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1 AMENDMENT TO HOUSE BILL 466

2 AMENDMENT NO. _____. Amend House Bill 466 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Commerce and Economic
5 Opportunity Law of the Civil Administrative Code of Illinois is
6 amended by adding Section 605-750 as follows:

7 (20 ILCS 605/605-750 new)

8 Sec. 605-750. Power For Jobs Program.

9 (a) Starting January 1, 2006, the Department may establish
10 and maintain a pilot program to ensure the availability and
11 affordability of electric service to businesses that are
12 considering closing, downsizing, or relocating outside of
13 Illinois or businesses that wish to locate to Illinois. Under
14 this program, an assisted business shall receive an income tax
15 credit for certified amounts described in Section (b) of this
16 Section during 2006 and 2007. The Department must adopt rules
17 to implement and administer this program.

18 (b) The Department must accept and seek applications from
19 businesses. The Department must determine, by a hearing, what
20 businesses may receive energy assistance under the program and
21 the amount of the assistance, which may not exceed 10% of a
22 business' energy bill.

23 In determining assistance awards under the program, the
24 Department must consider all of the following factors:

1 (1) whether the business is considering closing or
2 downsizing an existing operation in Illinois and the extent
3 to which the business' energy costs are a contributing
4 factor in that decision;

5 (2) whether the business is considering relocation of
6 its Illinois facilities;

7 (3) whether the business is considering relocating to,
8 expanding, or creating a business in Illinois;

9 (4) the size of the business;

10 (5) the economic status of the region in which the
11 business is or will be located; and

12 (6) the financial need of the business.

13 (c) Energy costs that are eligible for assistance under
14 this Section include, without limitation, energy used in the
15 manufacturing process, natural gas, heat, cooling, light,
16 electricity, or other power regardless of its source or its
17 manner of conversion, transmission, or storage.

18 (d) The Department may not approve any energy assistance
19 amounts after December 31, 2007 and may not certify any amount
20 for a tax credit for any taxable year ending after December 30,
21 2008. The aggregate amount certified by the Department may not
22 exceed \$1,000,000 in 2006 or \$1,000,000 in 2007.

23 (e) On or before February 1, 2007, the Department must
24 report to the General Assembly the following information:

25 (1) the number of jobs created or retained due to the
26 pilot program;

27 (2) the number of businesses assisted; and

28 (3) an assessment of the cost and of the economic
29 benefit of the program.

30 Section 10. The State Finance Act is amended by changing
31 Sections 6z-18 and 6z-20 as follows:

32 (30 ILCS 105/6z-18) (from Ch. 127, par. 142z-18)

1 Sec. 6z-18. A portion of the money paid into the Local
2 Government Tax Fund from sales of food for human consumption
3 which is to be consumed off the premises where it is sold
4 (other than alcoholic beverages, soft drinks and food which has
5 been prepared for immediate consumption) and prescription and
6 nonprescription medicines, drugs, medical appliances and
7 insulin, urine testing materials, syringes and needles used by
8 diabetics, which occurred in municipalities, shall be
9 distributed to each municipality based upon the sales which
10 occurred in that municipality. The remainder shall be
11 distributed to each county based upon the sales which occurred
12 in the unincorporated area of that county.

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

27 A portion of the money paid into the Local Government Tax
28 Fund from the 6.25% general rate (and, beginning July 1, 2000
29 and through December 31, 2000, the 1.25% rate on motor fuel and
30 gasohol and, beginning on the effective date of this amendatory
31 Act of the 94th General Assembly, the 1.25% rate on
32 energy-efficient products) on sales subject to taxation under
33 the Retailers' Occupation Tax Act and the Service Occupation
34 Tax Act, which occurred in municipalities, shall be distributed

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

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

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

22 On or before the 25th day of each calendar month, the
23 Department shall prepare and certify to the Comptroller the
24 disbursement of stated sums of money to named municipalities
25 and counties, the municipalities and counties to be those
26 entitled to distribution of taxes or penalties paid to the
27 Department during the second preceding calendar month. The
28 amount to be paid to each municipality or county shall be the
29 amount (not including credit memoranda) collected during the
30 second preceding calendar month by the Department and paid into
31 the Local Government Tax Fund, plus an amount the Department
32 determines is necessary to offset any amounts which were
33 erroneously paid to a different taxing body, and not including
34 an amount equal to the amount of refunds made during the second

1 preceding calendar month by the Department, and not including
2 any amount which the Department determines is necessary to
3 offset any amounts which are payable to a different taxing body
4 but were erroneously paid to the municipality or county. Within
5 10 days after receipt, by the Comptroller, of the disbursement
6 certification to the municipalities and counties, provided for
7 in this Section to be given to the Comptroller by the
8 Department, the Comptroller shall cause the orders to be drawn
9 for the respective amounts in accordance with the directions
10 contained in such certification.

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

17 The provisions directing the distributions from the
18 special fund in the State Treasury provided for in this Section
19 shall constitute an irrevocable and continuing appropriation
20 of all amounts as provided herein. The State Treasurer and
21 State Comptroller are hereby authorized to make distributions
22 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 a
26 county or municipal retailers' occupation tax, use tax or
27 service occupation tax which now cannot be imposed, such
28 description or reference shall be deemed to include the
29 replacement revenue for such abolished taxes, distributed from
30 the Local Government Tax Fund.

31 (Source: P.A. 90-491, eff. 1-1-98; 91-51, eff. 6-30-99; 91-872,
32 eff. 7-1-00.)

1 Sec. 6z-20. Of the money received from the 6.25% general
2 rate (and, beginning July 1, 2000 and through December 31,
3 2000, the 1.25% rate on motor fuel and gasohol and, beginning
4 on the effective date of this amendatory Act of the 94th
5 General Assembly, the 1.25% rate on energy-efficient products)
6 on sales subject to taxation under the Retailers' Occupation
7 Tax Act and Service Occupation Tax Act and paid into the County
8 and Mass Transit District Fund, distribution to the Regional
9 Transportation Authority tax fund, created pursuant to Section
10 4.03 of the Regional Transportation Authority Act, for deposit
11 therein shall be made based upon the retail sales occurring in
12 a county having more than 3,000,000 inhabitants. The remainder
13 shall be distributed to each county having 3,000,000 or fewer
14 inhabitants based upon the retail sales occurring in each such
15 county.

16 For the purpose of determining allocation to the local
17 government unit, a retail sale by a producer of coal or other
18 mineral mined in Illinois is a sale at retail at the place
19 where the coal or other mineral mined in Illinois is extracted
20 from the earth. This paragraph does not apply to coal or other
21 mineral when it is delivered or shipped by the seller to the
22 purchaser at a point outside Illinois so that the sale is
23 exempt under the United States Constitution as a sale in
24 interstate or foreign commerce.

25 Of the money received from the 6.25% general use tax rate
26 on tangible personal property which is purchased outside
27 Illinois at retail from a retailer and which is titled or
28 registered by any agency of this State's government and paid
29 into the County and Mass Transit District Fund, the amount for
30 which Illinois addresses for titling or registration purposes
31 are given as being in each county having more than 3,000,000
32 inhabitants shall be distributed into the Regional
33 Transportation Authority tax fund, created pursuant to Section
34 4.03 of the Regional Transportation Authority Act. The

1 remainder of the money paid from such sales shall be
2 distributed to each county based on sales for which Illinois
3 addresses for titling or registration purposes are given as
4 being located in the county. Any money paid into the Regional
5 Transportation Authority Occupation and Use Tax Replacement
6 Fund from the County and Mass Transit District Fund prior to
7 January 14, 1991, which has not been paid to the Authority
8 prior to that date, shall be transferred to the Regional
9 Transportation Authority tax fund.

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

18 On or before the 25th day of each calendar month, the
19 Department shall prepare and certify to the Comptroller the
20 disbursement of stated sums of money to the Regional
21 Transportation Authority and to named counties, the counties to
22 be those entitled to distribution, as hereinabove provided, of
23 taxes or penalties paid to the Department during the second
24 preceding calendar month. The amount to be paid to the Regional
25 Transportation Authority and each county having 3,000,000 or
26 fewer inhabitants shall be the amount (not including credit
27 memoranda) collected during the second preceding calendar
28 month by the Department and paid into the County and Mass
29 Transit District Fund, plus an amount the Department determines
30 is necessary to offset any amounts which were erroneously paid
31 to a different taxing body, and not including an amount equal
32 to the amount of refunds made during the second preceding
33 calendar month by the Department, and not including any amount
34 which the Department determines is necessary to offset any

1 amounts which were payable to a different taxing body but were
2 erroneously paid to the Regional Transportation Authority or
3 county. Within 10 days after receipt, by the Comptroller, of
4 the disbursement certification to the Regional Transportation
5 Authority and counties, provided for in this Section to be
6 given to the Comptroller by the Department, the Comptroller
7 shall cause the orders to be drawn for the respective amounts
8 in accordance with the directions contained in such
9 certification.

