



Rep. Barbara Flynn Currie

Filed: 5/27/2014

09800SB2612ham002

LRB098 14519 HLH 60222 a

1 AMENDMENT TO SENATE BILL 2612

2 AMENDMENT NO. _____. Amend Senate Bill 2612 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Revenue Law of the Civil
5 Administrative Code of Illinois is amended by adding Section
6 2505-755 as follows:

7 (20 ILCS 2505/2505-755 new)

8 Sec. 2505-755. Use and Occupation Tax Reform Task Force.

9 (a) The Use and Occupation Tax Reform Task Force is hereby
10 created. The Task Force shall consist of the following 13
11 members: the Speaker of the House of Representatives or his or
12 her designee; the Minority Leader of the House of
13 Representatives or his or her designee; the Senate President or
14 his or her designee; the Senate Minority Leader or his or her
15 designee; the Director of Revenue or his or her designee; the
16 Executive Director of the Regional Transportation Authority or

1 his or her designee; a representative of a statewide
2 organization representing municipalities, appointed by the
3 Governor; a representative of a statewide association
4 representing taxpayers, appointed by the Governor; a
5 representative of a statewide association representing
6 manufacturers, appointed by the Governor; a representative of a
7 statewide chamber of commerce, appointed by the Governor; a
8 representative of a statewide association representing retail
9 merchants, appointed by the Governor; a representative of a
10 municipality, appointed by the Governor; and a representative
11 of a county, appointed by the Governor.

12 (b) The Task Force shall conduct a study on modernizing
13 State and local use and occupation taxes in Illinois, including
14 the possible conversion to a destination-based taxing regime.
15 The Task Force shall focus on the following areas: benefits to
16 consumers and businesses; conversion costs; revenue impacts to
17 local municipalities; and costs to the State to implement and
18 enforce proposed changes.

19 (c) The members of the Task Force shall serve without
20 compensation but shall be reimbursed for their reasonable and
21 necessary expenses from funds appropriated for that purpose.

22 (d) The Task Force shall submit its findings to the General
23 Assembly no later than January 1, 2016.

24 (e) The Department of Revenue shall provide administrative
25 support to the Task Force.

26 (f) This Section is repealed on January 1, 2017.

1 Section 10. The State Finance Act is amended by changing
2 Section 6z-17 as follows:

3 (30 ILCS 105/6z-17) (from Ch. 127, par. 142z-17)

4 Sec. 6z-17. State and Local Sales Tax Reform Fund.

5 (a) After deducting the amount transferred to the Tax
6 Compliance and Administration Fund under subsection (b), of ~~of~~

7 the money paid into the State and Local Sales Tax Reform Fund:

8 (i) subject to appropriation to the Department of Revenue,
9 Municipalities having 1,000,000 or more inhabitants shall
10 receive 20% and may expend such amount to fund and establish a
11 program for developing and coordinating public and private
12 resources targeted to meet the affordable housing needs of
13 low-income and very low-income households within such
14 municipality, (ii) 10% shall be transferred into the Regional
15 Transportation Authority Occupation and Use Tax Replacement
16 Fund, a special fund in the State treasury which is hereby
17 created, (iii) until July 1, 2013, subject to appropriation to
18 the Department of Transportation, the Madison County Mass
19 Transit District shall receive .6%, and beginning on July 1,
20 2013, subject to appropriation to the Department of Revenue,
21 0.6% shall be distributed each month out of the Fund to the
22 Madison County Mass Transit District, (iv) the following
23 amounts, plus any cumulative deficiency in such transfers for
24 prior months, shall be transferred monthly into the Build

1 Illinois Fund and credited to the Build Illinois Bond Account
2 therein:

3 Fiscal Year	Amount
4 1990	\$2,700,000
5 1991	1,850,000
6 1992	2,750,000
7 1993	2,950,000

8 From Fiscal Year 1994 through Fiscal Year 2025 the transfer
9 shall total \$3,150,000 monthly, plus any cumulative deficiency
10 in such transfers for prior months, and (v) the remainder of
11 the money paid into the State and Local Sales Tax Reform Fund
12 shall be transferred into the Local Government Distributive
13 Fund and, except for municipalities with 1,000,000 or more
14 inhabitants which shall receive no portion of such remainder,
15 shall be distributed, subject to appropriation, in the manner
16 provided by Section 2 of "An Act in relation to State revenue
17 sharing with local government entities", approved July 31,
18 1969, as now or hereafter amended. Municipalities with more
19 than 50,000 inhabitants according to the 1980 U.S. Census and
20 located within the Metro East Mass Transit District receiving
21 funds pursuant to provision (v) of this paragraph may expend
22 such amounts to fund and establish a program for developing and
23 coordinating public and private resources targeted to meet the
24 affordable housing needs of low-income and very low-income
25 households within such municipality.

26 (b) Beginning on the first day of the first calendar month

1 to occur on or after the effective date of this amendatory Act
2 of the 98th General Assembly, each month the Department of
3 Revenue shall certify to the State Comptroller and the State
4 Treasurer, and the State Comptroller shall order transferred
5 and the State Treasurer shall transfer from the State and Local
6 Sales Tax Reform Fund to the Tax Compliance and Administration
7 Fund, an amount equal to 1/12 of 5% of 20% of the cash receipts
8 collected during the preceding fiscal year by the Audit Bureau
9 of the Department of Revenue under the Use Tax Act, the Service
10 Use Tax Act, the Service Occupation Tax Act, the Retailers'
11 Occupation Tax Act, and associated local occupation and use
12 taxes administered by the Department. The amount distributed
13 under subsection (a) each month shall first be reduced by the
14 amount transferred to the Tax Compliance and Administration
15 Fund under this subsection (b). Moneys transferred to the Tax
16 Compliance and Administration Fund under this subsection (b)
17 shall be used, subject to appropriation, to fund additional
18 auditors and compliance personnel at the Department of Revenue.

19 (Source: P.A. 98-44, eff. 6-28-13.)

20 Section 15. The Illinois Income Tax Act is amended by
21 changing Section 901 as follows:

22 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

23 Sec. 901. Collection Authority.

24 (a) In general.

1 The Department shall collect the taxes imposed by this Act.
2 The Department shall collect certified past due child support
3 amounts under Section 2505-650 of the Department of Revenue Law
4 (20 ILCS 2505/2505-650). Except as provided in subsections (c),
5 (e), (f), ~~and~~ (g), and (h) of this Section, money collected
6 pursuant to subsections (a) and (b) of Section 201 of this Act
7 shall be paid into the General Revenue Fund in the State
8 treasury; money collected pursuant to subsections (c) and (d)
9 of Section 201 of this Act shall be paid into the Personal
10 Property Tax Replacement Fund, a special fund in the State
11 Treasury; and money collected under Section 2505-650 of the
12 Department of Revenue Law (20 ILCS 2505/2505-650) shall be paid
13 into the Child Support Enforcement Trust Fund, a special fund
14 outside the State Treasury, or to the State Disbursement Unit
15 established under Section 10-26 of the Illinois Public Aid
16 Code, as directed by the Department of Healthcare and Family
17 Services.

18 (b) Local Government Distributive Fund.

