

1 AN ACT in relation to taxes.

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

4 Section 5. The Hotel Operators' Occupation Tax Act is
5 amended by changing Section 6 as follows:

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

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

- 12 1. The name of the operator;
- 13 2. His residence address and the address of his
14 principal place of business and the address of the
15 principal place of business (if that is a different
16 address) from which he engages in the business of
17 renting, leasing or letting rooms in a hotel in this
18 State;
- 19 3. Total amount of rental receipts received by him
20 during the preceding calendar month from renting, leasing
21 or letting rooms during such preceding calendar month;
- 22 4. Total amount of rental receipts received by him
23 during the preceding calendar month from renting, leasing
24 or letting rooms to permanent residents during such
25 preceding calendar month;
- 26 5. Total amount of other exclusions from gross
27 rental receipts allowed by this Act;
- 28 6. Gross rental receipts which were received by him
29 during the preceding calendar month and upon the basis of
30 which the tax is imposed;
- 31 7. The amount of tax due;

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

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

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

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

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

28 Where the same person has more than 1 business registered
29 with the Department under separate registrations under this
30 Act, such person shall not file each return that is due as a
31 single return covering all such registered businesses, but
32 shall file separate returns for each such registered
33 business.

34 In his return, the operator shall determine the value of

1 any consideration other than money received by him in
2 connection with the renting, leasing or letting of rooms in
3 the course of his business and he shall include such value in
4 his return. Such determination shall be subject to review
5 and revision by the Department in the manner hereinafter
6 provided for the correction of returns.

7 Where the operator is a corporation, the return filed on
8 behalf of such corporation shall be signed by the president,
9 vice-president, secretary or treasurer or by the properly
10 accredited agent of such corporation.

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

21 There shall be deposited in the Build Illinois Fund in
22 the State Treasury for each State fiscal year 40% of the
23 amount of total net proceeds from the tax imposed by
24 subsection (a) of Section 3. Of the remaining 60%, \$5,000,000
25 shall be deposited in the Illinois Sports Facilities Fund and
26 credited to the Subsidy Account each fiscal year by making
27 monthly deposits in the amount of 1/8 of \$5,000,000 plus
28 cumulative deficiencies in such deposits for prior months,
29 and an additional \$8,000,000 shall be deposited in the
30 Illinois Sports Facilities Fund and credited to the Advance
31 Account each fiscal year by making monthly deposits in the
32 amount of 1/8 of \$8,000,000 plus any cumulative deficiencies
33 in such deposits for prior months; provided, that for fiscal
34 years ending after June 30, 2001, the amount to be so

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

22 For purposes of the foregoing paragraph, the term
23 "Advance Amount" means, for fiscal year 2002, \$22,179,000,
24 and for subsequent fiscal years through fiscal year 2032,
25 105.615% of the Advance Amount for the immediately preceding
26 fiscal year, rounded up to the nearest \$1,000.

27 Of the remaining 60% of the amount of total net proceeds
28 from the tax imposed by subsection (a) of Section 3 after all
29 required deposits in the Illinois Sports Facilities Fund, the
30 amount equal to 8% of the net revenue realized from the Hotel
31 Operators' Occupation Tax Act plus an amount equal to 8% of
32 the net revenue realized from any tax imposed under Section
33 4.05 of the Chicago World's Fair-1992 Authority Act during
34 the preceding month shall be deposited in the Local Tourism

1 Fund each month for purposes authorized by Section 605-705 of
2 the Department of Commerce and Community Affairs Law (20 ILCS
3 605/605-705) ~~in--the--Local-Tourism-Fund~~, and from beginning
4 August 1, 1999 through July 1, 2003, the amount equal to
5 4.5%, and beginning August 1, 2003 the amount equal to 6%, of
6 the net revenue realized from the Hotel Operators' Occupation
7 Tax Act during the preceding month shall be deposited into
8 the International Tourism Fund for the purposes authorized in
9 Section 605-707 ~~605-725~~ of the Department of Commerce and
10 Community Affairs Law. "Net revenue realized for a month"
11 means the revenue collected by the State under that Act
12 during the previous month less the amount paid out during
13 that same month as refunds to taxpayers for overpayment of
14 liability under that Act.

15 After making all these deposits, all other proceeds of
16 the tax imposed under subsection (a) of Section 3 shall be
17 deposited in the General Revenue Fund in the State Treasury.
18 All moneys received by the Department from the additional tax
19 imposed under subsection (b) of Section 3 shall be deposited
20 into the Build Illinois Fund in the State Treasury.

21 The Department may, upon separate written notice to a
22 taxpayer, require the taxpayer to prepare and file with the
23 Department on a form prescribed by the Department within not
24 less than 60 days after receipt of the notice an annual
25 information return for the tax year specified in the notice.
26 Such annual return to the Department shall include a
27 statement of gross receipts as shown by the operator's last
28 State income tax return. If the total receipts of the
29 business as reported in the State income tax return do not
30 agree with the gross receipts reported to the Department for
31 the same period, the operator shall attach to his annual
32 information return a schedule showing a reconciliation of the
33 2 amounts and the reasons for the difference. The operator's
34 annual information return to the Department shall also

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

7 If the annual information return required by this Section
8 is not filed when and as required the taxpayer shall be
9 liable for a penalty in an amount determined in accordance
10 with Section 3-4 of the Uniform Penalty and Interest Act
11 until such return is filed as required, the penalty to be
12 assessed and collected in the same manner as any other
13 penalty provided for in this Act.

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

22 The foregoing portion of this Section concerning the
23 filing of an annual information return shall not apply to an
24 operator who is not required to file an income tax return
25 with the United States Government.

26 (Source: P.A. 91-239, eff. 1-1-00; 91-604, eff. 8-16-99;
27 91-935, eff. 6-1-01; 92-16, eff. 6-28-01; 92-600, eff.
28 6-28-02; revised 12-17-02.)

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.