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

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

25 In construing any development, redevelopment, annexation,
26 preannexation or other lawful agreement in effect prior to
27 September 1, 1990, which describes or refers to receipts from a
28 county or municipal retailers' occupation tax, use tax or
29 service occupation tax which now cannot be imposed, such
30 description or reference shall be deemed to include the
31 replacement revenue for such abolished taxes, distributed from
32 the County and Mass Transit District Fund or Local Government
33 Distributive Fund, as the case may be.

34 (Source: P.A. 90-491, eff. 1-1-98; 91-872, eff. 7-1-00.)

1 Section 15. The Illinois Income Tax Act is amended by
2 adding Section 216 as follows:

3 (35 ILCS 5/216 new)

4 Sec. 216. Power For Jobs Program credit.

5 (a) For tax credits accumulated from January 1, 2006, as
6 provided in Section 605-750 of the Civil Administrative Code of
7 Illinois, and for credits accumulated on or before December 30,
8 2008, each taxpayer that is an assisted business under Section
9 605-750 of the Department of Commerce and Economic Opportunity
10 Law of the Civil Administrative Code of Illinois is entitled to
11 a credit against the tax imposed by subsections (a) and (b) of
12 Section 201 in an amount equal to the amount certified by the
13 Department of Commerce and Economic Opportunity under that
14 Section 605-750.

15 (b) If the taxpayer is a partnership or Subchapter S
16 corporation, the credit is allowed to the partners or
17 shareholders in accordance with the determination of income and
18 distributive share of income under Sections 702 and 704 and
19 Subchapter S of the Internal Revenue Code.

20 (c) The credit may not be carried forward or back. In no
21 event shall a credit under this Section reduce the taxpayer's
22 liability to less than zero.

23 Section 20. The Use Tax Act is amended by changing Sections
24 3-10 and 9 as follows:

25 (35 ILCS 105/3-10) (from Ch. 120, par. 439.3-10)

26 Sec. 3-10. Rate of tax. Unless otherwise provided in this
27 Section, the tax imposed by this Act is at the rate of 6.25% of
28 either the selling price or the fair market value, if any, of
29 the tangible personal property. In all cases where property
30 functionally used or consumed is the same as the property that

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

17 Beginning January 1, 2006 and through January 31, 2006,
18 with respect to energy-efficient products for use in
19 residential structures, the tax is imposed at the rate of
20 1.25%. "Energy-efficient products" are:

21 (1) products that are entitled to carry the Energy Star
22 logo under the Energy Star program administered by the
23 federal government, as follows: windows, doors, skylights,
24 insulation, roof products, residential lamps and lights,
25 transformers, compact fluorescent light bulbs, energy
26 saving light bulbs, programmable thermostats, ceiling
27 fans, water heaters, heating and cooling equipment, and
28 appliances; and

29 (2) alternative energy systems, such as energy from
30 wind, solar thermal energy, and photovoltaic cells and
31 panels.

32 With respect to purchases of "energy-efficient products"
33 in this Section, a "purchase" occurs during the tax holiday if
34 the buyer places an order and pays the purchase price by cash

1 or credit during the tax holiday period regardless of whether
2 the delivery of the item occurs after the tax holiday period.

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

7 With respect to gasohol, the tax imposed by this Act
8 applies to (i) 70% of the proceeds of sales made on or after
9 January 1, 1990, and before July 1, 2003, (ii) 80% of the
10 proceeds of sales made on or after July 1, 2003 and on or
11 before December 31, 2013, and (iii) 100% of the proceeds of
12 sales made thereafter. If, at any time, however, the tax under
13 this Act on sales of gasohol is imposed at the rate of 1.25%,
14 then the tax imposed by this Act applies to 100% of the
15 proceeds of sales of gasohol made during that time.

16 With respect to majority blended ethanol fuel, the tax
17 imposed by this Act does not apply to the proceeds of sales
18 made on or after July 1, 2003 and on or before December 31,
19 2013 but applies to 100% of the proceeds of sales made
20 thereafter.

21 With respect to biodiesel blends with no less than 1% and
22 no more than 10% biodiesel, the tax imposed by this Act applies
23 to (i) 80% of the proceeds of sales made on or after July 1,
24 2003 and on or before December 31, 2013 and (ii) 100% of the
25 proceeds of sales made thereafter. If, at any time, however,
26 the tax under this Act on sales of biodiesel blends with no
27 less than 1% and no more than 10% biodiesel is imposed at the
28 rate of 1.25%, then the tax imposed by this Act applies to 100%
29 of the proceeds of sales of biodiesel blends with no less than
30 1% and no more than 10% biodiesel made during that time.

31 With respect to 100% biodiesel and biodiesel blends with
32 more than 10% but no more than 99% biodiesel, the tax imposed
33 by this Act does not apply to the proceeds of sales made on or
34 after July 1, 2003 and on or before December 31, 2013 but

1 applies to 100% of the proceeds of sales made thereafter.

2 With respect to food for human consumption that is to be
3 consumed off the premises where it is sold (other than
4 alcoholic beverages, soft drinks, and food that has been
5 prepared for immediate consumption) and prescription and
6 nonprescription medicines, drugs, medical appliances,
7 modifications to a motor vehicle for the purpose of rendering
8 it usable by a disabled person, and insulin, urine testing
9 materials, syringes, and needles used by diabetics, for human
10 use, the tax is imposed at the rate of 1%. For the purposes of
11 this Section, the term "soft drinks" means any complete,
12 finished, ready-to-use, non-alcoholic drink, whether
13 carbonated or not, including but not limited to soda water,
14 cola, fruit juice, vegetable juice, carbonated water, and all
15 other preparations commonly known as soft drinks of whatever
16 kind or description that are contained in any closed or sealed
17 bottle, can, carton, or container, regardless of size. "Soft
18 drinks" does not include coffee, tea, non-carbonated water,
19 infant formula, milk or milk products as defined in the Grade A
20 Pasteurized Milk and Milk Products Act, or drinks containing
21 50% or more natural fruit or vegetable juice.

22 Notwithstanding any other provisions of this Act, "food for
23 human consumption that is to be consumed off the premises where
24 it is sold" includes all food sold through a vending machine,
25 except soft drinks and food products that are dispensed hot
26 from a vending machine, regardless of the location of the
27 vending machine.

28 If the property that is purchased at retail from a retailer
29 is acquired outside Illinois and used outside Illinois before
30 being brought to Illinois for use here and is taxable under
31 this Act, the "selling price" on which the tax is computed
32 shall be reduced by an amount that represents a reasonable
33 allowance for depreciation for the period of prior out-of-state
34 use.

1 (Source: P.A. 93-17, eff. 6-11-03.)

2 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

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

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

33 Except as provided in this Section, on or before the

1 twentieth day of each calendar month, such retailer shall file
2 a return for the preceding calendar month. Such return shall be
3 filed on forms prescribed by the Department and shall furnish
4 such information as the Department may reasonably require.

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

12 1. The name of the seller;

13 2. The address of the principal place of business from
14 which he engages in the business of selling tangible
15 personal property at retail in this State;

16 3. The total amount of taxable receipts received by him
17 during the preceding calendar month from sales of tangible
18 personal property by him during such preceding calendar
19 month, including receipts from charge and time sales, but
20 less all deductions allowed by law;

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

23 5. The amount of tax due;

24 5-5. The signature of the taxpayer; and

25 6. Such other reasonable information as the Department
26 may require.

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

31 Beginning October 1, 1993, a taxpayer who has an average
32 monthly tax liability of \$150,000 or more shall make all
33 payments required by rules of the Department by electronic
34 funds transfer. Beginning October 1, 1994, a taxpayer who has

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

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

27 Any taxpayer not required to make payments by electronic
28 funds transfer may make payments by electronic funds transfer
29 with the permission of the Department.

30 All taxpayers required to make payment by electronic funds
31 transfer and any taxpayers authorized to voluntarily make
32 payments by electronic funds transfer shall make those payments
33 in the manner authorized by the Department.

