



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3772

Introduced 2/25/2005, by Rep. Jim Sacia

SYNOPSIS AS INTRODUCED:

New Act

35 ILCS 105/9

from Ch. 120, par. 439.9

35 ILCS 110/9

from Ch. 120, par. 439.39

35 ILCS 115/9

from Ch. 120, par. 439.109

35 ILCS 120/3

from Ch. 120, par. 442

Creates the Premier Resort Areas Act. Provides that the governing body of a municipality or county may enact an ordinance or adopt a resolution declaring itself (for a county, the unincorporated areas only) to be a premier resort area if at least 40% of the equalized assessed value of the taxable commercial property within the municipality or unincorporated areas of the county is used by tourism-related retailers. Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act. Provides that each month, after making certain distributions to local governments, the Department shall pay to each premier resort area 25% of the moneys collected under the Acts from the jurisdiction of that premier resort area.

LRB094 06970 BDD 37085 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning tourism.

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

4 Section 1. Short title. This Act may be cited as the
5 Premier Resort Areas Act.

6 Section 5. Definitions. In this Act:

7 "Infrastructure expenses" means the costs of purchasing,
8 constructing, or improving any of the following: parking lots;
9 access ways; transportation facilities, including roads and
10 bridges; sewer and water facilities; parks, boat ramps,
11 beaches, and other recreational facilities; fire fighting
12 equipment; police vehicles; ambulances; and other equipment or
13 materials dedicated to public safety or public works.

14 "Premier resort area" means a county or municipality whose
15 governing body enacts an ordinance or adopts a resolution under
16 Section 10.

17 "Tourism-related retailers" means retailers classified in
18 the North American Industry Classification System, 1997
19 edition, as updated, published by the U.S. Office of Management
20 and Budget under the following industry numbers:

21 (1) 31133 Confectionery Manufacturing from Purchased
22 Chocolate.

23 (2) 31134 Nonchocolate Confectionery Manufacturing.

24 (3) 311811 Retail Bakeries.

25 (4) 44313 Camera and Photographic Supplies Stores.

26 (5) 445291 Baked Goods Stores.

27 (6) 445292 Confectionery and Nut Stores.

28 (7) 445299 All Other Specialty Food Stores.

29 (8) 44531 Beer, Wine, and Liquor Stores.

30 (9) 44611 Pharmacies and Drug Stores.

31 (10) 44711 Gasoline Stations with Convenience Store.

32 (11) 44719 Other Gasoline Stations.

- 1 (12) 45111 Sporting Goods Stores.
- 2 (13) 45291 Warehouse Clubs and Superstores.
- 3 (14) 45299 All Other General Merchandise Stores.
- 4 (15) 45322 Gift, Novelty, and Souvenir Stores.
- 5 (16) 48711 Scenic and Sightseeing Transportation, Land.
- 6 (17) 48721 Scenic and Sightseeing Transportation, Water.
- 7 (18) 48799 Scenic and Sightseeing Transportation, Other.
- 8 (19) 532292 Recreational Goods Rental.
- 9 (20) 561599 All Other Travel Arrangement and Reservation
- 10 Services.
- 11 (21) 61162 Sports and Recreation Instruction.
- 12 (22) 611699 All Other Miscellaneous Schools and
- 13 Instruction.
- 14 (23) 71111 Theater Companies and Dinner Theaters.
- 15 (24) 71119 Other Performing Arts Companies.
- 16 (25) 711212 Racetracks.
- 17 (26) 711219 Other Spectator Sports.
- 18 (27) 71131 Promoters of Performing Arts, Sports, and
- 19 Similar Events with Facilities.
- 20 (28) 71132 Promoters of Performing Arts, Sports, and
- 21 Similar Events without Facilities.
- 22 (29) 71219 Nature Parks and Other Similar Institutions.
- 23 (30) 71311 Amusement and Theme Parks.
- 24 (31) 71312 Amusement Arcades.
- 25 (32) 71321 Casinos (except Casino Hotels).
- 26 (33) 71329 Other Gambling Industries.
- 27 (34) 71391 Golf Courses and Country Clubs.
- 28 (35) 71392 Skiing Facilities.
- 29 (36) 71394 Fitness and Recreational Sports Centers.
- 30 (37) 71399 All Other Amusement and Recreation Industries.
- 31 (38) 72111 Hotels (except Casino Hotels) and Motels.
- 32 (39) 72112 Casino Hotels.
- 33 (40) 721191 Bed-and-Breakfast Inns.
- 34 (41) 721199 All Other Traveler Accommodation.
- 35 (42) 721211 RV (Recreational Vehicle) Parks and
- 36 Campgrounds.

1 (43) 721214 Recreational and Vacation Camps (except
2 Campgrounds).

3 (44) 72211 Full-Service Restaurants.

4 (45) 722211 Limited-Service Restaurants.

5 (46) 722212 Cafeterias.

6 (47) 722213 Snack and Nonalcoholic Beverage Bars.

7 (48) 72231 Food Service Contractors.

8 (49) 72232 Caterers.

9 (50) 72241 Drinking Places (Alcoholic Beverages).

10 Section 10. Premier resort area creation. The governing
11 body of a municipality or county, by a two-thirds vote of the
12 members of the governing body who are present when the vote is
13 taken, may enact an ordinance or adopt a resolution declaring
14 the municipality or the unincorporated areas of the county, as
15 appropriate, to be a premier resort area if at least 40% of the
16 equalized assessed value of the taxable commercial property
17 within the municipality or unincorporated areas of the county
18 is used by tourism-related retailers.

