

# HB2479



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB2479**

Introduced 2/26/2007, by Rep. Michael J. Madigan - Barbara Flynn Currie - John E. Bradley

#### SYNOPSIS AS INTRODUCED:

35 ILCS 173/5-25

Amends the Gas Use Tax Law. Makes a technical change in a Section concerning self-assessing purchasers.

LRB095 00895 BDD 20897 b

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The Gas Use Tax Law is amended by changing  
5 Section 5-25 as follows:

6 (35 ILCS 173/5-25)

7 Sec. 5-25. Self-assessing purchaser; direct return and  
8 payment of tax. Except for purchasers who have chosen the ~~the~~  
9 alternate tax rate to be paid to a delivering supplier  
10 maintaining a place of business in this State, the tax imposed  
11 in Section 5-10 of this Law shall be paid to the Department  
12 directly by each self-assessing purchaser who is subject to the  
13 tax imposed by this Law. Each self-assessing purchaser shall,  
14 on or before the 15th day of each month, make a return to the  
15 Department for the preceding calendar month, stating the  
16 following:

17 (1) His or her name and principal address.

18 (2) The total number of therms used by him or her  
19 during the preceding calendar month and upon the basis of  
20 which the tax is imposed.

21 (3) The purchase price of gas used by him or her during  
22 the preceding calendar month and upon the basis of which  
23 the tax is imposed.

1 (4) Amount of tax (computed upon items 2 and 3).

2 (5) Such other reasonable information as the  
3 Department may require.

4 In making such return, the self-assessing purchaser may use  
5 any reasonable method to derive reportable "therms" and  
6 "purchase price" from his or her billing and payment records.

7 If the average monthly liability of the self-assessing  
8 purchaser to the Department does not exceed \$100, the  
9 Department may authorize his or her returns to be filed on a  
10 quarter-annual basis, with the return for January, February,  
11 and March of a given year being due by April 30 of such year;  
12 with the return for April, May, and June of a given year being  
13 due by July 31 of such year; with the return for July, August,  
14 and September of a given year being due by October 31 of such  
15 year; and with the return for October, November, and December  
16 of a given year being due by January 31 of the following year.

17 If the average monthly liability of the self-assessing  
18 purchaser to the Department does not exceed \$20, the Department  
19 may authorize his or her returns to be filed on a annual basis,  
20 with the return for a given year being due by January 31 of the  
21 following year.

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

25 Notwithstanding any other provision in this Law concerning  
26 the time within which a self-assessing purchaser may file his

1 or her return, in the case of any such self-assessing purchaser  
2 who ceases to engage in a kind of business which makes him or  
3 her responsible for filing returns under this Law, such person  
4 shall file a final return under this Law with the Department  
5 not more than one month after discontinuing such business.

6 Each self-assessing purchaser whose average monthly  
7 liability to the Department under this Law was \$10,000 or more  
8 during the preceding calendar year, excluding the month of  
9 highest liability and the month of lowest liability in such  
10 calendar year, and who is not operated by a unit of local  
11 government, shall make estimated payments to the Department on  
12 or before the 7th, 15th, 22nd, and last day of the month during  
13 which tax liability to the Department is incurred in an amount  
14 not less than the lower of either 22.5% of such person's actual  
15 tax liability for the month or 25% of such person's actual tax  
16 liability for the same calendar month of the preceding year.  
17 The amount of such quarter-monthly payments shall be credited  
18 against the final tax liability of the self-assessing  
19 purchaser's return for that month. Any outstanding credit,  
20 approved by the Department, arising from the self-assessing  
21 purchaser's overpayment of his or her final tax liability for  
22 any month may be applied to reduce the amount of any subsequent  
23 quarter-monthly payment or credited against the final tax  
24 liability of such self-assessing purchaser's return for any  
25 subsequent month. If any quarter-monthly payment is not paid at  
26 the time or in the amount required by this Section, such person

1 shall be liable for penalty and interest on the difference  
2 between the minimum amount due as a payment and the amount of  
3 such payment actually and timely paid, except insofar as such  
4 person has previously made payments for that month to the  
5 Department in excess of the minimum payments previously due.

6 The self-assessing purchaser making the return provided  
7 for in this Section shall, at the time of making such return,  
8 pay to the Department the amount of tax imposed by this Law.  
9 All moneys received by the Department under this Law shall be  
10 paid into the General Revenue Fund in the State treasury.  
11 (Source: P.A. 93-31, eff. 10-1-03.)