34 The Department shall adopt such rules as are necessary to

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

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

1 or after January 1, 1987, and prior to January 1, 1988, each
2 payment shall be in an amount equal to 22.5% of the taxpayer's
3 actual liability for the month or 26.25% of the taxpayer's
4 liability for the same calendar month of the preceding year. If
5 the month during which such tax liability is incurred begins on
6 or after January 1, 1988, and prior to January 1, 1989, or
7 begins on or after January 1, 1996, each payment shall be in an
8 amount equal to 22.5% of the taxpayer's actual liability for
9 the month or 25% of the taxpayer's liability for the same
10 calendar month of the preceding year. If the month during which
11 such tax liability is incurred begins on or after January 1,
12 1989, and prior to January 1, 1996, each payment shall be in an
13 amount equal to 22.5% of the taxpayer's actual liability for
14 the month or 25% of the taxpayer's liability for the same
15 calendar month of the preceding year or 100% of the taxpayer's
16 actual liability for the quarter monthly reporting period. The
17 amount of such quarter monthly payments shall be credited
18 against the final tax liability of the taxpayer's return for
19 that month. Before October 1, 2000, once applicable, the
20 requirement of the making of quarter monthly payments to the
21 Department shall continue until such taxpayer's average
22 monthly liability to the Department during the preceding 4
23 complete calendar quarters (excluding the month of highest
24 liability and the month of lowest liability) is less than
25 \$9,000, or until such taxpayer's average monthly liability to
26 the Department as computed for each calendar quarter of the 4
27 preceding complete calendar quarter period is less than
28 \$10,000. However, if a taxpayer can show the Department that a
29 substantial change in the taxpayer's business has occurred
30 which causes the taxpayer to anticipate that his average
31 monthly tax liability for the reasonably foreseeable future
32 will fall below the \$10,000 threshold stated above, then such
33 taxpayer may petition the Department for change in such
34 taxpayer's reporting status. On and after October 1, 2000, once

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

29 If any such payment provided for in this Section exceeds
30 the taxpayer's liabilities under this Act, the Retailers'
31 Occupation Tax Act, the Service Occupation Tax Act and the
32 Service Use Tax Act, as shown by an original monthly return,
33 the Department shall issue to the taxpayer a credit memorandum
34 no later than 30 days after the date of payment, which

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

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
27 year being due by April 20 of such year; with the return for
28 April, May and June of a given year being due by July 20 of such
29 year; with the return for July, August and September of a given
30 year being due by October 20 of such year, and with the return
31 for October, November and December of a given year being due by
32 January 20 of the following year.

33 If the retailer is otherwise required to file a monthly or
34 quarterly return and if the retailer's average monthly tax

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

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

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

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

1 watercraft as defined in Section 3-2 of the Boat Registration
2 and Safety Act, a personal watercraft, or any boat equipped
3 with an inboard motor.

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

25 The transaction reporting return in the case of watercraft
26 and aircraft must show the name and address of the seller; the
27 name and address of the purchaser; the amount of the selling
28 price including the amount allowed by the retailer for
29 traded-in property, if any; the amount allowed by the retailer
30 for the traded-in tangible personal property, if any, to the
31 extent to which Section 2 of this Act allows an exemption for
32 the value of traded-in property; the balance payable after
33 deducting such trade-in allowance from the total selling price;
34 the amount of tax due from the retailer with respect to such

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

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

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

32 No retailer's failure or refusal to remit tax under this
33 Act precludes a user, who has paid the proper tax to the
34 retailer, from obtaining his certificate of title or other

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

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

24 Where a retailer collects the tax with respect to the
25 selling price of tangible personal property which he sells and
26 the purchaser thereafter returns such tangible personal
27 property and the retailer refunds the selling price thereof to
28 the purchaser, such retailer shall also refund, to the
29 purchaser, the tax so collected from the purchaser. When filing
30 his return for the period in which he refunds such tax to the
31 purchaser, the retailer may deduct the amount of the tax so
32 refunded by him to the purchaser from any other use tax which
33 such retailer may be required to pay or remit to the
34 Department, as shown by such return, if the amount of the tax

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

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

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

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

25 Beginning January 1, 1990, each month the Department shall
26 pay into the State and Local Sales Tax Reform Fund, a special
27 fund in the State Treasury which is hereby created, the net
28 revenue realized for the preceding month from the 1% tax on
29 sales of food for human consumption which is to be consumed off
30 the premises where it is sold (other than alcoholic beverages,
31 soft drinks and food which has been prepared for immediate
32 consumption) and prescription and nonprescription medicines,
33 drugs, medical appliances and insulin, urine testing
34 materials, syringes and needles used by diabetics.

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

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

16 Beginning January 1, 2006, each month the Department shall
17 pay into the State and Local Sales Tax Reform Fund 100% of the
18 net revenue realized for the preceding month from the 1.25%
19 rate on the selling price of energy-efficient products.

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

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

31 Of the remainder of the moneys received by the Department
32 pursuant to this Act, (a) 1.75% thereof shall be paid into the
33 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
34 and after July 1, 1989, 3.8% thereof shall be paid into the

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

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

28 Subject to payment of amounts into the Build Illinois Fund
29 as provided in the preceding paragraph or in any amendment
30 thereto hereafter enacted, the following specified monthly
31 installment of the amount requested in the certificate of the
32 Chairman of the Metropolitan Pier and Exposition Authority
33 provided under Section 8.25f of the State Finance Act, but not
34 in excess of the sums designated as "Total Deposit", shall be

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

| | Fiscal Year | Total Deposit |
|----|-------------|------------------|
| 6 | | |
| 7 | 1993 | \$0 |
| 8 | 1994 | 53,000,000 |
| 9 | 1995 | 58,000,000 |
| 10 | 1996 | 61,000,000 |
| 11 | 1997 | 64,000,000 |
| 12 | 1998 | 68,000,000 |
| 13 | 1999 | 71,000,000 |
| 14 | 2000 | 75,000,000 |
| 15 | 2001 | 80,000,000 |
| 16 | 2002 | 93,000,000 |
| 17 | 2003 | 99,000,000 |
| 18 | 2004 | 103,000,000 |
| 19 | 2005 | 108,000,000 |
| 20 | 2006 | 113,000,000 |
| 21 | 2007 | 119,000,000 |
| 22 | 2008 | 126,000,000 |
| 23 | 2009 | 132,000,000 |
| 24 | 2010 | 139,000,000 |
| 25 | 2011 | 146,000,000 |
| 26 | 2012 | 153,000,000 |
| 27 | 2013 | 161,000,000 |
| 28 | 2014 | 170,000,000 |
| 29 | 2015 | 179,000,000 |
| 30 | 2016 | 189,000,000 |
| 31 | 2017 | 199,000,000 |
| 32 | 2018 | 210,000,000 |
| 33 | 2019 | 221,000,000 |

| | | |
|---|----------|-------------|
| 1 | 2020 | 233,000,000 |
| 2 | 2021 | 246,000,000 |
| 3 | 2022 | 260,000,000 |
| 4 | 2023 and | 275,000,000 |

5 each fiscal year
6 thereafter that bonds
7 are outstanding under
8 Section 13.2 of the
9 Metropolitan Pier and
10 Exposition Authority Act,
11 but not after fiscal year 2042.

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

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

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

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

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

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

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

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

1 objection to the Department to this arrangement.

2 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101,
3 eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00;
4 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff. 6-28-01;
5 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; 92-600, eff. 6-28-02;
6 92-651, eff. 7-11-02; revised 10-15-03.)

7 Section 25. The Service Use Tax Act is amended by changing
8 Sections 3-10 and 9 as follows:

9 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

10 Sec. 3-10. Rate of tax. Unless otherwise provided in this
11 Section, the tax imposed by this Act is at the rate of 6.25% of
12 the selling price of tangible personal property transferred as
13 an incident to the sale of service, but, for the purpose of
14 computing this tax, in no event shall the selling price be less
15 than the cost price of the property to the serviceman.

16 Beginning January 1, 2006 and through January 31, 2006,
17 with respect to energy-efficient products for use in
18 residential structures, the tax is imposed at the rate of
19 1.25%. "Energy-efficient products" are:

20 (1) products that are entitled to carry the Energy Star
21 logo under the Energy Star program administered by the
22 federal government, as follows: windows, doors, skylights,
23 insulation, roof products, residential lamps and lights,
24 transformers, compact fluorescent light bulbs, energy
25 saving light bulbs, programmable thermostats, ceiling
26 fans, water heaters, heating and cooling equipment, and
27 appliances; and

28 (2) alternative energy systems, such as energy from
29 wind, solar thermal energy, and photovoltaic cells and
30 panels.

31 With respect to purchases of "energy-efficient products"
32 in this Section, a "purchase" occurs during the tax holiday if

1 the buyer places an order and pays the purchase price by cash
2 or credit during the tax holiday period regardless of whether
3 the delivery of the item occurs after the tax holiday period.

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

8 With respect to gasohol, as defined in the Use Tax Act, the
9 tax imposed by this Act applies to (i) 70% of the selling price
10 of property transferred as an incident to the sale of service
11 on or after January 1, 1990, and before July 1, 2003, (ii) 80%
12 of the selling price of property transferred as an incident to
13 the sale of service on or after July 1, 2003 and on or before
14 December 31, 2013, and (iii) 100% of the selling price
15 thereafter. If, at any time, however, the tax under this Act on
16 sales of gasohol, as defined in the Use Tax Act, is imposed at
17 the rate of 1.25%, then the tax imposed by this Act applies to
18 100% of the proceeds of sales of gasohol made during that time.

19 With respect to majority blended ethanol fuel, as defined
20 in the Use Tax Act, the tax imposed by this Act does not apply
21 to the selling price of property transferred as an incident to
22 the sale of service on or after July 1, 2003 and on or before
23 December 31, 2013 but applies to 100% of the selling price
24 thereafter.