19 Section 15. Jurisdiction. The jurisdiction of a premier
20 resort area is coterminous with the boundaries of a
21 municipality or the unincorporated areas of a county whose
22 governing body enacts an ordinance or adopts a resolution under
23 Section 10.

24 Section 900. The Use Tax Act is amended by changing Section
25 9 as follows:

26 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

27 Sec. 9. Except as to motor vehicles, watercraft, aircraft,
28 and trailers that are required to be registered with an agency
29 of this State, each retailer required or authorized to collect
30 the tax imposed by this Act shall pay to the Department the
31 amount of such tax (except as otherwise provided) at the time
32 when he is required to file his return for the period during

1 which such tax was collected, less a discount of 2.1% prior to
2 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5
3 per calendar year, whichever is greater, which is allowed to
4 reimburse the retailer for expenses incurred in collecting the
5 tax, keeping records, preparing and filing returns, remitting
6 the tax and supplying data to the Department on request. In the
7 case of retailers who report and pay the tax on a transaction
8 by transaction basis, as provided in this Section, such
9 discount shall be taken with each such tax remittance instead
10 of when such retailer files his periodic return. A retailer
11 need not remit that part of any tax collected by him to the
12 extent that he is required to remit and does remit the tax
13 imposed by the Retailers' Occupation Tax Act, with respect to
14 the sale of the same property.

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

25 Except as provided in this Section, on or before the
26 twentieth day of each calendar month, such retailer shall file
27 a return for the preceding calendar month. Such return shall be
28 filed on forms prescribed by the Department and shall furnish
29 such information as the Department may reasonably require.

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

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

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

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

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

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

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

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

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

24 Before October 1, 2000, if the taxpayer's average monthly
25 tax liability to the Department under this Act, the Retailers'
26 Occupation Tax Act, the Service Occupation Tax Act, the Service
27 Use Tax Act was \$10,000 or more during the preceding 4 complete
28 calendar quarters, he shall file a return with the Department
29 each month by the 20th day of the month next following the
30 month during which such tax liability is incurred and shall
31 make payments to the Department on or before the 7th, 15th,
32 22nd and last day of the month during which such liability is
33 incurred. On and after October 1, 2000, if the taxpayer's
34 average monthly tax liability to the Department under this Act,
35 the Retailers' Occupation Tax Act, the Service Occupation Tax
36 Act, and the Service Use Tax Act was \$20,000 or more during the

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

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

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

10 If any such payment provided for in this Section exceeds
11 the taxpayer's liabilities under this Act, the Retailers'
12 Occupation Tax Act, the Service Occupation Tax Act and the
13 Service Use Tax Act, as shown by an original monthly return,
14 the Department shall issue to the taxpayer a credit memorandum
15 no later than 30 days after the date of payment, which
16 memorandum may be submitted by the taxpayer to the Department
17 in payment of tax liability subsequently to be remitted by the
18 taxpayer to the Department or be assigned by the taxpayer to a
19 similar taxpayer under this Act, the Retailers' Occupation Tax
20 Act, the Service Occupation Tax Act or the Service Use Tax Act,
21 in accordance with reasonable rules and regulations to be
22 prescribed by the Department, except that if such excess
23 payment is shown on an original monthly return and is made
24 after December 31, 1986, no credit memorandum shall be issued,
25 unless requested by the taxpayer. If no such request is made,
26 the taxpayer may credit such excess payment against tax
27 liability subsequently to be remitted by the taxpayer to the
28 Department under this Act, the Retailers' Occupation Tax Act,
29 the Service Occupation Tax Act or the Service Use Tax Act, in
30 accordance with reasonable rules and regulations prescribed by
31 the Department. If the Department subsequently determines that
32 all or any part of the credit taken was not actually due to the
33 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall
34 be reduced by 2.1% or 1.75% of the difference between the
35 credit taken and that actually due, and the taxpayer shall be
36 liable for penalties and interest on such difference.

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

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

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

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

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

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

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

36 The transaction reporting return in the case of watercraft

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

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

28 With each such transaction reporting return, the retailer
29 shall remit the proper amount of tax due (or shall submit
30 satisfactory evidence that the sale is not taxable if that is
31 the case), to the Department or its agents, whereupon the
32 Department shall issue, in the purchaser's name, a tax receipt
33 (or a certificate of exemption if the Department is satisfied
34 that the particular sale is tax exempt) which such purchaser
35 may submit to the agency with which, or State officer with
36 whom, he must title or register the tangible personal property

1 that is involved (if titling or registration is required) in
2 support of such purchaser's application for an Illinois
3 certificate or other evidence of title or registration to such
4 tangible personal property.

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

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

31 Where a retailer collects the tax with respect to the
32 selling price of tangible personal property which he sells and
33 the purchaser thereafter returns such tangible personal
34 property and the retailer refunds the selling price thereof to
35 the purchaser, such retailer shall also refund, to the
36 purchaser, the tax so collected from the purchaser. When filing

1 his return for the period in which he refunds such tax to the
2 purchaser, the retailer may deduct the amount of the tax so
3 refunded by him to the purchaser from any other use tax which
4 such retailer may be required to pay or remit to the
5 Department, as shown by such return, if the amount of the tax
6 to be deducted was previously remitted to the Department by
7 such retailer. If the retailer has not previously remitted the
8 amount of such tax to the Department, he is entitled to no
9 deduction under this Act upon refunding such tax to the
10 purchaser.

