel and gasohol. Beginning on July
19 1, 2025, subject to the payment of amounts into the County and
20 Mass Transit District Fund, the Local Government Tax Fund, the
21 Build Illinois Fund, the McCormick Place Expansion Project
22 Fund, the Illinois Tax Increment Fund, the Energy
23 Infrastructure Fund, and the Tax Compliance and Administration
24 Fund as provided in this Section, the Department shall pay
25 each month into the Road Fund the amount estimated to
26 represent 80% of the net revenue realized from the taxes

1 imposed on motor fuel and gasohol. As used in this paragraph
2 "motor fuel" has the meaning given to that term in Section 1.1
3 of the Motor Fuel Tax Law, and "gasohol" has the meaning given
4 to that term in Section 3-40 of the Use Tax Act.

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

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

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

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

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

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

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

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

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

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

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

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

25 Any person who promotes, organizes, provides retail
26 selling space for concessionaires or other types of sellers at

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

16 Any person engaged in the business of selling tangible
17 personal property at retail as a concessionaire or other type
18 of seller at the Illinois State Fair, county fairs, art shows,
19 flea markets and similar exhibitions or events, or any
20 transient merchants, as defined by Section 2 of the Transient
21 Merchant Act of 1987, may be required to make a daily report of
22 the amount of such sales to the Department and to make a daily
23 payment of the full amount of tax due. The Department shall
24 impose this requirement when it finds that there is a
25 significant risk of loss of revenue to the State at such an
26 exhibition or event. Such a finding shall be based on evidence

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

10 (Source: P.A. 101-10, Article 15, Section 15-25, eff. 6-5-19;
11 101-10, Article 25, Section 25-120, eff. 6-5-19; 101-27, eff.
12 6-25-19; 101-32, eff. 6-28-19; 101-604, eff. 12-13-19;
13 101-636, eff. 6-10-20; 102-634, eff. 8-27-21; 102-700, Article
14 60, Section 60-30, eff. 4-19-22; 102-700, Article 65, Section
15 65-10, eff. 4-19-22; 102-813, eff. 5-13-22; 102-1019, eff.
16 1-1-23; revised 12-13-22.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.