25 With respect to biodiesel blends, as defined in the Use Tax
26 Act, with no less than 1% and no more than 10% biodiesel, the
27 tax imposed by this Act applies to (i) 80% of the selling price
28 of property transferred as an incident to the sale of service
29 on or after July 1, 2003 and on or before December 31, 2013 and
30 (ii) 100% of the proceeds of the selling price thereafter. If,
31 at any time, however, the tax under this Act on sales of
32 biodiesel blends, as defined in the Use Tax Act, with no less
33 than 1% and no more than 10% biodiesel is imposed at the rate
34 of 1.25%, then the tax imposed by this Act applies to 100% of

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

3 With respect to 100% biodiesel, as defined in the Use Tax
4 Act, and biodiesel blends, as defined in the Use Tax Act, with
5 more than 10% but no more than 99% biodiesel, the tax imposed
6 by this Act does not apply to the proceeds of the selling price
7 of property transferred as an incident to the sale of service
8 on or after July 1, 2003 and on or before December 31, 2013 but
9 applies to 100% of the selling price thereafter.

10 At the election of any registered serviceman made for each
11 fiscal year, sales of service in which the aggregate annual
12 cost price of tangible personal property transferred as an
13 incident to the sales of service is less than 35%, or 75% in
14 the case of servicemen transferring prescription drugs or
15 servicemen engaged in graphic arts production, of the aggregate
16 annual total gross receipts from all sales of service, the tax
17 imposed by this Act shall be based on the serviceman's cost
18 price of the tangible personal property transferred as an
19 incident to the sale of those services.

20 The tax shall be imposed at the rate of 1% on food prepared
21 for immediate consumption and transferred incident to a sale of
22 service subject to this Act or the Service Occupation Tax Act
23 by an entity licensed under the Hospital Licensing Act, the
24 Nursing Home Care Act, or the Child Care Act of 1969. The tax
25 shall also be imposed at the rate of 1% on food for human
26 consumption that is to be consumed off the premises where it is
27 sold (other than alcoholic beverages, soft drinks, and food
28 that has been prepared for immediate consumption and is not
29 otherwise included in this paragraph) and prescription and
30 nonprescription medicines, drugs, medical appliances,
31 modifications to a motor vehicle for the purpose of rendering
32 it usable by a disabled person, and insulin, urine testing
33 materials, syringes, and needles used by diabetics, for human
34 use. For the purposes of this Section, the term "soft drinks"

1 means any complete, finished, ready-to-use, non-alcoholic
2 drink, whether carbonated or not, including but not limited to
3 soda water, cola, fruit juice, vegetable juice, carbonated
4 water, and all other preparations commonly known as soft drinks
5 of whatever kind or description that are contained in any
6 closed or sealed bottle, can, carton, or container, regardless
7 of size. "Soft drinks" does not include coffee, tea,
8 non-carbonated water, infant formula, milk or milk products as
9 defined in the Grade A Pasteurized Milk and Milk Products Act,
10 or drinks containing 50% or more natural fruit or vegetable
11 juice.

12 Notwithstanding any other provisions of this Act, "food for
13 human consumption that is to be consumed off the premises where
14 it is sold" includes all food sold through a vending machine,
15 except soft drinks and food products that are dispensed hot
16 from a vending machine, regardless of the location of the
17 vending machine.

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

25 (Source: P.A. 93-17, eff. 6-11-03.)

26 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

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

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

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

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

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

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

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

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

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

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

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

11 If the serviceman is otherwise required to file a monthly
12 return and if the serviceman'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 year
16 being due by April 20 of such year; with the return for April,
17 May and June of a given year being due by July 20 of such year;
18 with the return for July, August and September of a given year
19 being due by October 20 of such year, and with the return for
20 October, November and December of a given year being due by
21 January 20 of the following year.

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

28 Such quarter annual and annual returns, as to form and
29 substance, shall be subject to the same requirements as monthly
30 returns.

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

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

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

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

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

32 Where the serviceman has more than one business registered
33 with the Department under separate registration hereunder,
34 such serviceman shall not file each return that is due as a

1 single return covering all such registered businesses, but
2 shall file separate returns for each such registered business.

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

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

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

24 Beginning January 1, 2006, each month the Department shall
25 pay into the State and Local Sales Tax Reform Fund 100% of the
26 net revenue realized for the preceding month from the 1.25%
27 rate on the selling price of energy-efficient products.

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

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

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

25 Subject to payment of amounts into the Build Illinois Fund
26 as provided in the preceding paragraph or in any amendment
27 thereto hereafter enacted, the following specified monthly
28 installment of the amount requested in the certificate of the
29 Chairman of the Metropolitan Pier and Exposition Authority
30 provided under Section 8.25f of the State Finance Act, but not
31 in excess of the sums designated as "Total Deposit", shall be
32 deposited in the aggregate from collections under Section 9 of
33 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
34 9 of the Service Occupation Tax Act, and Section 3 of the

1 Retailers' Occupation Tax Act into the McCormick Place
2 Expansion Project Fund in the specified fiscal years.

| 3 | Fiscal Year | Total Deposit |
|----|-------------|------------------|
| 4 | 1993 | \$0 |
| 5 | 1994 | 53,000,000 |
| 6 | 1995 | 58,000,000 |
| 7 | 1996 | 61,000,000 |
| 8 | 1997 | 64,000,000 |
| 9 | 1998 | 68,000,000 |
| 10 | 1999 | 71,000,000 |
| 11 | 2000 | 75,000,000 |
| 12 | 2001 | 80,000,000 |
| 13 | 2002 | 93,000,000 |
| 14 | 2003 | 99,000,000 |
| 15 | 2004 | 103,000,000 |
| 16 | 2005 | 108,000,000 |
| 17 | 2006 | 113,000,000 |
| 18 | 2007 | 119,000,000 |
| 19 | 2008 | 126,000,000 |
| 20 | 2009 | 132,000,000 |
| 21 | 2010 | 139,000,000 |
| 22 | 2011 | 146,000,000 |
| 23 | 2012 | 153,000,000 |
| 24 | 2013 | 161,000,000 |
| 25 | 2014 | 170,000,000 |
| 26 | 2015 | 179,000,000 |
| 27 | 2016 | 189,000,000 |
| 28 | 2017 | 199,000,000 |
| 29 | 2018 | 210,000,000 |
| 30 | 2019 | 221,000,000 |
| 31 | 2020 | 233,000,000 |
| 32 | 2021 | 246,000,000 |
| 33 | 2022 | 260,000,000 |

1 2023 and 275,000,000
2 each fiscal year
3 thereafter that bonds
4 are outstanding under
5 Section 13.2 of the
6 Metropolitan Pier and
7 Exposition Authority Act,
8 but not after fiscal year 2042.

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

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, the Department shall each
26 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
27 the net revenue realized for the preceding month from the 6.25%
28 general rate on the selling price of tangible personal
29 property.

30 Subject to payment of amounts into the Build Illinois Fund
31 and the McCormick Place Expansion Project Fund pursuant to the
32 preceding paragraphs or in any amendments thereto hereafter
33 enacted, beginning with the receipt of the first report of
34 taxes paid by an eligible business and continuing for a 25-year

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

9 All remaining moneys received by the Department pursuant to
10 this Act shall be paid into the General Revenue Fund of the
11 State Treasury.

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

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

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

26 Section 30. The Service Occupation Tax Act is amended by
27 changing Sections 3-10 and 9 as follows:

28 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

29 Sec. 3-10. Rate of tax. Unless otherwise provided in this
30 Section, the tax imposed by this Act is at the rate of 6.25% of
31 the "selling price", as defined in Section 2 of the Service Use
32 Tax Act, of the tangible personal property. For the purpose of

1 computing this tax, in no event shall the "selling price" be
2 less than the cost price to the serviceman of the tangible
3 personal property transferred. The selling price of each item
4 of tangible personal property transferred as an incident of a
5 sale of service may be shown as a distinct and separate item on
6 the serviceman's billing to the service customer. If the
7 selling price is not so shown, the selling price of the
8 tangible personal property is deemed to be 50% of the
9 serviceman's entire billing to the service customer. When,
10 however, a serviceman contracts to design, develop, and produce
11 special order machinery or equipment, the tax imposed by this
12 Act shall be based on the serviceman's cost price of the
13 tangible personal property transferred incident to the
14 completion of the contract.

15 Beginning January 1, 2006 and through January 31, 2006,
16 with respect to energy-efficient products for use in
17 residential structures, the tax is imposed at the rate of
18 1.25%. "Energy-efficient products" are:

19 (1) products that are entitled to carry the Energy Star
20 logo under the Energy Star program administered by the
21 federal government, as follows: windows, doors, skylights,
22 insulation, roof products, residential lamps and lights,
23 transformers, compact fluorescent light bulbs, energy
24 saving light bulbs, programmable thermostats, ceiling
25 fans, water heaters, heating and cooling equipment, and
26 appliances; and

27 (2) alternative energy systems, such as energy from
28 wind, solar thermal energy, and photovoltaic cells and
29 panels.