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

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

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

30 Beginning January 1, 1990, each month the Department shall
31 pay into the State and Local Sales Tax Reform Fund, a special
32 fund in the State Treasury which is hereby created, the net
33 revenue realized for the preceding month from the 1% tax on
34 sales of food for human consumption which is to be consumed off
35 the premises where it is sold (other than alcoholic beverages,
36 soft drinks and food which has been prepared for immediate

1 consumption) and prescription and nonprescription medicines,
2 drugs, medical appliances and insulin, urine testing
3 materials, syringes and needles used by diabetics.

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

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

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

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

30 Beginning January 1, 2006, each month, from the remainder
31 of the moneys received by the Department under this Act, the
32 Department shall pay to each premier resort area, established
33 under the Premier Resort Areas Act, 25% of the moneys collected
34 under this Act from the jurisdiction of that premier resort
35 area.

36 Of the remainder of the moneys received by the Department

1 pursuant to this Act, (a) 1.75% thereof shall be paid into the
2 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
3 and after July 1, 1989, 3.8% thereof shall be paid into the
4 Build Illinois Fund; provided, however, that if in any fiscal
5 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
6 may be, of the moneys received by the Department and required
7 to be paid into the Build Illinois Fund pursuant to Section 3
8 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
9 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
10 Service Occupation Tax Act, such Acts being hereinafter called
11 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
12 may be, of moneys being hereinafter called the "Tax Act
13 Amount", and (2) the amount transferred to the Build Illinois
14 Fund from the State and Local Sales Tax Reform Fund shall be
15 less than the Annual Specified Amount (as defined in Section 3
16 of the Retailers' Occupation Tax Act), an amount equal to the
17 difference shall be immediately paid into the Build Illinois
18 Fund from other moneys received by the Department pursuant to
19 the Tax Acts; and further provided, that if on the last
20 business day of any month the sum of (1) the Tax Act Amount
21 required to be deposited into the Build Illinois Bond Account
22 in the Build Illinois Fund during such month and (2) the amount
23 transferred during such month to the Build Illinois Fund from
24 the State and Local Sales Tax Reform Fund shall have been less
25 than 1/12 of the Annual Specified Amount, an amount equal to
26 the difference shall be immediately paid into the Build
27 Illinois Fund from other moneys received by the Department
28 pursuant to the Tax Acts; and, further provided, that in no
29 event shall the payments required under the preceding proviso
30 result in aggregate payments into the Build Illinois Fund
31 pursuant to this clause (b) for any fiscal year in excess of
32 the greater of (i) the Tax Act Amount or (ii) the Annual
33 Specified Amount for such fiscal year; and, further provided,
34 that the amounts payable into the Build Illinois Fund under
35 this clause (b) shall be payable only until such time as the
36 aggregate amount on deposit under each trust indenture securing

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

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

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

| 5 | Fiscal Year | Total |
|----|-------------|-------------|
| | | Deposit |
| 6 | 1993 | \$0 |
| 7 | 1994 | 53,000,000 |
| 8 | 1995 | 58,000,000 |
| 9 | 1996 | 61,000,000 |
| 10 | 1997 | 64,000,000 |
| 11 | 1998 | 68,000,000 |
| 12 | 1999 | 71,000,000 |
| 13 | 2000 | 75,000,000 |
| 14 | 2001 | 80,000,000 |
| 15 | 2002 | 93,000,000 |
| 16 | 2003 | 99,000,000 |
| 17 | 2004 | 103,000,000 |
| 18 | 2005 | 108,000,000 |
| 19 | 2006 | 113,000,000 |
| 20 | 2007 | 119,000,000 |
| 21 | 2008 | 126,000,000 |
| 22 | 2009 | 132,000,000 |
| 23 | 2010 | 139,000,000 |
| 24 | 2011 | 146,000,000 |
| 25 | 2012 | 153,000,000 |
| 26 | 2013 | 161,000,000 |
| 27 | 2014 | 170,000,000 |
| 28 | 2015 | 179,000,000 |
| 29 | 2016 | 189,000,000 |
| 30 | 2017 | 199,000,000 |
| 31 | 2018 | 210,000,000 |
| 32 | 2019 | 221,000,000 |
| 33 | 2020 | 233,000,000 |
| 34 | 2021 | 246,000,000 |
| 35 | 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
35 period, the Department shall each month pay into the Energy
36 Infrastructure Fund 80% of the net revenue realized from the

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

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

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

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

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

31 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101,
32 eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00;
33 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff. 6-28-01;
34 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; 92-600, eff. 6-28-02;
35 92-651, eff. 7-11-02; revised 10-15-03.)

1 Section 905. The Service Use Tax Act is amended by changing
2 Section 9 as follows:

3 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

4 Sec. 9. Each serviceman required or authorized to collect
5 the tax herein imposed shall pay to the Department the amount
6 of such tax (except as otherwise provided) at the time when he
7 is required to file his return for the period during which such
8 tax was collected, less a discount of 2.1% prior to January 1,
9 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar
10 year, whichever is greater, which is allowed to reimburse the
11 serviceman for expenses incurred in collecting the tax, keeping
12 records, preparing and filing returns, remitting the tax and
13 supplying data to the Department on request. A serviceman need
14 not remit that part of any tax collected by him to the extent
15 that he is required to pay and does pay the tax imposed by the
16 Service Occupation Tax Act with respect to his sale of service
17 involving the incidental transfer by him of the same property.