19 Beginning August 1, 1969, and continuing through June 30,
20 1994, the Treasurer shall transfer each month from the General
21 Revenue Fund to a special fund in the State treasury, to be
22 known as the "Local Government Distributive Fund", an amount
23 equal to 1/12 of the net revenue realized from the tax imposed
24 by subsections (a) and (b) of Section 201 of this Act during
25 the preceding month. Beginning July 1, 1994, and continuing
26 through June 30, 1995, the Treasurer shall transfer each month

1 from the General Revenue Fund to the Local Government
2 Distributive Fund an amount equal to 1/11 of the net revenue
3 realized from the tax imposed by subsections (a) and (b) of
4 Section 201 of this Act during the preceding month. Beginning
5 July 1, 1995 and continuing through January 31, 2011, the
6 Treasurer shall transfer each month from the General Revenue
7 Fund to the Local Government Distributive Fund an amount equal
8 to the net of (i) 1/10 of the net revenue realized from the tax
9 imposed by subsections (a) and (b) of Section 201 of the
10 Illinois Income Tax Act during the preceding month (ii) minus,
11 beginning July 1, 2003 and ending June 30, 2004, \$6,666,666,
12 and beginning July 1, 2004, zero. Beginning February 1, 2011,
13 and continuing through January 31, 2015, the Treasurer shall
14 transfer each month from the General Revenue Fund to the Local
15 Government Distributive Fund an amount equal to the sum of (i)
16 6% (10% of the ratio of the 3% individual income tax rate prior
17 to 2011 to the 5% individual income tax rate after 2010) of the
18 net revenue realized from the tax imposed by subsections (a)
19 and (b) of Section 201 of this Act upon individuals, trusts,
20 and estates during the preceding month and (ii) 6.86% (10% of
21 the ratio of the 4.8% corporate income tax rate prior to 2011
22 to the 7% corporate income tax rate after 2010) of the net
23 revenue realized from the tax imposed by subsections (a) and
24 (b) of Section 201 of this Act upon corporations during the
25 preceding month. Beginning February 1, 2015 and continuing
26 through January 31, 2025, the Treasurer shall transfer each

1 month from the General Revenue Fund to the Local Government
2 Distributive Fund an amount equal to the sum of (i) 8% (10% of
3 the ratio of the 3% individual income tax rate prior to 2011 to
4 the 3.75% individual income tax rate after 2014) of the net
5 revenue realized from the tax imposed by subsections (a) and
6 (b) of Section 201 of this Act upon individuals, trusts, and
7 estates during the preceding month and (ii) 9.14% (10% of the
8 ratio of the 4.8% corporate income tax rate prior to 2011 to
9 the 5.25% corporate income tax rate after 2014) of the net
10 revenue realized from the tax imposed by subsections (a) and
11 (b) of Section 201 of this Act upon corporations during the
12 preceding month. Beginning February 1, 2025, the Treasurer
13 shall transfer each month from the General Revenue Fund to the
14 Local Government Distributive Fund an amount equal to the sum
15 of (i) 9.23% (10% of the ratio of the 3% individual income tax
16 rate prior to 2011 to the 3.25% individual income tax rate
17 after 2024) of the net revenue realized from the tax imposed by
18 subsections (a) and (b) of Section 201 of this Act upon
19 individuals, trusts, and estates during the preceding month and
20 (ii) 10% of the net revenue realized from the tax imposed by
21 subsections (a) and (b) of Section 201 of this Act upon
22 corporations during the preceding month. Net revenue realized
23 for a month shall be defined as the revenue from the tax
24 imposed by subsections (a) and (b) of Section 201 of this Act
25 which is deposited in the General Revenue Fund, the Education
26 Assistance Fund, the Income Tax Surcharge Local Government

1 Distributive Fund, the Fund for the Advancement of Education,
2 and the Commitment to Human Services Fund during the month
3 minus the amount paid out of the General Revenue Fund in State
4 warrants during that same month as refunds to taxpayers for
5 overpayment of liability under the tax imposed by subsections
6 (a) and (b) of Section 201 of this Act.

7 (c) Deposits Into Income Tax Refund Fund.

8 (1) Beginning on January 1, 1989 and thereafter, the
9 Department shall deposit a percentage of the amounts
10 collected pursuant to subsections (a) and (b)(1), (2), and
11 (3), of Section 201 of this Act into a fund in the State
12 treasury known as the Income Tax Refund Fund. The
13 Department shall deposit 6% of such amounts during the
14 period beginning January 1, 1989 and ending on June 30,
15 1989. Beginning with State fiscal year 1990 and for each
16 fiscal year thereafter, the percentage deposited into the
17 Income Tax Refund Fund during a fiscal year shall be the
18 Annual Percentage. For fiscal years 1999 through 2001, the
19 Annual Percentage shall be 7.1%. For fiscal year 2003, the
20 Annual Percentage shall be 8%. For fiscal year 2004, the
21 Annual Percentage shall be 11.7%. Upon the effective date
22 of this amendatory Act of the 93rd General Assembly, the
23 Annual Percentage shall be 10% for fiscal year 2005. For
24 fiscal year 2006, the Annual Percentage shall be 9.75%. For
25 fiscal year 2007, the Annual Percentage shall be 9.75%. For
26 fiscal year 2008, the Annual Percentage shall be 7.75%. For

1 fiscal year 2009, the Annual Percentage shall be 9.75%. For
2 fiscal year 2010, the Annual Percentage shall be 9.75%. For
3 fiscal year 2011, the Annual Percentage shall be 8.75%. For
4 fiscal year 2012, the Annual Percentage shall be 8.75%. For
5 fiscal year 2013, the Annual Percentage shall be 9.75%. For
6 fiscal year 2014, the Annual Percentage shall be 9.5%. For
7 all other fiscal years, the Annual Percentage shall be
8 calculated as a fraction, the numerator of which shall be
9 the amount of refunds approved for payment by the
10 Department during the preceding fiscal year as a result of
11 overpayment of tax liability under subsections (a) and
12 (b) (1), (2), and (3) of Section 201 of this Act plus the
13 amount of such refunds remaining approved but unpaid at the
14 end of the preceding fiscal year, minus the amounts
15 transferred into the Income Tax Refund Fund from the
16 Tobacco Settlement Recovery Fund, and the denominator of
17 which shall be the amounts which will be collected pursuant
18 to subsections (a) and (b) (1), (2), and (3) of Section 201
19 of this Act during the preceding fiscal year; except that
20 in State fiscal year 2002, the Annual Percentage shall in
21 no event exceed 7.6%. The Director of Revenue shall certify
22 the Annual Percentage to the Comptroller on the last
23 business day of the fiscal year immediately preceding the
24 fiscal year for which it is to be effective.

25 (2) Beginning on January 1, 1989 and thereafter, the
26 Department shall deposit a percentage of the amounts

1 collected pursuant to subsections (a) and (b) (6), (7), and
2 (8), (c) and (d) of Section 201 of this Act into a fund in
3 the State treasury known as the Income Tax Refund Fund. The
4 Department shall deposit 18% of such amounts during the
5 period beginning January 1, 1989 and ending on June 30,
6 1989. Beginning with State fiscal year 1990 and for each
7 fiscal year thereafter, the percentage deposited into the
8 Income Tax Refund Fund during a fiscal year shall be the
9 Annual Percentage. For fiscal years 1999, 2000, and 2001,
10 the Annual Percentage shall be 19%. For fiscal year 2003,
11 the Annual Percentage shall be 27%. For fiscal year 2004,
12 the Annual Percentage shall be 32%. Upon the effective date
13 of this amendatory Act of the 93rd General Assembly, the
14 Annual Percentage shall be 24% for fiscal year 2005. For
15 fiscal year 2006, the Annual Percentage shall be 20%. For
16 fiscal year 2007, the Annual Percentage shall be 17.5%. For
17 fiscal year 2008, the Annual Percentage shall be 15.5%. For
18 fiscal year 2009, the Annual Percentage shall be 17.5%. For
19 fiscal year 2010, the Annual Percentage shall be 17.5%. For
20 fiscal year 2011, the Annual Percentage shall be 17.5%. For
21 fiscal year 2012, the Annual Percentage shall be 17.5%. For
22 fiscal year 2013, the Annual Percentage shall be 14%. For
23 fiscal year 2014, the Annual Percentage shall be 13.4%. For
24 all other fiscal years, the Annual Percentage shall be
25 calculated as a fraction, the numerator of which shall be
26 the amount of refunds approved for payment by the