30 With respect to purchases of "energy-efficient products"
31 in this Section, a "purchase" occurs during the tax holiday if
32 the buyer places an order and pays the purchase price by cash
33 or credit during the tax holiday period regardless of whether
34 the delivery of the item occurs after the tax holiday period.

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

5 With respect to gasohol, as defined in the Use Tax Act, the
6 tax imposed by this Act shall apply to (i) 70% of the cost
7 price of property transferred as an incident to the sale of
8 service on or after January 1, 1990, and before July 1, 2003,
9 (ii) 80% of the selling price of property transferred as an
10 incident to the sale of service on or after July 1, 2003 and on
11 or before December 31, 2013, and (iii) 100% of the cost price
12 thereafter. If, at any time, however, the tax under this Act on
13 sales of gasohol, as defined in the Use Tax Act, is imposed at
14 the rate of 1.25%, then the tax imposed by this Act applies to
15 100% of the proceeds of sales of 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 selling price of property transferred as an incident to
19 the sale of service on or after July 1, 2003 and on or before
20 December 31, 2013 but applies to 100% of the selling price
21 thereafter.

22 With respect to biodiesel blends, as defined in the Use Tax
23 Act, with no less than 1% and no more than 10% biodiesel, the
24 tax imposed by this Act applies to (i) 80% of the selling price
25 of property transferred as an incident to the sale of service
26 on or after July 1, 2003 and on or before December 31, 2013 and
27 (ii) 100% of the proceeds of the selling price thereafter. If,
28 at any time, however, the tax under this Act on sales of
29 biodiesel blends, as defined in the Use Tax Act, with no less
30 than 1% and no more than 10% biodiesel is imposed at the rate
31 of 1.25%, then the tax imposed by this Act applies to 100% of
32 the proceeds of sales of biodiesel blends with no less than 1%
33 and no more than 10% biodiesel made during that time.

34 With respect to 100% biodiesel, as defined in the Use Tax

1 Act, and biodiesel blends, as defined in the Use Tax Act, with
2 more than 10% but no more than 99% biodiesel material, the tax
3 imposed by this Act does not apply to the proceeds of the
4 selling price of property transferred as an incident to the
5 sale of service on or after July 1, 2003 and on or before
6 December 31, 2013 but applies to 100% of the selling price
7 thereafter.

8 At the election of any registered serviceman made for each
9 fiscal year, sales of service in which the aggregate annual
10 cost price of tangible personal property transferred as an
11 incident to the sales of service is less than 35%, or 75% in
12 the case of servicemen transferring prescription drugs or
13 servicemen engaged in graphic arts production, of the aggregate
14 annual total gross receipts from all sales of service, the tax
15 imposed by this Act shall be based on the serviceman's cost
16 price of the tangible personal property transferred incident to
17 the sale of those services.

18 The tax shall be imposed at the rate of 1% on food prepared
19 for immediate consumption and transferred incident to a sale of
20 service subject to this Act or the Service Occupation Tax Act
21 by an entity licensed under the Hospital Licensing Act, the
22 Nursing Home Care Act, or the Child Care Act of 1969. The tax
23 shall also be imposed at the rate of 1% on food for human
24 consumption that is to be consumed off the premises where it is
25 sold (other than alcoholic beverages, soft drinks, and food
26 that has been prepared for immediate consumption and is not
27 otherwise included in this paragraph) and prescription and
28 nonprescription medicines, drugs, medical appliances,
29 modifications to a motor vehicle for the purpose of rendering
30 it usable by a disabled person, and insulin, urine testing
31 materials, syringes, and needles used by diabetics, for human
32 use. For the purposes of this Section, the term "soft drinks"
33 means any complete, finished, ready-to-use, non-alcoholic
34 drink, whether carbonated or not, including but not limited to

1 soda water, cola, fruit juice, vegetable juice, carbonated
2 water, and all other preparations commonly known as soft drinks
3 of whatever kind or description that are contained in any
4 closed or sealed can, carton, or container, regardless of size.
5 "Soft drinks" does not include coffee, tea, non-carbonated
6 water, infant formula, milk or milk products as defined in the
7 Grade A Pasteurized Milk and Milk Products Act, or drinks
8 containing 50% or more natural fruit or vegetable juice.

9 Notwithstanding any other provisions of this Act, "food for
10 human consumption that is to be consumed off the premises where
11 it is sold" includes all food sold through a vending machine,
12 except soft drinks and food products that are dispensed hot
13 from a vending machine, regardless of the location of the
14 vending machine.

15 (Source: P.A. 93-17, eff. 6-11-03.)

16 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

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

27 Where such tangible personal property is sold under a
28 conditional sales contract, or under any other form of sale
29 wherein the payment of the principal sum, or a part thereof, is
30 extended beyond the close of the period for which the return is
31 filed, the serviceman, in collecting the tax may collect, for
32 each tax return period, only the tax applicable to the part of
33 the selling price actually received during such tax return

1 period.

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

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

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

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

33 Prior to October 1, 2003, and on and after September 1,
34 2004 a serviceman may accept a Manufacturer's Purchase Credit

1 certification from a purchaser in satisfaction of Service Use
2 Tax as provided in Section 3-70 of the Service Use Tax Act if
3 the purchaser provides the appropriate documentation as
4 required by Section 3-70 of the Service Use Tax Act. A
5 Manufacturer's Purchase Credit certification, accepted prior
6 to October 1, 2003 or on or after September 1, 2004 by a
7 serviceman as provided in Section 3-70 of the Service Use Tax
8 Act, may be used by that serviceman to satisfy Service
9 Occupation Tax liability in the amount claimed in the
10 certification, not to exceed 6.25% of the receipts subject to
11 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, 2004.
17 No Manufacturer's Purchase Credit may be used after September
18 30, 2003 through August 31, 2004 to satisfy any tax liability
19 imposed under this Act, including any audit liability.

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

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

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

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

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

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

1 Before August 1 of each year beginning in 1993, the
2 Department shall notify all taxpayers required to make payments
3 by electronic funds transfer. All taxpayers required to make
4 payments by electronic funds transfer shall make those payments
5 for a minimum of one year beginning on October 1.

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

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

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

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

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

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

6 Where the serviceman has more than one business registered
7 with the Department under separate registrations hereunder,
8 such serviceman shall file separate returns for each registered
9 business.

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

19 Beginning January 1, 1990, each month the Department shall
20 pay into the County and Mass Transit District Fund 4% of the
21 revenue realized for the preceding month from the 6.25% general
22 rate.

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

27 Beginning January 1, 2006, each month the Department shall
28 pay into the County and Mass Transit District Fund 20% of the
29 net revenue realized for the preceding month from the 1.25%
30 rate on the selling price of energy-efficient products.

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

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

5 Beginning January 1, 2006, each month the Department shall
6 pay into the Local Government Tax Fund 80% of the net revenue
7 realized for the preceding month from the 1.25% rate on the
8 selling price of energy-efficient products.

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 Section 3
17 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
18 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
19 Service Occupation Tax Act, such Acts being hereinafter called
20 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
21 may be, of moneys being hereinafter called the "Tax Act
22 Amount", and (2) the amount transferred to the Build Illinois
23 Fund from the State and Local Sales Tax Reform Fund shall be
24 less than the Annual Specified Amount (as defined in Section 3
25 of the Retailers' Occupation Tax Act), an amount equal to the
26 difference shall be immediately paid into the Build Illinois
27 Fund from other moneys received by the Department pursuant to
28 the Tax Acts; and further provided, that if on the last
29 business day of any month the sum of (1) the Tax Act Amount
30 required to be deposited into the Build Illinois Account in the
31 Build Illinois Fund during such month and (2) the amount
32 transferred during such month to the Build Illinois Fund from
33 the State and Local Sales Tax Reform Fund shall have been less
34 than 1/12 of the Annual Specified Amount, an amount equal to

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

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

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

| | Fiscal Year | Total Deposit |
|----|-------------|------------------|
| 18 | | |
| 19 | 1993 | \$0 |
| 20 | 1994 | 53,000,000 |
| 21 | 1995 | 58,000,000 |
| 22 | 1996 | 61,000,000 |
| 23 | 1997 | 64,000,000 |
| 24 | 1998 | 68,000,000 |
| 25 | 1999 | 71,000,000 |
| 26 | 2000 | 75,000,000 |
| 27 | 2001 | 80,000,000 |
| 28 | 2002 | 93,000,000 |
| 29 | 2003 | 99,000,000 |
| 30 | 2004 | 103,000,000 |
| 31 | 2005 | 108,000,000 |
| 32 | 2006 | 113,000,000 |
| 33 | 2007 | 119,000,000 |

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

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

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

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

3 Subject to payment of amounts into the Build Illinois Fund
4 and the McCormick Place Expansion Project Fund pursuant to the
5 preceding paragraphs or in any amendments thereto hereafter
6 enacted, beginning July 1, 1993, the Department shall each
7 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
8 the net revenue realized for the preceding month from the 6.25%
9 general rate on the selling price of tangible personal
10 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 25-year
16 period, the Department shall each month pay into the Energy
17 Infrastructure Fund 80% of the net revenue realized from the
18 6.25% general rate on the selling price of Illinois-mined coal
19 that was sold to an eligible business. For purposes of this
20 paragraph, the term "eligible business" means a new electric
21 generating facility certified pursuant to Section 605-332 of
22 the Department of Commerce and Economic Opportunity Law of the
23 Civil Administrative Code of Illinois.