18 Except as provided hereinafter in this Section, on or
19 before the twentieth day of each calendar month, such
20 serviceman shall file a return for the preceding calendar month
21 in accordance with reasonable Rules and Regulations to be
22 promulgated by the Department. Such return shall be filed on a
23 form prescribed by the Department and shall contain such
24 information as the Department may reasonably require.

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

- 32 1. The name of the seller;
- 33 2. The address of the principal place of business from
34 which he engages in business as a serviceman in this State;
- 35 3. The total amount of taxable receipts received by him

1 during the preceding calendar month, including receipts
2 from charge and time sales, but less all deductions allowed
3 by law;

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

6 5. The amount of tax due;

7 5-5. The signature of the taxpayer; and

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

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

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

1 all payments required by rules of the Department by electronic
2 funds transfer.

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

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

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

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

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

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

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

1 returns.

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

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

26 Any serviceman filing a return hereunder shall also include
27 the total tax upon the selling price of tangible personal
28 property purchased for use by him as an incident to a sale of
29 service, and such serviceman shall remit the amount of such tax
30 to the Department when filing such return.

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

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

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

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

23 Beginning August 1, 2000, each month the Department shall
24 pay into the State and Local Sales Tax Reform Fund 100% 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, from the remainder
28 of the moneys received by the Department under this Act, the
29 Department shall pay to each premier resort area, established
30 under the Premier Resort Areas Act, 25% of the moneys collected
31 under this Act from the jurisdiction of that premier resort
32 area.

33 Of the remainder of the moneys received by the Department
34 pursuant to this Act, (a) 1.75% thereof shall be paid into the
35 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
36 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
35 Bond Act is sufficient, taking into account any future
36 investment income, to fully provide, in accordance with such

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

26 Subject to payment of amounts into the Build Illinois Fund
27 as provided in the preceding paragraph or in any amendment
28 thereto hereafter enacted, the following specified monthly
29 installment of the amount requested in the certificate of the
30 Chairman of the Metropolitan Pier and Exposition Authority
31 provided under Section 8.25f of the State Finance Act, but not
32 in excess of the sums designated as "Total Deposit", shall be
33 deposited in the aggregate from collections under Section 9 of
34 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
35 9 of the Service Occupation Tax Act, and Section 3 of the
36 Retailers' Occupation Tax Act into the McCormick Place

1 Expansion Project Fund in the specified fiscal years.

| | Fiscal Year | Total Deposit |
|----|-----------------------|------------------|
| 3 | 1993 | \$0 |
| 4 | 1994 | 53,000,000 |
| 5 | 1995 | 58,000,000 |
| 6 | 1996 | 61,000,000 |
| 7 | 1997 | 64,000,000 |
| 8 | 1998 | 68,000,000 |
| 9 | 1999 | 71,000,000 |
| 10 | 2000 | 75,000,000 |
| 11 | 2001 | 80,000,000 |
| 12 | 2002 | 93,000,000 |
| 13 | 2003 | 99,000,000 |
| 14 | 2004 | 103,000,000 |
| 15 | 2005 | 108,000,000 |
| 16 | 2006 | 113,000,000 |
| 17 | 2007 | 119,000,000 |
| 18 | 2008 | 126,000,000 |
| 19 | 2009 | 132,000,000 |
| 20 | 2010 | 139,000,000 |
| 21 | 2011 | 146,000,000 |
| 22 | 2012 | 153,000,000 |
| 23 | 2013 | 161,000,000 |
| 24 | 2014 | 170,000,000 |
| 25 | 2015 | 179,000,000 |
| 26 | 2016 | 189,000,000 |
| 27 | 2017 | 199,000,000 |
| 28 | 2018 | 210,000,000 |
| 29 | 2019 | 221,000,000 |
| 30 | 2020 | 233,000,000 |
| 31 | 2021 | 246,000,000 |
| 32 | 2022 | 260,000,000 |
| 33 | 2023 and | 275,000,000 |
| 34 | each fiscal year | |
| 35 | thereafter that bonds | |

1 are outstanding under
2 Section 13.2 of the
3 Metropolitan Pier and
4 Exposition Authority Act,
5 but not after fiscal year 2042.

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

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

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

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

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

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

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

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

21 Section 910. The Service Occupation Tax Act is amended by
22 changing Section 9 as follows:

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

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

34 Where such tangible personal property is sold under a

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

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

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

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

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

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

3 Prior to October 1, 2003, and on and after September 1,
4 2004 a serviceman may accept a Manufacturer's Purchase Credit
5 certification from a purchaser in satisfaction of Service Use
6 Tax as provided in Section 3-70 of the Service Use Tax Act if
7 the purchaser provides the appropriate documentation as
8 required by Section 3-70 of the Service Use Tax Act. A
9 Manufacturer's Purchase Credit certification, accepted prior
10 to October 1, 2003 or on or after September 1, 2004 by a
11 serviceman as provided in Section 3-70 of the Service Use Tax
12 Act, may be used by that serviceman to satisfy Service
13 Occupation Tax liability in the amount claimed in the
14 certification, not to exceed 6.25% of the receipts subject to
15 tax from a qualifying purchase. A Manufacturer's Purchase
16 Credit reported on any original or amended return filed under
17 this Act after October 20, 2003 for reporting periods prior to
18 September 1, 2004 shall be disallowed. Manufacturer's Purchase
19 Credit reported on annual returns due on or after January 1,
20 2005 will be disallowed for periods prior to September 1, 2004.
21 No Manufacturer's Purchase Credit may be used after September
22 30, 2003 through August 31, 2004 to satisfy any tax liability
23 imposed under this Act, including any audit liability.