1 Department during the preceding fiscal year as a result of
2 overpayment of tax liability under subsections (a) and
3 (b) (6), (7), and (8), (c) and (d) of Section 201 of this
4 Act plus the amount of such refunds remaining approved but
5 unpaid at the end of the preceding fiscal year, and the
6 denominator of which shall be the amounts which will be
7 collected pursuant to subsections (a) and (b) (6), (7), and
8 (8), (c) and (d) of Section 201 of this Act during the
9 preceding fiscal year; except that in State fiscal year
10 2002, the Annual Percentage shall in no event exceed 23%.
11 The Director of Revenue shall certify the Annual Percentage
12 to the Comptroller on the last business day of the fiscal
13 year immediately preceding the fiscal year for which it is
14 to be effective.

15 (3) The Comptroller shall order transferred and the
16 Treasurer shall transfer from the Tobacco Settlement
17 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000
18 in January, 2001, (ii) \$35,000,000 in January, 2002, and
19 (iii) \$35,000,000 in January, 2003.

20 (d) Expenditures from Income Tax Refund Fund.

21 (1) Beginning January 1, 1989, money in the Income Tax
22 Refund Fund shall be expended exclusively for the purpose
23 of paying refunds resulting from overpayment of tax
24 liability under Section 201 of this Act, for paying rebates
25 under Section 208.1 in the event that the amounts in the
26 Homeowners' Tax Relief Fund are insufficient for that

1 purpose, and for making transfers pursuant to this
2 subsection (d).

3 (2) The Director shall order payment of refunds
4 resulting from overpayment of tax liability under Section
5 201 of this Act from the Income Tax Refund Fund only to the
6 extent that amounts collected pursuant to Section 201 of
7 this Act and transfers pursuant to this subsection (d) and
8 item (3) of subsection (c) have been deposited and retained
9 in the Fund.

10 (3) As soon as possible after the end of each fiscal
11 year, the Director shall order transferred and the State
12 Treasurer and State Comptroller shall transfer from the
13 Income Tax Refund Fund to the Personal Property Tax
14 Replacement Fund an amount, certified by the Director to
15 the Comptroller, equal to the excess of the amount
16 collected pursuant to subsections (c) and (d) of Section
17 201 of this Act deposited into the Income Tax Refund Fund
18 during the fiscal year over the amount of refunds resulting
19 from overpayment of tax liability under subsections (c) and
20 (d) of Section 201 of this Act paid from the Income Tax
21 Refund Fund during the fiscal year.

22 (4) As soon as possible after the end of each fiscal
23 year, the Director shall order transferred and the State
24 Treasurer and State Comptroller shall transfer from the
25 Personal Property Tax Replacement Fund to the Income Tax
26 Refund Fund an amount, certified by the Director to the

1 Comptroller, equal to the excess of the amount of refunds
2 resulting from overpayment of tax liability under
3 subsections (c) and (d) of Section 201 of this Act paid
4 from the Income Tax Refund Fund during the fiscal year over
5 the amount collected pursuant to subsections (c) and (d) of
6 Section 201 of this Act deposited into the Income Tax
7 Refund Fund during the fiscal year.

8 (4.5) As soon as possible after the end of fiscal year
9 1999 and of each fiscal year thereafter, the Director shall
10 order transferred and the State Treasurer and State
11 Comptroller shall transfer from the Income Tax Refund Fund
12 to the General Revenue Fund any surplus remaining in the
13 Income Tax Refund Fund as of the end of such fiscal year;
14 excluding for fiscal years 2000, 2001, and 2002 amounts
15 attributable to transfers under item (3) of subsection (c)
16 less refunds resulting from the earned income tax credit.

17 (5) This Act shall constitute an irrevocable and
18 continuing appropriation from the Income Tax Refund Fund
19 for the purpose of paying refunds upon the order of the
20 Director in accordance with the provisions of this Section.

21 (e) Deposits into the Education Assistance Fund and the
22 Income Tax Surcharge Local Government Distributive Fund.

23 On July 1, 1991, and thereafter, of the amounts collected
24 pursuant to subsections (a) and (b) of Section 201 of this Act,
25 minus deposits into the Income Tax Refund Fund, the Department
26 shall deposit 7.3% into the Education Assistance Fund in the

1 State Treasury. Beginning July 1, 1991, and continuing through
2 January 31, 1993, of the amounts collected pursuant to
3 subsections (a) and (b) of Section 201 of the Illinois Income
4 Tax Act, minus deposits into the Income Tax Refund Fund, the
5 Department shall deposit 3.0% into the Income Tax Surcharge
6 Local Government Distributive Fund in the State Treasury.
7 Beginning February 1, 1993 and continuing through June 30,
8 1993, of the amounts collected pursuant to subsections (a) and
9 (b) of Section 201 of the Illinois Income Tax Act, minus
10 deposits into the Income Tax Refund Fund, the Department shall
11 deposit 4.4% into the Income Tax Surcharge Local Government
12 Distributive Fund in the State Treasury. Beginning July 1,
13 1993, and continuing through June 30, 1994, of the amounts
14 collected under subsections (a) and (b) of Section 201 of this
15 Act, minus deposits into the Income Tax Refund Fund, the
16 Department shall deposit 1.475% into the Income Tax Surcharge
17 Local Government Distributive Fund in the State Treasury.

18 (f) Deposits into the Fund for the Advancement of
19 Education. Beginning February 1, 2015, the Department shall
20 deposit the following portions of the revenue realized from the
21 tax imposed upon individuals, trusts, and estates by
22 subsections (a) and (b) of Section 201 of this Act during the
23 preceding month, minus deposits into the Income Tax Refund
24 Fund, into the Fund for the Advancement of Education:

25 (1) beginning February 1, 2015, and prior to February
26 1, 2025, 1/30; and

1 (2) beginning February 1, 2025, 1/26.

2 If the rate of tax imposed by subsection (a) and (b) of
3 Section 201 is reduced pursuant to Section 201.5 of this Act,
4 the Department shall not make the deposits required by this
5 subsection (f) on or after the effective date of the reduction.

6 (g) Deposits into the Commitment to Human Services Fund.
7 Beginning February 1, 2015, the Department shall deposit the
8 following portions of the revenue realized from the tax imposed
9 upon individuals, trusts, and estates by subsections (a) and
10 (b) of Section 201 of this Act during the preceding month,
11 minus deposits into the Income Tax Refund Fund, into the
12 Commitment to Human Services Fund:

13 (1) beginning February 1, 2015, and prior to February
14 1, 2025, 1/30; and

15 (2) beginning February 1, 2025, 1/26.

16 If the rate of tax imposed by subsection (a) and (b) of
17 Section 201 is reduced pursuant to Section 201.5 of this Act,
18 the Department shall not make the deposits required by this
19 subsection (g) on or after the effective date of the reduction.