24 Remaining moneys received by the Department pursuant to
25 this Act shall be paid into the General Revenue Fund of the
26 State Treasury.

27 The Department may, upon separate written notice to a
28 taxpayer, require the taxpayer to prepare and file with the
29 Department on a form prescribed by the Department within not
30 less than 60 days after receipt of the notice an annual
31 information return for the tax year specified in the notice.
32 Such annual return to the Department shall include a statement
33 of gross receipts as shown by the taxpayer's last Federal
34 income tax return. If the total receipts of the business as

1 reported in the Federal income tax return do not agree with the
2 gross receipts reported to the Department of Revenue for the
3 same period, the taxpayer shall attach to his annual return a
4 schedule showing a reconciliation of the 2 amounts and the
5 reasons for the difference. The taxpayer's annual return to the
6 Department shall also disclose the cost of goods sold by the
7 taxpayer during the year covered by such return, opening and
8 closing inventories of such goods for such year, cost of goods
9 used from stock or taken from stock and given away by the
10 taxpayer during such year, pay roll information of the
11 taxpayer's business during such year and any additional
12 reasonable information which the Department deems would be
13 helpful in determining the accuracy of the monthly, quarterly
14 or annual returns filed by such taxpayer as hereinbefore
15 provided for in this Section.

16 If the annual information return required by this Section
17 is not filed when and as required, the taxpayer shall be liable
18 as follows:

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

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

29 The chief executive officer, proprietor, owner or highest
30 ranking manager shall sign the annual return to certify the
31 accuracy of the information contained therein. Any person who
32 willfully signs the annual return containing false or
33 inaccurate information shall be guilty of perjury and punished
34 accordingly. The annual return form prescribed by the

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

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

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

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

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

26 (Source: P.A. 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492,
27 eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02; 93-24,
28 eff. 6-20-03; 93-840, eff. 7-30-04.)

29 Section 35. The Retailers' Occupation Tax Act is amended by
30 changing Sections 2-10 and 3 as follows:

31 (35 ILCS 120/2-10) (from Ch. 120, par. 441-10)

32 Sec. 2-10. Rate of tax. Unless otherwise provided in this

1 Section, the tax imposed by this Act is at the rate of 6.25% of
2 gross receipts from sales of tangible personal property made in
3 the course of business.

4 Beginning January 1, 2006 and through January 31, 2006,
5 with respect to energy-efficient products for use in
6 residential structures, the tax is imposed at the rate of
7 1.25%. "Energy-efficient products" are:

8 (1) products that are entitled to carry the Energy Star
9 logo under the Energy Star program administered by the
10 federal government, as follows: windows, doors, skylights,
11 insulation, roof products, residential lamps and lights,
12 transformers, compact fluorescent light bulbs, energy
13 saving light bulbs, programmable thermostats, ceiling
14 fans, water heaters, heating and cooling equipment, and
15 appliances; and

16 (2) alternative energy systems, such as energy from
17 wind, solar thermal energy, and photovoltaic cells and
18 panels.

19 With respect to purchases of "energy-efficient products"
20 in this Section, a "purchase" occurs during the tax holiday if
21 the buyer places an order and pays the purchase price by cash
22 or credit during the tax holiday period regardless of whether
23 the delivery of the item occurs after the tax holiday period.

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

28 Within 14 days after the effective date of this amendatory
29 Act of the 91st General Assembly, each retailer of motor fuel
30 and gasohol shall cause the following notice to be posted in a
31 prominently visible place on each retail dispensing device that
32 is used to dispense motor fuel or gasohol in the State of
33 Illinois: "As of July 1, 2000, the State of Illinois has
34 eliminated the State's share of sales tax on motor fuel and

1 gasohol through December 31, 2000. The price on this pump
2 should reflect the elimination of the tax." The notice shall be
3 printed in bold print on a sign that is no smaller than 4
4 inches by 8 inches. The sign shall be clearly visible to
5 customers. Any retailer who fails to post or maintain a
6 required sign through December 31, 2000 is guilty of a petty
7 offense for which the fine shall be \$500 per day per each
8 retail premises where a violation occurs.

9 With respect to gasohol, as defined in the Use Tax Act, the
10 tax imposed by this Act applies to (i) 70% of the proceeds of
11 sales made on or after January 1, 1990, and before July 1,
12 2003, (ii) 80% of the proceeds of sales made on or after July
13 1, 2003 and on or before December 31, 2013, and (iii) 100% of
14 the proceeds of sales made thereafter. If, at any time,
15 however, the tax under this Act on sales of gasohol, as defined
16 in the Use Tax Act, is imposed at the rate of 1.25%, then the
17 tax imposed by this Act applies to 100% of the proceeds of
18 sales of gasohol made during that time.

19 With respect to majority blended ethanol fuel, as defined
20 in the Use Tax Act, the tax imposed by this Act does not apply
21 to the proceeds of sales made on or after July 1, 2003 and on or
22 before December 31, 2013 but applies to 100% of the proceeds of
23 sales made thereafter.

24 With respect to biodiesel blends, as defined in the Use Tax
25 Act, with no less than 1% and no more than 10% biodiesel, the
26 tax imposed by this Act applies to (i) 80% of the proceeds of
27 sales made on or after July 1, 2003 and on or before December
28 31, 2013 and (ii) 100% of the proceeds of sales made
29 thereafter. If, at any time, however, the tax under this Act on
30 sales of biodiesel blends, as defined in the Use Tax Act, with
31 no less than 1% and no more than 10% biodiesel is imposed at
32 the rate of 1.25%, then the tax imposed by this Act applies to
33 100% of the proceeds of sales of biodiesel blends with no less
34 than 1% and no more than 10% biodiesel made during that time.

1 With respect to 100% biodiesel, as defined in the Use Tax
2 Act, and biodiesel blends, as defined in the Use Tax Act, with
3 more than 10% but no more than 99% biodiesel, the tax imposed
4 by this Act does not apply to the proceeds of sales made on or
5 after July 1, 2003 and on or before December 31, 2013 but
6 applies to 100% of the proceeds of sales made thereafter.

7 With respect to food for human consumption that is to be
8 consumed off the premises where it is sold (other than
9 alcoholic beverages, soft drinks, and food that has been
10 prepared for immediate consumption) and prescription and
11 nonprescription medicines, drugs, medical appliances,
12 modifications to a motor vehicle for the purpose of rendering
13 it usable by a disabled person, and insulin, urine testing
14 materials, syringes, and needles used by diabetics, for human
15 use, the tax is imposed at the rate of 1%. For the purposes of
16 this Section, the term "soft drinks" means any complete,
17 finished, ready-to-use, non-alcoholic drink, whether
18 carbonated or not, including but not limited to soda water,
19 cola, fruit juice, vegetable juice, carbonated water, and all
20 other preparations commonly known as soft drinks of whatever
21 kind or description that are contained in any closed or sealed
22 bottle, can, carton, or container, regardless of size. "Soft
23 drinks" does not include coffee, tea, non-carbonated water,
24 infant formula, milk or milk products as defined in the Grade A
25 Pasteurized Milk and Milk Products Act, or drinks containing
26 50% or more natural fruit or vegetable juice.

27 Notwithstanding any other provisions of this Act, "food for
28 human consumption that is to be consumed off the premises where
29 it is sold" includes all food sold through a vending machine,
30 except soft drinks and food products that are dispensed hot
31 from a vending machine, regardless of the location of the
32 vending machine.

33 (Source: P.A. 93-17, eff. 6-11-03.)

1 (35 ILCS 120/3) (from Ch. 120, par. 442)

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

7 1. The name of the seller;

8 2. His residence address and the address of his
9 principal place of business and the address of the
10 principal place of business (if that is a different
11 address) from which he engages in the business of selling
12 tangible personal property at retail in this State;

13 3. Total amount of receipts received by him during the
14 preceding calendar month or quarter, as the case may be,
15 from sales of tangible personal property, and from services
16 furnished, by him during such preceding calendar month or
17 quarter;

18 4. Total amount received by him during the preceding
19 calendar month or quarter on charge and time sales of
20 tangible personal property, and from services furnished,
21 by him prior to the month or quarter for which the return
22 is filed;

23 5. Deductions allowed by law;

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

27 7. The amount of credit provided in Section 2d of this
28 Act;

29 8. The amount of tax due;

30 9. The signature of the taxpayer; and

31 10. Such other reasonable information as the
32 Department may require.