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

34 If the serviceman's average monthly tax liability to the
35 Department does not exceed \$50, the Department may authorize
36 his returns to be filed on an annual basis, with the return for

1 a given year being due by January 20 of the following year.

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

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

12 Beginning October 1, 1993, a taxpayer who has an average
13 monthly tax liability of \$150,000 or more shall make all
14 payments required by rules of the Department by electronic
15 funds transfer. Beginning October 1, 1994, a taxpayer who has
16 an average monthly tax liability of \$100,000 or more shall make
17 all payments required by rules of the Department by electronic
18 funds transfer. Beginning October 1, 1995, a taxpayer who has
19 an average monthly tax liability of \$50,000 or more shall make
20 all payments required by rules of the Department by electronic
21 funds transfer. Beginning October 1, 2000, a taxpayer who has
22 an annual tax liability of \$200,000 or more shall make all
23 payments required by rules of the Department by electronic
24 funds transfer. The term "annual tax liability" shall be the
25 sum of the taxpayer's liabilities under this Act, and under all
26 other State and local occupation and use tax laws administered
27 by the Department, for the immediately preceding calendar year.
28 The term "average monthly tax liability" means the sum of the
29 taxpayer's liabilities under this Act, and under all other
30 State and local occupation and use tax laws administered by the
31 Department, for the immediately preceding calendar year
32 divided by 12. Beginning on October 1, 2002, a taxpayer who has
33 a tax liability in the amount set forth in subsection (b) of
34 Section 2505-210 of the Department of Revenue Law shall make
35 all payments required by rules of the Department by electronic
36 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
35 return which will enable servicemen, who are required to file
36 returns hereunder and also under the Retailers' Occupation Tax

1 Act, the Use Tax Act or the Service Use Tax Act, to furnish all
2 the return information required by all said Acts on the one
3 form.

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

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

17 Beginning January 1, 1990, each month the Department shall
18 pay into the County and Mass Transit District Fund 4% of the
19 revenue realized for the preceding month from the 6.25% general
20 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, 1990, each month the Department shall
26 pay into the Local Government Tax Fund 16% of the revenue
27 realized for the preceding month from the 6.25% general rate on
28 transfers of tangible personal property.

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

33 Beginning January 1, 2006, each month, from the remainder
34 of the moneys received by the Department under this Act, the
35 Department shall pay to each premier resort area, established
36 under the Premier Resort Areas Act, 25% of the moneys collected

1 under this Act from the jurisdiction of that premier resort
2 area.

3 Of the remainder of the moneys received by the Department
4 pursuant to this Act, (a) 1.75% thereof shall be paid into the
5 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
6 and after July 1, 1989, 3.8% thereof shall be paid into the
7 Build Illinois Fund; provided, however, that if in any fiscal
8 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
9 may be, of the moneys received by the Department and required
10 to be paid into the Build Illinois Fund pursuant to Section 3
11 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
12 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
13 Service Occupation Tax Act, such Acts being hereinafter called
14 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
15 may be, of moneys being hereinafter called the "Tax Act
16 Amount", and (2) the amount transferred to the Build Illinois
17 Fund from the State and Local Sales Tax Reform Fund shall be
18 less than the Annual Specified Amount (as defined in Section 3
19 of the Retailers' Occupation Tax Act), an amount equal to the
20 difference shall be immediately paid into the Build Illinois
21 Fund from other moneys received by the Department pursuant to
22 the Tax Acts; and further provided, that if on the last
23 business day of any month the sum of (1) the Tax Act Amount
24 required to be deposited into the Build Illinois Account in the
25 Build Illinois Fund during such month and (2) the amount
26 transferred during such month to the Build Illinois Fund from
27 the State and Local Sales Tax Reform Fund shall have been less
28 than 1/12 of the Annual Specified Amount, an amount equal to
29 the difference shall be immediately paid into the Build
30 Illinois Fund from other moneys received by the Department
31 pursuant to the Tax Acts; and, further provided, that in no
32 event shall the payments required under the preceding proviso
33 result in aggregate payments into the Build Illinois Fund
34 pursuant to this clause (b) for any fiscal year in excess of
35 the greater of (i) the Tax Act Amount or (ii) the Annual
36 Specified Amount for such fiscal year; and, further provided,

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

32 Subject to payment of amounts into the Build Illinois Fund
33 as provided in the preceding paragraph or in any amendment
34 thereto hereafter enacted, the following specified monthly
35 installment of the amount requested in the certificate of the
36 Chairman of the Metropolitan Pier and Exposition Authority

1 provided under Section 8.25f of the State Finance Act, but not
 2 in excess of the sums designated as "Total Deposit", shall be
 3 deposited in the aggregate from collections under Section 9 of
 4 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 5 9 of the Service Occupation Tax Act, and Section 3 of the
 6 Retailers' Occupation Tax Act into the McCormick Place
 7 Expansion Project Fund in the specified fiscal years.