20 (h) Deposits into the Tax Compliance and Administration
21 Fund. Beginning on the first day of the first calendar month to
22 occur on or after the effective date of this amendatory Act of
23 the 98th General Assembly, each month the Department shall pay
24 into the Tax Compliance and Administration Fund, to be used,
25 subject to appropriation, to fund additional auditors and
26 compliance personnel at the Department, an amount equal to 1/12

1 of 5% of the cash receipts collected during the preceding
2 fiscal year by the Audit Bureau of the Department from the tax
3 imposed by subsections (a), (b), (c), and (d) of Section 201 of
4 this Act, net of deposits into the Income Tax Refund Fund made
5 from those cash receipts.

6 (Source: P.A. 97-72, eff. 7-1-11; 97-732, eff. 6-30-12; 98-24,
7 eff. 6-19-13.)

8 Section 20. The Use Tax Act is amended by changing Section
9 and 12 as follows:

10 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

11 Sec. 9. Except as to motor vehicles, watercraft, aircraft,
12 and trailers that are required to be registered with an agency
13 of this State, each retailer required or authorized to collect
14 the tax imposed by this Act shall pay to the Department the
15 amount of such tax (except as otherwise provided) at the time
16 when he is required to file his return for the period during
17 which such tax was collected, less a discount of 2.1% prior to
18 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5
19 per calendar year, whichever is greater, which is allowed to
20 reimburse the retailer for expenses incurred in collecting the
21 tax, keeping records, preparing and filing returns, remitting
22 the tax and supplying data to the Department on request. In the
23 case of retailers who report and pay the tax on a transaction
24 by transaction basis, as provided in this Section, such

1 discount shall be taken with each such tax remittance instead
2 of when such retailer files his periodic return. The Department
3 may disallow the discount for retailers whose certificate of
4 registration is revoked at the time the return is filed, but
5 only if the Department's decision to revoke the certificate of
6 registration has become final. A retailer need not remit that
7 part of any tax collected by him to the extent that he is
8 required to remit and does remit the tax imposed by the
9 Retailers' Occupation Tax Act, with respect to the sale of the
10 same property.

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

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

26 The Department may require returns to be filed on a

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

7 1. The name of the seller;

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

11 3. The total amount of taxable receipts received by him
12 during the preceding calendar month from sales of tangible
13 personal property by him during such preceding calendar
14 month, including receipts from charge and time sales, but
15 less all deductions allowed by law;

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

18 5. The amount of tax due;

19 5-5. The signature of the taxpayer; and

20 6. Such other reasonable information as the Department
21 may require.

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

26 Beginning October 1, 1993, a taxpayer who has an average

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

25 Before August 1 of each year beginning in 1993, the
26 Department shall notify all taxpayers required to make payments

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

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

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

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

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

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

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

1 rules and regulations to govern the quarter monthly payment
2 amount and quarter monthly payment dates for taxpayers who file
3 on other than a calendar monthly basis.

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

1 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall
2 be reduced by 2.1% or 1.75% of the difference between the
3 credit taken and that actually due, and the taxpayer shall be
4 liable for penalties and interest on such difference.

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

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

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

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

1 and Safety Act, a personal watercraft, or any boat equipped
2 with an inboard motor.

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

24 The transaction reporting return in the case of watercraft
25 and aircraft must show the name and address of the seller; the
26 name and address of the purchaser; the amount of the selling

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

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

26 With each such transaction reporting return, the retailer

1 shall remit the proper amount of tax due (or shall submit
2 satisfactory evidence that the sale is not taxable if that is
3 the case), to the Department or its agents, whereupon the
4 Department shall issue, in the purchaser's name, a tax receipt
5 (or a certificate of exemption if the Department is satisfied
6 that the particular sale is tax exempt) which such purchaser
7 may submit to the agency with which, or State officer with
8 whom, he must title or register the tangible personal property
9 that is involved (if titling or registration is required) in
10 support of such purchaser's application for an Illinois
11 certificate or other evidence of title or registration to such
12 tangible personal property.

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

21 If the user who would otherwise pay tax to the retailer
22 wants the transaction reporting return filed and the payment of
23 tax or proof of exemption made to the Department before the
24 retailer is willing to take these actions and such user has not
25 paid the tax to the retailer, such user may certify to the fact
26 of such delay by the retailer, and may (upon the Department

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

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

1 deduction under this Act upon refunding such tax to the
2 purchaser.

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

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

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

22 Beginning January 1, 1990, each month the Department shall
23 pay into the State and Local Sales Tax Reform Fund, a special
24 fund in the State Treasury which is hereby created, the net
25 revenue realized for the preceding month from the 1% tax on
26 sales of food for human consumption which is to be consumed off

1 the premises where it is sold (other than alcoholic beverages,
2 soft drinks and food which has been prepared for immediate
3 consumption) and prescription and nonprescription medicines,
4 drugs, medical appliances and insulin, urine testing
5 materials, syringes and needles used by diabetics.

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

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

21 Beginning August 1, 2000, each month the Department shall
22 pay into the State and Local Sales Tax Reform Fund 100% 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. Beginning
25 September 1, 2010, each month the Department shall pay into the
26 State and Local Sales Tax Reform Fund 100% of the net revenue

1 realized for the preceding month from the 1.25% rate on the
2 selling price of sales tax holiday items.

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

10 Beginning October 1, 2009, each month the Department shall
11 pay into the Capital Projects Fund an amount that is equal to
12 an amount estimated by the Department to represent 80% of the
13 net revenue realized for the preceding month from the sale of
14 candy, grooming and hygiene products, and soft drinks that had
15 been taxed at a rate of 1% prior to September 1, 2009 but that
16 are ~~is~~ now taxed at 6.25%.

17 Beginning July 1, 2011, each month the Department shall pay
18 into the Clean Air Act (CAA) Permit Fund 80% of the net revenue
19 realized for the preceding month from the 6.25% general rate on
20 the selling price of sorbents used in Illinois in the process
21 of sorbent injection as used to comply with the Environmental
22 Protection Act or the federal Clean Air Act, but the total
23 payment into the Clean Air Act (CAA) Permit Fund under this Act
24 and the Retailers' Occupation Tax Act shall not exceed
25 \$2,000,000 in any fiscal year.

26 Beginning July 1, 2013, each month the Department shall pay

1 into the Underground Storage Tank Fund from the proceeds
2 collected under this Act, the Service Use Tax Act, the Service
3 Occupation Tax Act, and the Retailers' Occupation Tax Act an
4 amount equal to the average monthly deficit in the Underground
5 Storage Tank Fund during the prior year, as certified annually
6 by the Illinois Environmental Protection Agency, but the total
7 payment into the Underground Storage Tank Fund under this Act,
8 the Service Use Tax Act, the Service Occupation Tax Act, and
9 the Retailers' Occupation Tax Act shall not exceed \$18,000,000
10 in any State fiscal year. As used in this paragraph, the
11 "average monthly deficit" shall be equal to the difference
12 between the average monthly claims for payment by the fund and
13 the average monthly revenues deposited into the fund, excluding
14 payments made pursuant to this paragraph.

15 Of the remainder of the moneys received by the Department
16 pursuant to this Act, (a) 1.75% thereof shall be paid into the
17 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
18 and after July 1, 1989, 3.8% thereof shall be paid into the
19 Build Illinois Fund; provided, however, that if in any fiscal
20 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
21 may be, of the moneys received by the Department and required
22 to be paid into the Build Illinois Fund pursuant to Section 3
23 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
24 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
25 Service Occupation Tax Act, such Acts being hereinafter called
26 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case

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

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

1 set forth in Section 12 of the Build Illinois Bond Act.