33 If a taxpayer fails to sign a return within 30 days after
34 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 Each return shall be accompanied by the statement of
4 prepaid tax issued pursuant to Section 2e for which credit is
5 claimed.

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

27 The Department may require returns to be filed on a
28 quarterly basis. If so required, a return for each calendar
29 quarter shall be filed on or before the twentieth day of the
30 calendar month following the end of such calendar quarter. The
31 taxpayer shall also file a return with the Department for each
32 of the first two months of each calendar quarter, on or before
33 the twentieth day of the following calendar month, stating:

34 1. The name of the seller;

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

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

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

11 5. The amount of tax due; and

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

14 Beginning on October 1, 2003, any person who is not a
15 licensed distributor, importing distributor, or manufacturer,
16 as defined in the Liquor Control Act of 1934, but is engaged in
17 the business of selling, at retail, alcoholic liquor shall file
18 a statement with the Department of Revenue, in a format and at
19 a time prescribed by the Department, showing the total amount
20 paid for alcoholic liquor purchased during the preceding month
21 and such other information as is reasonably required by the
22 Department. The Department may adopt rules to require that this
23 statement be filed in an electronic or telephonic format. Such
24 rules may provide for exceptions from the filing requirements
25 of this paragraph. For the purposes of this paragraph, the term
26 "alcoholic liquor" shall have the meaning prescribed in the
27 Liquor Control Act of 1934.

28 Beginning on October 1, 2003, every distributor, importing
29 distributor, and manufacturer of alcoholic liquor as defined in
30 the Liquor Control Act of 1934, shall file a statement with the
31 Department of Revenue, no later than the 10th day of the month
32 for the preceding month during which transactions occurred, by
33 electronic means, showing the total amount of gross receipts
34 from the sale of alcoholic liquor sold or distributed during

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

22 If a total amount of less than \$1 is payable, refundable or
23 creditable, such amount shall be disregarded if it is less than
24 50 cents and shall be increased to \$1 if it is 50 cents or more.

25 Beginning October 1, 1993, a taxpayer who has an average
26 monthly tax liability of \$150,000 or more shall make all
27 payments required by rules of the Department by electronic
28 funds transfer. Beginning October 1, 1994, a taxpayer who has
29 an average monthly tax liability of \$100,000 or more shall make
30 all payments required by rules of the Department by electronic
31 funds transfer. Beginning October 1, 1995, a taxpayer who has
32 an average monthly tax liability of \$50,000 or more shall make
33 all payments required by rules of the Department by electronic
34 funds transfer. Beginning October 1, 2000, a taxpayer who has

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

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

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

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

28 The Department shall adopt such rules as are necessary to
29 effectuate a program of electronic funds transfer and the
30 requirements of this Section.

31 Any amount which is required to be shown or reported on any
32 return or other document under this Act shall, if such amount
33 is not a whole-dollar amount, be increased to the nearest
34 whole-dollar amount in any case where the fractional part of a

1 dollar is 50 cents or more, and decreased to the nearest
2 whole-dollar amount where the fractional part of a dollar is
3 less than 50 cents.

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

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

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

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

31 Where the same person has more than one business registered
32 with the Department under separate registrations under this
33 Act, such person may not file each return that is due as a
34 single return covering all such registered businesses, but

1 shall file separate returns for each such registered business.

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

25 Any retailer who sells only motor vehicles, watercraft,
26 aircraft, or trailers that are required to be registered with
27 an agency of this State, so that all retailers' occupation tax
28 liability is required to be reported, and is reported, on such
29 transaction reporting returns and who is not otherwise required
30 to file monthly or quarterly returns, need not file monthly or
31 quarterly returns. However, those retailers shall be required
32 to file returns on an annual basis.

33 The transaction reporting return, in the case of motor
34 vehicles or trailers that are required to be registered with an

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

20 The transaction reporting return in the case of watercraft
21 or 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 1 of this Act allows an exemption for
27 the value of traded-in property; the balance payable after
28 deducting such trade-in allowance from the total selling price;
29 the amount of tax due from the retailer with respect to such
30 transaction; the amount of tax collected from the purchaser by
31 the retailer on such transaction (or satisfactory evidence that
32 such tax is not due in that particular instance, if that is
33 claimed to be the fact); the place and date of the sale, a
34 sufficient identification of the property sold, and such other

1 information as the Department may reasonably require.

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

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

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

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

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

27 Where the seller is a corporation, the return filed on
28 behalf of such corporation shall be signed by the president,
29 vice-president, secretary or treasurer or by the properly
30 accredited agent of such corporation.

31 Where the seller is a limited liability company, the return
32 filed on behalf of the limited liability company shall be
33 signed by a manager, member, or properly accredited agent of
34 the limited liability company.

1 Except as provided in this Section, the retailer filing the
2 return under this Section shall, at the time of filing such
3 return, pay to the Department the amount of tax imposed by this
4 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
5 on and after January 1, 1990, or \$5 per calendar year,
6 whichever is greater, which is allowed to reimburse the
7 retailer for the expenses incurred in keeping records,
8 preparing and filing returns, remitting the tax and supplying
9 data to the Department on request. Any prepayment made pursuant
10 to Section 2d of this Act shall be included in the amount on
11 which such 2.1% or 1.75% discount is computed. In the case of
12 retailers who report and pay the tax on a transaction by
13 transaction basis, as provided in this Section, such discount
14 shall be taken with each such tax remittance instead of when
15 such retailer files his periodic return.

16 Before October 1, 2000, if the taxpayer's average monthly
17 tax liability to the Department under this Act, the Use Tax
18 Act, the Service Occupation Tax Act, and the Service Use Tax
19 Act, excluding any liability for prepaid sales tax to be
20 remitted in accordance with Section 2d of this Act, was \$10,000
21 or more during the preceding 4 complete calendar quarters, he
22 shall file a return with the Department each month by the 20th
23 day of the month next following the month during which such tax
24 liability is incurred and shall make payments to the Department
25 on or before the 7th, 15th, 22nd and last day of the month
26 during which such liability is incurred. On and after October
27 1, 2000, if the taxpayer's average monthly tax liability to the
28 Department under this Act, the Use Tax Act, the Service
29 Occupation Tax Act, and the Service Use Tax Act, excluding any
30 liability for prepaid sales tax to be remitted in accordance
31 with Section 2d of this Act, was \$20,000 or more during the
32 preceding 4 complete calendar quarters, he shall file a return
33 with the Department each month by the 20th day of the month
34 next following the month during which such tax liability is

1 incurred and shall make payment to the Department on or before
2 the 7th, 15th, 22nd and last day of the month during which such
3 liability is incurred. If the month during which such tax
4 liability is incurred began prior to January 1, 1985, each
5 payment shall be in an amount equal to 1/4 of the taxpayer's
6 actual liability for the month or an amount set by the
7 Department not to exceed 1/4 of the average monthly liability
8 of the taxpayer to the Department for the preceding 4 complete
9 calendar quarters (excluding the month of highest liability and
10 the month of lowest liability in such 4 quarter period). If the
11 month during which such tax liability is incurred begins on or
12 after January 1, 1985 and prior to January 1, 1987, each
13 payment shall be in an amount equal to 22.5% of the taxpayer's
14 actual liability for the month or 27.5% of the taxpayer's
15 liability for the same calendar month of the preceding year. If
16 the month during which such tax liability is incurred begins on
17 or after January 1, 1987 and prior to January 1, 1988, each
18 payment shall be in an amount equal to 22.5% of the taxpayer's
19 actual liability for the month or 26.25% of the taxpayer's
20 liability for the same calendar month of the preceding year. If
21 the month during which such tax liability is incurred begins on
22 or after January 1, 1988, and prior to January 1, 1989, or
23 begins on or after January 1, 1996, each payment shall be in an
24 amount equal to 22.5% of the taxpayer's actual liability for
25 the month or 25% of the taxpayer's liability for the same
26 calendar month of the preceding year. If the month during which
27 such tax liability is incurred begins on or after January 1,
28 1989, and prior to January 1, 1996, each payment shall be in an
29 amount equal to 22.5% of the taxpayer's actual liability for
30 the month or 25% of the taxpayer's liability for the same
31 calendar month of the preceding year or 100% of the taxpayer's
32 actual liability for the quarter monthly reporting period. The
33 amount of such quarter monthly payments shall be credited
34 against the final tax liability of the taxpayer's return for

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

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

15 The provisions of this paragraph apply before October 1,
16 2001. Without regard to whether a taxpayer is required to make
17 quarter monthly payments as specified above, any taxpayer who
18 is required by Section 2d of this Act to collect and remit
19 prepaid taxes and has collected prepaid taxes which average in
20 excess of \$25,000 per month during the preceding 2 complete
21 calendar quarters, shall file a return with the Department as
22 required by Section 2f and shall make payments to the
23 Department on or before the 7th, 15th, 22nd and last day of the
24 month during which such liability is incurred. If the month
25 during which such tax liability is incurred began prior to the
26 effective date of this amendatory Act of 1985, each payment
27 shall be in an amount not less than 22.5% of the taxpayer's
28 actual liability under Section 2d. If the month during which
29 such tax liability is incurred begins on or after January 1,
30 1986, each payment shall be in an amount equal to 22.5% of the
31 taxpayer's actual liability for the month or 27.5% of the
32 taxpayer's liability for the same calendar month of the
33 preceding calendar year. If the month during which such tax
34 liability is incurred begins on or after January 1, 1987, each