| 8 | Fiscal Year | Total |
|----|-------------|-------------|
| | Deposit | |
| 9 | 1993 | \$0 |
| 10 | 1994 | 53,000,000 |
| 11 | 1995 | 58,000,000 |
| 12 | 1996 | 61,000,000 |
| 13 | 1997 | 64,000,000 |
| 14 | 1998 | 68,000,000 |
| 15 | 1999 | 71,000,000 |
| 16 | 2000 | 75,000,000 |
| 17 | 2001 | 80,000,000 |
| 18 | 2002 | 93,000,000 |
| 19 | 2003 | 99,000,000 |
| 20 | 2004 | 103,000,000 |
| 21 | 2005 | 108,000,000 |
| 22 | 2006 | 113,000,000 |
| 23 | 2007 | 119,000,000 |
| 24 | 2008 | 126,000,000 |
| 25 | 2009 | 132,000,000 |
| 26 | 2010 | 139,000,000 |
| 27 | 2011 | 146,000,000 |
| 28 | 2012 | 153,000,000 |
| 29 | 2013 | 161,000,000 |
| 30 | 2014 | 170,000,000 |
| 31 | 2015 | 179,000,000 |
| 32 | 2016 | 189,000,000 |
| 33 | 2017 | 199,000,000 |
| 34 | 2018 | 210,000,000 |
| 35 | 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
35 preceding paragraphs or in any amendments thereto hereafter
36 enacted, beginning with the receipt of the first report of

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

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

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

36 If the annual information return required by this Section

1 is not filed when and as required, the taxpayer shall be liable
2 as follows:

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

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

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

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

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

32 Net revenue realized for a month shall be the revenue
33 collected by the State pursuant to this Act, less the amount
34 paid out during that month as refunds to taxpayers for
35 overpayment of liability.

36 For greater simplicity of administration, it shall be

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

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

11 Section 915. The Retailers' Occupation Tax Act is amended
12 by changing Section 3 as follows:

13 (35 ILCS 120/3) (from Ch. 120, par. 442)

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

19 1. The name of the seller;

20 2. His residence address and the address of his
21 principal place of business and the address of the
22 principal place of business (if that is a different
23 address) from which he engages in the business of selling
24 tangible personal property at retail in this State;

25 3. Total amount of receipts received by him during the
26 preceding calendar month or quarter, as the case may be,
27 from sales of tangible personal property, and from services
28 furnished, by him during such preceding calendar month or
29 quarter;

30 4. Total amount received by him during the preceding
31 calendar month or quarter on charge and time sales of
32 tangible personal property, and from services furnished,
33 by him prior to the month or quarter for which the return
34 is filed;

- 1 5. Deductions allowed by law;
- 2 6. Gross receipts which were received by him during the
- 3 preceding calendar month or quarter and upon the basis of
- 4 which the tax is imposed;
- 5 7. The amount of credit provided in Section 2d of this
- 6 Act;
- 7 8. The amount of tax due;
- 8 9. The signature of the taxpayer; and
- 9 10. Such other reasonable information as the
- 10 Department may require.

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

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

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

1 satisfy any tax liability imposed under this Act, including any
2 audit liability.

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

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

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

1 Liquor Control Act of 1934.

2 Beginning on October 1, 2003, every distributor, importing
3 distributor, and manufacturer of alcoholic liquor as defined in
4 the Liquor Control Act of 1934, shall file a statement with the
5 Department of Revenue, no later than the 10th day of the month
6 for the preceding month during which transactions occurred, by
7 electronic means, showing the total amount of gross receipts
8 from the sale of alcoholic liquor sold or distributed during
9 the preceding month to purchasers; identifying the purchaser to
10 whom it was sold or distributed; the purchaser's tax
11 registration number; and such other information reasonably
12 required by the Department. A distributor, importing
13 distributor, or manufacturer of alcoholic liquor must
14 personally deliver, mail, or provide by electronic means to
15 each retailer listed on the monthly statement a report
16 containing a cumulative total of that distributor's, importing
17 distributor's, or manufacturer's total sales of alcoholic
18 liquor to that retailer no later than the 10th day of the month
19 for the preceding month during which the transaction occurred.
20 The distributor, importing distributor, or manufacturer shall
21 notify the retailer as to the method by which the distributor,
22 importing distributor, or manufacturer will provide the sales
23 information. If the retailer is unable to receive the sales
24 information by electronic means, the distributor, importing
25 distributor, or manufacturer shall furnish the sales
26 information by personal delivery or by mail. For purposes of
27 this paragraph, the term "electronic means" includes, but is
28 not limited to, the use of a secure Internet website, e-mail,
29 or facsimile.

30 If a total amount of less than \$1 is payable, refundable or
31 creditable, such amount shall be disregarded if it is less than
32 50 cents and shall be increased to \$1 if it is 50 cents or more.

33 Beginning October 1, 1993, a taxpayer who has an average
34 monthly tax liability of \$150,000 or more shall make all
35 payments required by rules of the Department by electronic
36 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" shall be the sum of
14 the 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
35 effectuate a program of electronic funds transfer and the
36 requirements of this Section.

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

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

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

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

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

35 Where the same person has more than one business registered
36 with the Department under separate registrations under this

1 Act, such person may not file each return that is due as a
2 single return covering all such registered businesses, but
3 shall file separate returns for each such registered business.

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

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

35 The transaction reporting return, in the case of motor
36 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
35 information as the Department may reasonably require.

36 Such transaction reporting return shall be filed not later

1 than 20 days after the day of delivery of the item that is
2 being sold, but may be filed by the retailer at any time sooner
3 than that if he chooses to do so. The transaction reporting
4 return and tax remittance or proof of exemption from the
5 Illinois use tax may be transmitted to the Department by way of
6 the State agency with which, or State officer with whom the
7 tangible personal property must be titled or registered (if
8 titling or registration is required) if the Department and such
9 agency or State officer determine that this procedure will
10 expedite the processing of applications for title or
11 registration.