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

14	Fiscal Year	Total Deposit
15	1993	\$0
16	1994	53,000,000
17	1995	58,000,000
18	1996	61,000,000
19	1997	64,000,000
20	1998	68,000,000
21	1999	71,000,000
22	2000	75,000,000
23	2001	80,000,000
24	2002	93,000,000
25	2003	99,000,000
26	2004	103,000,000

1	2005	108,000,000
2	2006	113,000,000
3	2007	119,000,000
4	2008	126,000,000
5	2009	132,000,000
6	2010	139,000,000
7	2011	146,000,000
8	2012	153,000,000
9	2013	161,000,000
10	2014	170,000,000
11	2015	179,000,000
12	2016	189,000,000
13	2017	199,000,000
14	2018	210,000,000
15	2019	221,000,000
16	2020	233,000,000
17	2021	246,000,000
18	2022	260,000,000
19	2023	275,000,000
20	2024	275,000,000
21	2025	275,000,000
22	2026	279,000,000
23	2027	292,000,000
24	2028	307,000,000
25	2029	322,000,000
26	2030	338,000,000

1	2031	350,000,000
2	2032	350,000,000

3 and

4 each fiscal year

5 thereafter that bonds

6 are outstanding under

7 Section 13.2 of the

8 Metropolitan Pier and

9 Exposition Authority Act,

10 but not after fiscal year 2060.

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

24 Subject to payment of amounts into the Build Illinois Fund
25 and the McCormick Place Expansion Project Fund pursuant to the
26 preceding paragraphs or in any amendments thereto hereafter

1 enacted, beginning July 1, 1993 and ending on September 30,
2 2013, the Department shall each month pay into the Illinois Tax
3 Increment Fund 0.27% of 80% of the net revenue realized for the
4 preceding month from the 6.25% general rate on the selling
5 price of tangible personal property.

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

19 Subject to payment of amounts into the Build Illinois Fund,
20 the McCormick Place Expansion Project Fund, the Illinois Tax
21 Increment Fund, and the Energy Infrastructure Fund pursuant to
22 the preceding paragraphs or in any amendments to this Section
23 hereafter enacted, beginning on the first day of the first
24 calendar month to occur on or after the effective date of this
25 amendatory Act of the 98th General Assembly, each month, from
26 the collections made under Section 9 of the Use Tax Act,

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

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

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

25 Net revenue realized for a month shall be the revenue
26 collected by the State pursuant to this Act, less the amount

1 paid out during that month as refunds to taxpayers for
2 overpayment of liability.

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

10 (Source: P.A. 97-95, eff. 7-12-11; 97-333, eff. 8-12-11; 98-24,
11 eff. 6-19-13; 98-109, eff. 7-25-13; 98-496, eff. 1-1-14;
12 revised 9-9-13.)

13 (35 ILCS 105/12) (from Ch. 120, par. 439.12)

14 Sec. 12. Applicability of Retailers' Occupation Tax Act and
15 Uniform Penalty and Interest Act. All of the provisions of
16 Sections 1d, 1e, 1f, 1i, 1j, 1j.1, 1k, 1m, 1n, 1o, 2-6, 2-12,
17 2-54, 2a, 2b, 2c, 3, 4 (except that the time limitation
18 provisions shall run from the date when the tax is due rather
19 than from the date when gross receipts are received), 5 (except
20 that the time limitation provisions on the issuance of notices
21 of tax liability shall run from the date when the tax is due
22 rather than from the date when gross receipts are received and
23 except that in the case of a failure to file a return required
24 by this Act, no notice of tax liability shall be issued on and
25 after each July 1 and January 1 covering tax due with that

1 return during any month or period more than 6 years before that
2 July 1 or January 1, respectively), 5a, 5b, 5c, 5d, 5e, 5f, 5g,
3 5h, 5j, 5k, 5l, 7, 8, 9, 10, 11 and 12 of the Retailers'
4 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
5 Interest Act, which are not inconsistent with this Act, shall
6 apply, as far as practicable, to the subject matter of this Act
7 to the same extent as if such provisions were included herein.

8 (Source: P.A. 94-781, eff. 5-19-06; 94-1021, eff. 7-12-06;
9 95-331, eff. 8-21-07.)

10 Section 25. The Service Use Tax Act is amended by changing
11 Section 9 and 12 as follows:

12 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

13 Sec. 9. Each serviceman required or authorized to collect
14 the tax herein imposed shall pay to the Department the amount
15 of such tax (except as otherwise provided) at the time when he
16 is required to file his return for the period during which such
17 tax was collected, less a discount of 2.1% prior to January 1,
18 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar
19 year, whichever is greater, which is allowed to reimburse the
20 serviceman for expenses incurred in collecting the tax, keeping
21 records, preparing and filing returns, remitting the tax and
22 supplying data to the Department on request. The Department may
23 disallow the discount for servicemen whose certificate of
24 registration is revoked at the time the return is filed, but

1 only if the Department's decision to revoke the certificate of
2 registration has become final. A serviceman need not remit that
3 part of any tax collected by him to the extent that he is
4 required to pay and does pay the tax imposed by the Service
5 Occupation Tax Act with respect to his sale of service
6 involving the incidental transfer by him of the same property.

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

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

- 21 1. The name of the seller;
- 22 2. The address of the principal place of business from
23 which he engages in business as a serviceman in this State;
- 24 3. The total amount of taxable receipts received by him
25 during the preceding calendar month, including receipts
26 from charge and time sales, but less all deductions allowed

1 by law;

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

4 5. The amount of tax due;

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

6 6. Such other reasonable information as the Department
7 may require.

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

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

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

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

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

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

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

26 If the serviceman is otherwise required to file a monthly

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

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

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

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

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

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

23 If experience indicates such action to be practicable, the
24 Department may prescribe and furnish a combination or joint
25 return which will enable servicemen, who are required to file
26 returns hereunder and also under the Service Occupation Tax

1 Act, to furnish all the return information required by both
2 Acts on the one form.

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

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

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

25 Beginning August 1, 2000, each month the Department shall
26 pay into the State and Local Sales Tax Reform Fund 100% of the

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

3 Beginning October 1, 2009, each month the Department shall
4 pay into the Capital Projects Fund an amount that is equal to
5 an amount estimated by the Department to represent 80% of the
6 net revenue realized for the preceding month from the sale of
7 candy, grooming and hygiene products, and soft drinks that had
8 been taxed at a rate of 1% prior to September 1, 2009 but that
9 are ~~is~~ now taxed at 6.25%.