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

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

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

13 If any payment provided for in this Section exceeds the
14 taxpayer's liabilities under this Act, the Use Tax Act, the
15 Service Occupation Tax Act and the Service Use Tax Act, as
16 shown on an original monthly return, the Department shall, if
17 requested by the taxpayer, issue to the taxpayer a credit
18 memorandum no later than 30 days after the date of payment. The
19 credit evidenced by such credit memorandum may be assigned by
20 the taxpayer to a similar taxpayer under this Act, the Use Tax
21 Act, the Service Occupation Tax Act or the Service Use Tax Act,
22 in accordance with reasonable rules and regulations to be
23 prescribed by the Department. If no such request is made, the
24 taxpayer may credit such excess payment against tax liability
25 subsequently to be remitted to the Department under this Act,
26 the Use Tax Act, the Service Occupation Tax Act or the Service
27 Use Tax Act, in accordance with reasonable rules and
28 regulations prescribed by the Department. If the Department
29 subsequently determined that all or any part of the credit
30 taken was not actually due to the taxpayer, the taxpayer's 2.1%
31 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%
32 of the difference between the credit taken and that actually
33 due, and that taxpayer shall be liable for penalties and
34 interest on such difference.

1 If a retailer of motor fuel is entitled to a credit under
2 Section 2d of this Act which exceeds the taxpayer's liability
3 to the Department under this Act for the month which the
4 taxpayer is filing a return, the Department shall issue the
5 taxpayer a credit memorandum for the excess.

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

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

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

25 Beginning January 1, 2006, each month the Department shall
26 pay into the County and Mass Transit District Fund 20% of the
27 net revenue realized for the preceding month from the 1.25%
28 rate on the selling price of energy-efficient products.

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

33 Beginning August 1, 2000, each month the Department shall
34 pay into the Local Government Tax Fund 80% of the net revenue

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

3 Beginning January 1, 2006, each month the Department shall
4 pay into the Local Government Tax Fund 80% of the net revenue
5 realized for the preceding month from the 1.25% rate on the
6 selling price of energy-efficient products.

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

| 27 | Fiscal Year | Annual Specified Amount |
|----|-------------|-------------------------|
| 28 | 1986 | \$54,800,000 |
| 29 | 1987 | \$76,650,000 |
| 30 | 1988 | \$80,480,000 |
| 31 | 1989 | \$88,510,000 |
| 32 | 1990 | \$115,330,000 |
| 33 | 1991 | \$145,470,000 |
| 34 | 1992 | \$182,730,000 |

1 1993 \$206,520,000;

2 and means the Certified Annual Debt Service Requirement (as

3 defined in Section 13 of the Build Illinois Bond Act) or the

4 Tax Act Amount, whichever is greater, for fiscal year 1994 and

5 each fiscal year thereafter; and further provided, that if on

6 the last business day of any month the sum of (1) the Tax Act

7 Amount required to be deposited into the Build Illinois Bond

8 Account in the Build Illinois Fund during such month and (2)

9 the amount transferred to the Build Illinois Fund from the

10 State and Local Sales Tax Reform Fund shall have been less than

11 1/12 of the Annual Specified Amount, an amount equal to the

12 difference shall be immediately paid into the Build Illinois

13 Fund from other moneys received by the Department pursuant to

14 the Tax Acts; and, further provided, that in no event shall the

15 payments required under the preceding proviso result in

16 aggregate payments into the Build Illinois Fund pursuant to

17 this clause (b) for any fiscal year in excess of the greater of

18 (i) the Tax Act Amount or (ii) the Annual Specified Amount for

19 such fiscal year. The amounts payable into the Build Illinois

20 Fund under clause (b) of the first sentence in this paragraph

21 shall be payable only until such time as the aggregate amount

22 on deposit under each trust indenture securing Bonds issued and

23 outstanding pursuant to the Build Illinois Bond Act is

24 sufficient, taking into account any future investment income,

25 to fully provide, in accordance with such indenture, for the

26 defeasance of or the payment of the principal of, premium, if

27 any, and interest on the Bonds secured by such indenture and on

28 any Bonds expected to be issued thereafter and all fees and

29 costs payable with respect thereto, all as certified by the

30 Director of the Bureau of the Budget (now Governor's Office of

31 Management and Budget). If on the last business day of any

32 month in which Bonds are outstanding pursuant to the Build

33 Illinois Bond Act, the aggregate of moneys deposited in the

34 Build Illinois Bond Account in the Build Illinois Fund in such

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

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

| Fiscal Year | Total Deposit |
|-------------|------------------|
| 1993 | \$0 |
| 1994 | 53,000,000 |
| 1995 | 58,000,000 |
| 1996 | 61,000,000 |

| | | |
|----|----------|-------------|
| 1 | 1997 | 64,000,000 |
| 2 | 1998 | 68,000,000 |
| 3 | 1999 | 71,000,000 |
| 4 | 2000 | 75,000,000 |
| 5 | 2001 | 80,000,000 |
| 6 | 2002 | 93,000,000 |
| 7 | 2003 | 99,000,000 |
| 8 | 2004 | 103,000,000 |
| 9 | 2005 | 108,000,000 |
| 10 | 2006 | 113,000,000 |
| 11 | 2007 | 119,000,000 |
| 12 | 2008 | 126,000,000 |
| 13 | 2009 | 132,000,000 |
| 14 | 2010 | 139,000,000 |
| 15 | 2011 | 146,000,000 |
| 16 | 2012 | 153,000,000 |
| 17 | 2013 | 161,000,000 |
| 18 | 2014 | 170,000,000 |
| 19 | 2015 | 179,000,000 |
| 20 | 2016 | 189,000,000 |
| 21 | 2017 | 199,000,000 |
| 22 | 2018 | 210,000,000 |
| 23 | 2019 | 221,000,000 |
| 24 | 2020 | 233,000,000 |
| 25 | 2021 | 246,000,000 |
| 26 | 2022 | 260,000,000 |
| 27 | 2023 and | 275,000,000 |

28 each fiscal year
29 thereafter that bonds
30 are outstanding under
31 Section 13.2 of the
32 Metropolitan Pier and
33 Exposition Authority Act,
34 but not after fiscal year 2042.

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

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

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 with the receipt of the first report of
26 taxes paid by an eligible business and continuing for a 25-year
27 period, the Department shall each month pay into the Energy
28 Infrastructure Fund 80% of the net revenue realized from the
29 6.25% general rate on the selling price of Illinois-mined coal
30 that was sold to an eligible business. For purposes of this
31 paragraph, the term "eligible business" means a new electric
32 generating facility certified pursuant to Section 605-332 of
33 the Department of Commerce and Economic Opportunity Law of the
34 Civil Administrative Code of Illinois.

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

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

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

- 33 (i) Until January 1, 1994, the taxpayer shall be liable
34 for a penalty equal to 1/6 of 1% of the tax due from such

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

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

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

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

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

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

32 For greater simplicity of administration, manufacturers,
33 importers and wholesalers whose products are sold at retail in
34 Illinois by numerous retailers, and who wish to do so, may

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

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

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

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

8 (Source: P.A. 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-208,
9 eff. 8-2-01; 92-484, eff. 8-23-01; 92-492, eff. 1-1-02; 92-600,
10 eff. 6-28-02; 92-651, eff. 7-11-02; 93-22, eff. 6-20-03; 93-24,
11 eff. 6-20-03; 93-840, eff. 7-30-04; 93-926, eff. 8-12-04;
12 93-1057, eff. 12-2-04; revised 12-6-04.)

13 Section 40. The Energy Assistance Act is amended by adding
14 Section 15 as follows:

15 (305 ILCS 20/15 new)

16 Sec. 15. On January 1, 2006, the Director of Healthcare and
17 Family Services shall determine the percentage of residential
18 gas utility customers enrolled in the Low Income Home Energy
19 Assistance Program for the 12 months ending June 30, 2005. No
20 later than January 15, 2006, the Director of Healthcare and
21 Family Services shall certify to the Treasurer of the State of
22 Illinois the amount of money equaling the proportion of
23 residential taxes paid by regulated gas utilities pursuant to
24 the Gas Revenue Tax Act and the Gas Use Tax Act for households
25 that received assistance from the Low Income Home Energy
26 Assistance Program during the 12 months ending June 30, 2005.
27 The Treasurer shall transfer 100% of that amount of money into
28 the Supplemental Low Income Energy Assistance Fund by January
29 31, 2006.

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