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

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

33 If the user who would otherwise pay tax to the retailer
34 wants the transaction reporting return filed and the payment of
35 the tax or proof of exemption made to the Department before the
36 retailer is willing to take these actions and such user has not

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

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

23 Where the seller is a corporation, the return filed on
24 behalf of such corporation shall be signed by the president,
25 vice-president, secretary or treasurer or by the properly
26 accredited agent of such corporation.

27 Where the seller is a limited liability company, the return
28 filed on behalf of the limited liability company shall be
29 signed by a manager, member, or properly accredited agent of
30 the limited liability company.

31 Except as provided in this Section, the retailer filing the
32 return under this Section shall, at the time of filing such
33 return, pay to the Department the amount of tax imposed by this
34 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
35 on and after January 1, 1990, or \$5 per calendar year,
36 whichever is greater, which is allowed to reimburse the

1 retailer for the expenses incurred in keeping records,
2 preparing and filing returns, remitting the tax and supplying
3 data to the Department on request. Any prepayment made pursuant
4 to Section 2d of this Act shall be included in the amount on
5 which such 2.1% or 1.75% discount is computed. In the case of
6 retailers who report and pay the tax on a transaction by
7 transaction basis, as provided in this Section, such discount
8 shall be taken with each such tax remittance instead of when
9 such retailer files his periodic return.

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

1 calendar quarters (excluding the month of highest liability and
2 the month of lowest liability in such 4 quarter period). If the
3 month during which such tax liability is incurred begins on or
4 after January 1, 1985 and prior to January 1, 1987, each
5 payment shall be in an amount equal to 22.5% of the taxpayer's
6 actual liability for the month or 27.5% of the taxpayer's
7 liability for the same calendar month of the preceding year. If
8 the month during which such tax liability is incurred begins on
9 or after January 1, 1987 and prior to January 1, 1988, each
10 payment shall be in an amount equal to 22.5% of the taxpayer's
11 actual liability for the month or 26.25% of the taxpayer's
12 liability for the same calendar month of the preceding year. If
13 the month during which such tax liability is incurred begins on
14 or after January 1, 1988, and prior to January 1, 1989, or
15 begins on or after January 1, 1996, each payment shall be in an
16 amount equal to 22.5% of the taxpayer's actual liability for
17 the month or 25% of the taxpayer's liability for the same
18 calendar month of the preceding year. If the month during which
19 such tax liability is incurred begins on or after January 1,
20 1989, and prior to January 1, 1996, each payment shall be in an
21 amount equal to 22.5% of the taxpayer's actual liability for
22 the month or 25% of the taxpayer's liability for the same
23 calendar month of the preceding year or 100% of the taxpayer's
24 actual liability for the quarter monthly reporting period. The
25 amount of such quarter monthly payments shall be credited
26 against the final tax liability of the taxpayer's return for
27 that month. Before October 1, 2000, once applicable, the
28 requirement of the making of quarter monthly payments to the
29 Department by taxpayers having an average monthly tax liability
30 of \$10,000 or more as determined in the manner provided above
31 shall continue until such taxpayer's average monthly liability
32 to the Department during the preceding 4 complete calendar
33 quarters (excluding the month of highest liability and the
34 month of lowest liability) is less than \$9,000, or until such
35 taxpayer's average monthly liability to the Department as
36 computed for each calendar quarter of the 4 preceding complete

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

1 payment dates for taxpayers who file on other than a calendar
2 monthly basis.

3 The provisions of this paragraph apply before October 1,
4 2001. Without regard to whether a taxpayer is required to make
5 quarter monthly payments as specified above, any taxpayer who
6 is required by Section 2d of this Act to collect and remit
7 prepaid taxes and has collected prepaid taxes which average in
8 excess of \$25,000 per month during the preceding 2 complete
9 calendar quarters, shall file a return with the Department as
10 required by Section 2f and shall make payments to the
11 Department on or before the 7th, 15th, 22nd and last day of the
12 month during which such liability is incurred. If the month
13 during which such tax liability is incurred began prior to the
14 effective date of this amendatory Act of 1985, each payment
15 shall be in an amount not less than 22.5% of the taxpayer's
16 actual liability under Section 2d. If the month during which
17 such tax liability is incurred begins on or after January 1,
18 1986, each payment shall be in an amount equal to 22.5% of the
19 taxpayer's actual liability for the month or 27.5% of the
20 taxpayer's liability for the same calendar month of the
21 preceding calendar year. If the month during which such tax
22 liability is incurred begins on or after January 1, 1987, each
23 payment shall be in an amount equal to 22.5% of the taxpayer's
24 actual liability for the month or 26.25% of the taxpayer's
25 liability for the same calendar month of the preceding year.
26 The amount of such quarter monthly payments shall be credited
27 against the final tax liability of the taxpayer's return for
28 that month filed under this Section or Section 2f, as the case
29 may be. Once applicable, the requirement of the making of
30 quarter monthly payments to the Department pursuant to this
31 paragraph shall continue until such taxpayer's average monthly
32 prepaid tax collections during the preceding 2 complete
33 calendar quarters is \$25,000 or less. If any such quarter
34 monthly payment is not paid at the time or in the amount
35 required, the taxpayer shall be liable for penalties and
36 interest on such difference, except insofar as the taxpayer has

1 previously made payments for that month in excess of the
2 minimum payments previously due.