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

25 Of the remainder of the moneys received by the Department
26 pursuant to this Act, (a) 1.75% thereof shall be paid into the

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

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

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

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

24	Fiscal Year	Total Deposit
25	1993	\$0

1	1994	53,000,000
2	1995	58,000,000
3	1996	61,000,000
4	1997	64,000,000
5	1998	68,000,000
6	1999	71,000,000
7	2000	75,000,000
8	2001	80,000,000
9	2002	93,000,000
10	2003	99,000,000
11	2004	103,000,000
12	2005	108,000,000
13	2006	113,000,000
14	2007	119,000,000
15	2008	126,000,000
16	2009	132,000,000
17	2010	139,000,000
18	2011	146,000,000
19	2012	153,000,000
20	2013	161,000,000
21	2014	170,000,000
22	2015	179,000,000
23	2016	189,000,000
24	2017	199,000,000
25	2018	210,000,000
26	2019	221,000,000

1	2020	233,000,000
2	2021	246,000,000
3	2022	260,000,000
4	2023	275,000,000
5	2024	275,000,000
6	2025	275,000,000
7	2026	279,000,000
8	2027	292,000,000
9	2028	307,000,000
10	2029	322,000,000
11	2030	338,000,000
12	2031	350,000,000
13	2032	350,000,000

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

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

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

9 Subject to payment of amounts into the Build Illinois Fund
10 and the McCormick Place Expansion Project Fund pursuant to the
11 preceding paragraphs or in any amendments thereto hereafter
12 enacted, beginning July 1, 1993 and ending on September 30,
13 2013, the Department shall each month pay into the Illinois Tax
14 Increment Fund 0.27% of 80% of the net revenue realized for the
15 preceding month from the 6.25% general rate on the selling
16 price of tangible personal property.

17 Subject to payment of amounts into the Build Illinois Fund
18 and the McCormick Place Expansion Project Fund pursuant to the
19 preceding paragraphs or in any amendments thereto hereafter
20 enacted, beginning with the receipt of the first report of
21 taxes paid by an eligible business and continuing for a 25-year
22 period, the Department shall each month pay into the Energy
23 Infrastructure Fund 80% of the net revenue realized from the
24 6.25% general rate on the selling price of Illinois-mined coal
25 that was sold to an eligible business. For purposes of this
26 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 Law of the
3 Civil Administrative Code of Illinois.

4 Subject to payment of amounts into the Build Illinois Fund,
5 the McCormick Place Expansion Project Fund, the Illinois Tax
6 Increment Fund, and the Energy Infrastructure Fund pursuant to
7 the preceding paragraphs or in any amendments to this Section
8 hereafter enacted, beginning on the first day of the first
9 calendar month to occur on or after the effective date of this
10 amendatory Act of the 98th General Assembly, each month, from
11 the collections made under Section 9 of the Use Tax Act,
12 Section 9 of the Service Use Tax Act, Section 9 of the Service
13 Occupation Tax Act, and Section 3 of the Retailers' Occupation
14 Tax Act, the Department shall pay into the Tax Compliance and
15 Administration Fund, to be used, subject to appropriation, to
16 fund additional auditors and compliance personnel at the
17 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
18 the cash receipts collected during the preceding fiscal year by
19 the Audit Bureau of the Department under the Use Tax Act, the
20 Service Use Tax Act, the Service Occupation Tax Act, the
21 Retailers' Occupation Tax Act, and associated local occupation
22 and use taxes administered by the Department.

23 Of the remainder of the moneys received by the Department
24 pursuant to this Act, 75% thereof shall be paid into the
25 General Revenue Fund of the State Treasury and 25% shall be
26 reserved in a special account and used only for the transfer to

1 the Common School Fund as part of the monthly transfer from the
2 General Revenue Fund in accordance with Section 8a of the State
3 Finance Act.

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

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

15 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
16 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; revised 9-9-13.)

17 (35 ILCS 110/12) (from Ch. 120, par. 439.42)

18 Sec. 12. Applicability of Retailers' Occupation Tax Act and
19 Uniform Penalty and Interest Act. All of the provisions of
20 Sections 1d, 1e, 1f, 1i, 1j, 1j.1, 1k, 1m, 1n, 1o, 2-6, 2-12,
21 2-54, 2a, 2b, 2c, 3 (except as to the disposition by the
22 Department of the money collected under this Act), 4 (except
23 that the time limitation provisions shall run from the date
24 when gross receipts are received), 5 (except that the time
25 limitation provisions on the issuance of notices of tax

1 liability shall run from the date when the tax is due rather
2 than from the date when gross receipts are received and except
3 that in the case of a failure to file a return required by this
4 Act, no notice of tax liability shall be issued on and after
5 July 1 and January 1 covering tax due with that return during
6 any month or period more than 6 years before that July 1 or
7 January 1, respectively), 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5j, 5k,
8 5l, 7, 8, 9, 10, 11 and 12 of the Retailers' Occupation Tax Act
9 which are not inconsistent with this Act, and Section 3-7 of
10 the Uniform Penalty and Interest Act, shall apply, as far as
11 practicable, to the subject matter of this Act to the same
12 extent as if such provisions were included herein.

13 (Source: P.A. 94-781, eff. 5-19-06; 94-1021, eff. 7-12-06;
14 95-331, eff. 8-21-07.)

15 Section 30. The Service Occupation Tax Act is amended by
16 changing Section 9 and 12 as follows:

17 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

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

1 expenses incurred in collecting the tax, keeping records,
2 preparing and filing returns, remitting the tax and supplying
3 data to the Department on request. The Department may disallow
4 the discount for servicemen whose certificate of registration
5 is revoked at the time the return is filed, but only if the
6 Department's decision to revoke the certificate of
7 registration has become final.

8 Where such tangible personal property is sold under a
9 conditional sales contract, or under any other form of sale
10 wherein the payment of the principal sum, or a part thereof, is
11 extended beyond the close of the period for which the return is
12 filed, the serviceman, in collecting the tax may collect, for
13 each tax return period, only the tax applicable to the part of
14 the selling price actually received during such tax return
15 period.

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

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

1 taxpayer shall also file a return with the Department for each
2 of the first two months of each calendar quarter, on or before
3 the twentieth day of the following calendar month, stating:

4 1. The name of the seller;

5 2. The address of the principal place of business from
6 which he engages in business as a serviceman in this State;

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

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

13 5. The amount of tax due;

14 5-5. The signature of the taxpayer; and

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

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

21 Prior to October 1, 2003, and on and after September 1,
22 2004 a serviceman may accept a Manufacturer's Purchase Credit
23 certification from a purchaser in satisfaction of Service Use
24 Tax as provided in Section 3-70 of the Service Use Tax Act if
25 the purchaser provides the appropriate documentation as
26 required by Section 3-70 of the Service Use Tax Act. A

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

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

26 If the serviceman's average monthly tax liability to the

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

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

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

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

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

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

18 Any taxpayer not required to make payments by electronic
19 funds transfer may make payments by electronic funds transfer
20 with the permission of the Department.

21 All taxpayers required to make payment by electronic funds
22 transfer and any taxpayers authorized to voluntarily make
23 payments by electronic funds transfer shall make those payments
24 in the manner authorized by the Department.

25 The Department shall adopt such rules as are necessary to
26 effectuate a program of electronic funds transfer and the

1 requirements of this Section.

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

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 servicemen, who are required to file
22 returns hereunder and also under the Retailers' Occupation Tax
23 Act, the Use Tax Act or the Service Use Tax Act, to furnish all
24 the return information required by all said Acts on the one
25 form.

26 Where the serviceman has more than one business registered

1 with the Department under separate registrations hereunder,
2 such serviceman shall file separate returns for each registered
3 business.

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

13 Beginning January 1, 1990, each month the Department shall
14 pay into the County and Mass Transit District Fund 4% of the
15 revenue realized for the preceding month from the 6.25% general
16 rate.

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

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

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

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

3 Beginning October 1, 2009, each month the Department shall
4 pay into the Capital Projects Fund an amount that is equal to
5 an amount estimated by the Department to represent 80% of the
6 net revenue realized for the preceding month from the sale of
7 candy, grooming and hygiene products, and soft drinks that had
8 been taxed at a rate of 1% prior to September 1, 2009 but that
9 are ~~is~~ now taxed at 6.25%.

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

25 Of the remainder of the moneys received by the Department
26 pursuant to this Act, (a) 1.75% thereof shall be paid into the

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

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

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

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

24	Fiscal Year	Total Deposit
25	1993	\$0

1	1994	53,000,000
2	1995	58,000,000
3	1996	61,000,000
4	1997	64,000,000
5	1998	68,000,000
6	1999	71,000,000
7	2000	75,000,000
8	2001	80,000,000
9	2002	93,000,000
10	2003	99,000,000
11	2004	103,000,000
12	2005	108,000,000
13	2006	113,000,000
14	2007	119,000,000
15	2008	126,000,000
16	2009	132,000,000
17	2010	139,000,000
18	2011	146,000,000
19	2012	153,000,000
20	2013	161,000,000
21	2014	170,000,000
22	2015	179,000,000
23	2016	189,000,000
24	2017	199,000,000
25	2018	210,000,000
26	2019	221,000,000

1	2020	233,000,000
2	2021	246,000,000
3	2022	260,000,000
4	2023	275,000,000
5	2024	275,000,000
6	2025	275,000,000
7	2026	279,000,000
8	2027	292,000,000
9	2028	307,000,000
10	2029	322,000,000
11	2030	338,000,000
12	2031	350,000,000
13	2032	350,000,000

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

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

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

9 Subject to payment of amounts into the Build Illinois Fund
10 and the McCormick Place Expansion Project Fund pursuant to the
11 preceding paragraphs or in any amendments thereto hereafter
12 enacted, beginning July 1, 1993 and ending on September 30,
13 2013, the Department shall each month pay into the Illinois Tax
14 Increment Fund 0.27% of 80% of the net revenue realized for the
15 preceding month from the 6.25% general rate on the selling
16 price of tangible personal property.

17 Subject to payment of amounts into the Build Illinois Fund
18 and the McCormick Place Expansion Project Fund pursuant to the
19 preceding paragraphs or in any amendments thereto hereafter
20 enacted, beginning with the receipt of the first report of
21 taxes paid by an eligible business and continuing for a 25-year
22 period, the Department shall each month pay into the Energy
23 Infrastructure Fund 80% of the net revenue realized from the
24 6.25% general rate on the selling price of Illinois-mined coal
25 that was sold to an eligible business. For purposes of this
26 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 Law of the
3 Civil Administrative Code of Illinois.

4 Subject to payment of amounts into the Build Illinois Fund,
5 the McCormick Place Expansion Project Fund, the Illinois Tax
6 Increment Fund, and the Energy Infrastructure Fund pursuant to
7 the preceding paragraphs or in any amendments to this Section
8 hereafter enacted, beginning on the first day of the first
9 calendar month to occur on or after the effective date of this
10 amendatory Act of the 98th General Assembly, each month, from
11 the collections made under Section 9 of the Use Tax Act,
12 Section 9 of the Service Use Tax Act, Section 9 of the Service
13 Occupation Tax Act, and Section 3 of the Retailers' Occupation
14 Tax Act, the Department shall pay into the Tax Compliance and
15 Administration Fund, to be used, subject to appropriation, to
16 fund additional auditors and compliance personnel at the
17 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
18 the cash receipts collected during the preceding fiscal year by
19 the Audit Bureau of the Department under the Use Tax Act, the
20 Service Use Tax Act, the Service Occupation Tax Act, the
21 Retailers' Occupation Tax Act, and associated local occupation
22 and use taxes administered by the Department.

23 Of the remainder of the moneys received by the Department
24 pursuant to this Act, 75% shall be paid into the General
25 Revenue Fund of the State Treasury and 25% shall be reserved in
26 a special account and used only for the transfer to the Common

1 School Fund as part of the monthly transfer from the General
2 Revenue Fund in accordance with Section 8a of the State Finance
3 Act.

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

1 If the annual information return required by this Section
2 is not filed when and as required, the taxpayer shall be liable
3 as follows:

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

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

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

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

26 As soon as possible after the first day of each month, upon

1 certification of the Department of Revenue, the Comptroller
2 shall order transferred and the Treasurer shall transfer from
3 the General Revenue Fund to the Motor Fuel Tax Fund an amount
4 equal to 1.7% of 80% of the net revenue realized under this Act
5 for the second preceding month. Beginning April 1, 2000, this
6 transfer is no longer required and shall not be made.

7 Net revenue realized for a month shall be the revenue
8 collected by the State pursuant to this Act, less the amount
9 paid out during that month as refunds to taxpayers for
10 overpayment of liability.

11 For greater simplicity of administration, it shall be
12 permissible for manufacturers, importers and wholesalers whose
13 products are sold by numerous servicemen in Illinois, and who
14 wish to do so, to assume the responsibility for accounting and
15 paying to the Department all tax accruing under this Act with
16 respect to such sales, if the servicemen who are affected do
17 not make written objection to the Department to this
18 arrangement.

19 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;
20 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; revised 9-9-13.)

21 (35 ILCS 115/12) (from Ch. 120, par. 439.112)

22 Sec. 12. All of the provisions of Sections 1d, 1e, 1f, 1i,
23 1j, 1j.1, 1k, 1m, 1n, 1o, 2-6, 2-12, 2-54, 2a, 2b, 2c, 3
24 (except as to the disposition by the Department of the tax
25 collected under this Act), 4 (except that the time limitation

1 provisions shall run from the date when the tax is due rather
2 than from the date when gross receipts are received), 5 (except
3 that the time limitation provisions on the issuance of notices
4 of tax liability shall run from the date when the tax is due
5 rather than from the date when gross receipts are received),
6 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5j, 5k, 5l, 7, 8, 9, 10, 11 and 12
7 of the "Retailers' Occupation Tax Act" which are not
8 inconsistent with this Act, and Section 3-7 of the Uniform
9 Penalty and Interest Act shall apply, as far as practicable, to
10 the subject matter of this Act to the same extent as if such
11 provisions were included herein.

12 (Source: P.A. 94-781, eff. 5-19-06; 94-1021, eff. 7-12-06;
13 95-331, eff. 8-21-07.)

14 Section 35. The Retailers' Occupation Tax Act is amended by
15 changing Section 3 and by adding Section 2-12 as follows:

16 (35 ILCS 120/2-12 new)

17 Sec. 2-12. Location where retailer is deemed to be engaged
18 in the business of selling. The purpose of this Section is to
19 specify where a retailer is deemed to be engaged in the
20 business of selling tangible personal property for the purposes
21 of this Act, the Use Tax Act, the Service Use Tax Act, and the
22 Service Occupation Tax Act, and for the purpose of collecting
23 any other local retailers' occupation tax administered by the
24 Department. This Section applies only with respect to the

1 particular selling activities described in the following
2 paragraphs. The provisions of this Section are not intended to,
3 and shall not be interpreted to, affect where a retailer is
4 deemed to be engaged in the business of selling with respect to
5 any activity that is not specifically described in the
6 following paragraphs.

7 (1) If a purchaser who is present at the retailer's
8 place of business, having no prior commitment to the
9 retailer, agrees to purchase and makes payment for tangible
10 personal property at the retailer's place of business, then
11 the transaction shall be deemed an over-the-counter sale
12 occurring at the retailer's same place of business where
13 the purchaser was present and made payment for that
14 tangible personal property if the retailer regularly
15 stocks the purchased tangible personal property or similar
16 tangible personal property in the quantity, or similar
17 quantity, for sale at the retailer's same place of business
18 and then either (i) the purchaser takes possession of the
19 tangible personal property at the same place of business or
20 (ii) the retailer delivers or arranges for the tangible
21 personal property to be delivered to the purchaser.