3 The provisions of this paragraph apply on and after October
4 1, 2001. Without regard to whether a taxpayer is required to
5 make quarter monthly payments as specified above, any taxpayer
6 who is required by Section 2d of this Act to collect and remit
7 prepaid taxes and has collected prepaid taxes that average in
8 excess of \$20,000 per month during the preceding 4 complete
9 calendar quarters shall file a return with the Department as
10 required by Section 2f and shall make payments to the
11 Department on or before the 7th, 15th, 22nd and last day of the
12 month during which the liability is incurred. Each payment
13 shall be in an amount equal to 22.5% of the taxpayer's actual
14 liability for the month or 25% of the taxpayer's liability for
15 the same calendar month of the preceding year. The amount of
16 the quarter monthly payments shall be credited against the
17 final tax liability of the taxpayer's return for that month
18 filed under this Section or Section 2f, as the case may be.
19 Once applicable, the requirement of the making of quarter
20 monthly payments to the Department pursuant to this paragraph
21 shall continue until the taxpayer's average monthly prepaid tax
22 collections during the preceding 4 complete calendar quarters
23 (excluding the month of highest liability and the month of
24 lowest liability) is less than \$19,000 or until such taxpayer's
25 average monthly liability to the Department as computed for
26 each calendar quarter of the 4 preceding complete calendar
27 quarters is less than \$20,000. If any such quarter monthly
28 payment is not paid at the time or in the amount required, the
29 taxpayer shall be liable for penalties and interest on such
30 difference, except insofar as the taxpayer has previously made
31 payments for that month in excess of the minimum payments
32 previously due.

33 If any payment provided for in this Section exceeds the
34 taxpayer's liabilities under this Act, the Use Tax Act, the
35 Service Occupation Tax Act and the Service Use Tax Act, as
36 shown on an original monthly return, the Department shall, if

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

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

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

34 Beginning January 1, 1990, each month the Department shall
35 pay into the County and Mass Transit District Fund, a special
36 fund in the State treasury which is hereby created, 4% of the

1 net revenue realized for the preceding month from the 6.25%
2 general rate.

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

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

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

15 Beginning January 1, 2006, each month, from the remainder
16 of the moneys received by the Department under this Act, the
17 Department shall pay to each premier resort area, established
18 under the Premier Resort Areas Act, 25% of the moneys collected
19 under this Act from the jurisdiction of that premier resort
20 area.

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

1 be immediately paid into the Build Illinois Fund from other
2 moneys received by the Department pursuant to the Tax Acts; the
3 "Annual Specified Amount" means the amounts specified below for
4 fiscal years 1986 through 1993:

| 5 | Fiscal Year | Annual Specified Amount |
|----|-------------|-------------------------|
| 6 | 1986 | \$54,800,000 |
| 7 | 1987 | \$76,650,000 |
| 8 | 1988 | \$80,480,000 |
| 9 | 1989 | \$88,510,000 |
| 10 | 1990 | \$115,330,000 |
| 11 | 1991 | \$145,470,000 |
| 12 | 1992 | \$182,730,000 |
| 13 | 1993 | \$206,520,000; |

14 and means the Certified Annual Debt Service Requirement (as
15 defined in Section 13 of the Build Illinois Bond Act) or the
16 Tax Act Amount, whichever is greater, for fiscal year 1994 and
17 each fiscal year thereafter; and further provided, that if on
18 the last business day of any month the sum of (1) the Tax Act
19 Amount required to be deposited into the Build Illinois Bond
20 Account in the Build Illinois Fund during such month and (2)
21 the amount transferred to the Build Illinois Fund from the
22 State and Local Sales Tax Reform Fund shall have been less than
23 1/12 of the Annual Specified Amount, an amount equal to the
24 difference shall be immediately paid into the Build Illinois
25 Fund from other moneys received by the Department pursuant to
26 the Tax Acts; and, further provided, that in no event shall the
27 payments required under the preceding proviso result in
28 aggregate payments into the Build Illinois Fund pursuant to
29 this clause (b) for any fiscal year in excess of the greater of
30 (i) the Tax Act Amount or (ii) the Annual Specified Amount for
31 such fiscal year. The amounts payable into the Build Illinois
32 Fund under clause (b) of the first sentence in this paragraph
33 shall be payable only until such time as the aggregate amount
34 on deposit under each trust indenture securing Bonds issued and
35 outstanding pursuant to the Build Illinois Bond Act is
36 sufficient, taking into account any future investment income,

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

27 Subject to payment of amounts into the Build Illinois Fund
28 as provided in the preceding paragraph or in any amendment
29 thereto hereafter enacted, the following specified monthly
30 installment of the amount requested in the certificate of the
31 Chairman of the Metropolitan Pier and Exposition Authority
32 provided under Section 8.25f of the State Finance Act, but not
33 in excess of sums designated as "Total Deposit", shall be
34 deposited in the aggregate from collections under Section 9 of
35 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
36 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.

| | Fiscal Year | Total Deposit |
|----|------------------|------------------|
| 3 | | |
| 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 |
| 34 | 2023 and | 275,000,000 |
| 35 | each fiscal year | |

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

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

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

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

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

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

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

34 If the annual information return required by this Section
35 is not filed when and as required, the taxpayer shall be liable
36 as follows:

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

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

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

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

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

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

34 For greater simplicity of administration, manufacturers,
35 importers and wholesalers whose products are sold at retail in
36 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
35 business of selling tangible personal property at retail at the
36 exhibition or event, or other evidence of a significant risk of

1 loss of revenue to the State. The Department shall notify
2 concessionaires and other sellers affected by the imposition of
3 this requirement. In the absence of notification by the
4 Department, the concessionaires and other sellers shall file
5 their returns as otherwise required in this Section.

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