22 (2) If a purchaser, having no prior commitment to the
23 retailer, agrees to purchase tangible personal property
24 and makes payment over the phone, in writing, or via the
25 Internet and takes possession of the tangible personal
26 property at the retailer's place of business, then the sale

1 shall be deemed to have occurred at the retailer's place of
2 business where the purchaser takes possession of the
3 property if the retailer regularly stocks the item or
4 similar items in the quantity, or similar quantities,
5 purchased by the purchaser.

6 (3) A retailer is deemed to be engaged in the business
7 of selling food, beverages, or other tangible personal
8 property through a vending machine at the location where
9 the vending machine is located at the time the sale is made
10 if (i) the vending machine is a device operated by coin,
11 currency, credit card, token, coupon or similar device; (2)
12 the food, beverage or other tangible personal property is
13 contained within the vending machine and dispensed from the
14 vending machine; and (3) the purchaser takes possession of
15 the purchased food, beverage or other tangible personal
16 property immediately.

17 (4) Minerals. A producer of coal or other mineral mined
18 in Illinois is deemed to be engaged in the business of
19 selling at the place where the coal or other mineral mined
20 in Illinois is extracted from the earth. With respect to
21 minerals (i) the term "extracted from the earth" means the
22 location at which the coal or other mineral is extracted
23 from the mouth of the mine, and (ii) a "mineral" includes
24 not only coal, but also oil, sand, stone taken from a
25 quarry, gravel and any other thing commonly regarded as a
26 mineral and extracted from the earth. This paragraph does

1 not apply to coal or another mineral when it is delivered
2 or shipped by the seller to the purchaser at a point
3 outside Illinois so that the sale is exempt under the
4 United States Constitution as a sale in interstate or
5 foreign commerce.

6 (35 ILCS 120/3) (from Ch. 120, par. 442)

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

12 1. The name of the seller;

13 2. His residence address and the address of his
14 principal place of business and the address of the
15 principal place of business (if that is a different
16 address) from which he engages in the business of selling
17 tangible personal property at retail in this State;

18 3. Total amount of receipts received by him during the
19 preceding calendar month or quarter, as the case may be,
20 from sales of tangible personal property, and from services
21 furnished, by him during such preceding calendar month or
22 quarter;

23 4. Total amount received by him during the preceding
24 calendar month or quarter on charge and time sales of
25 tangible personal property, and from services furnished,

1 by him prior to the month or quarter for which the return
2 is filed;

3 5. Deductions allowed by law;

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

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

9 8. The amount of tax due;

10 9. The signature of the taxpayer; and

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

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

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

20 Prior to October 1, 2003, and on and after September 1,
21 2004 a retailer may accept a Manufacturer's Purchase Credit
22 certification from a purchaser in satisfaction of Use Tax as
23 provided in Section 3-85 of the Use Tax Act if the purchaser
24 provides the appropriate documentation as required by Section
25 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
26 certification, accepted by a retailer prior to October 1, 2003

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

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 the business of selling tangible
25 personal property at retail in this State;

26 3. The total amount of taxable receipts received by him

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

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

7 5. The amount of tax due; and

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

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

24 Beginning on October 1, 2003, every distributor, importing
25 distributor, and manufacturer of alcoholic liquor as defined in
26 the Liquor Control Act of 1934, shall file a statement with the

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

26 If a total amount of less than \$1 is payable, refundable or

1 creditable, such amount shall be disregarded if it is less than
2 50 cents and shall be increased to \$1 if it is 50 cents or more.

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

1 funds transfer.

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

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

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

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

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

24 If the retailer is otherwise required to file a monthly
25 return and if the retailer's average monthly tax liability to
26 the Department does not exceed \$200, the Department may

1 authorize his returns to be filed on a quarter annual basis,
2 with the return for January, February and March of a given year
3 being due by April 20 of such year; with the return for April,
4 May and June of a given year being due by July 20 of such year;
5 with the return for July, August and September of a given year
6 being due by October 20 of such year, and with the return for
7 October, November and December of a given year being due by
8 January 20 of the following year.

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

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

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

25 Where the same person has more than one business registered
26 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.

1 Any retailer who sells only motor vehicles, watercraft,
2 aircraft, or trailers that are required to be registered with
3 an agency of this State, so that all retailers' occupation tax
4 liability is required to be reported, and is reported, on such
5 transaction reporting returns and who is not otherwise required
6 to file monthly or quarterly returns, need not file monthly or
7 quarterly returns. However, those retailers shall be required
8 to file returns on an annual basis.

9 The transaction reporting return, in the case of motor
10 vehicles or trailers that are required to be registered with an
11 agency of this State, shall be the same document as the Uniform
12 Invoice referred to in Section 5-402 of The Illinois Vehicle
13 Code and must show the name and address of the seller; the name
14 and address of the purchaser; the amount of the selling price
15 including the amount allowed by the retailer for traded-in
16 property, if any; the amount allowed by the retailer for the
17 traded-in tangible personal property, if any, to the extent to
18 which Section 1 of this Act allows an exemption for the value
19 of traded-in property; the balance payable after deducting such
20 trade-in allowance from the total selling price; the amount of
21 tax due from the retailer with respect to such transaction; the
22 amount of tax collected from the purchaser by the retailer on
23 such transaction (or satisfactory evidence that such tax is not
24 due in that particular instance, if that is claimed to be the
25 fact); the place and date of the sale; a sufficient
26 identification of the property sold; such other information as

1 is required in Section 5-402 of The Illinois Vehicle Code, and
2 such other information as the Department may reasonably
3 require.

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

20 Such transaction reporting return shall be filed not later
21 than 20 days after the day of delivery of the item that is
22 being sold, but may be filed by the retailer at any time sooner
23 than that if he chooses to do so. The transaction reporting
24 return and tax remittance or proof of exemption from the
25 Illinois use tax may be transmitted to the Department by way of
26 the State agency with which, or State officer with whom the

1 tangible personal property must be titled or registered (if
2 titling or registration is required) if the Department and such
3 agency or State officer determine that this procedure will
4 expedite the processing of applications for title or
5 registration.

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

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

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

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

1 Where the seller is a corporation, the return filed on
2 behalf of such corporation shall be signed by the president,
3 vice-president, secretary or treasurer or by the properly
4 accredited agent of such corporation.

5 Where the seller is a limited liability company, the return
6 filed on behalf of the limited liability company shall be
7 signed by a manager, member, or properly accredited agent of
8 the limited liability company.

9 Except as provided in this Section, the retailer filing the
10 return under this Section shall, at the time of filing such
11 return, pay to the Department the amount of tax imposed by this
12 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
13 on and after January 1, 1990, or \$5 per calendar year,
14 whichever is greater, which is allowed to reimburse the
15 retailer for the expenses incurred in keeping records,
16 preparing and filing returns, remitting the tax and supplying
17 data to the Department on request. Any prepayment made pursuant
18 to Section 2d of this Act shall be included in the amount on
19 which such 2.1% or 1.75% discount is computed. In the case of
20 retailers who report and pay the tax on a transaction by
21 transaction basis, as provided in this Section, such discount
22 shall be taken with each such tax remittance instead of when
23 such retailer files his periodic return. The Department may
24 disallow the discount for retailers whose certificate of
25 registration is revoked at the time the return is filed, but
26 only if the Department's decision to revoke the certificate of

1 registration has become final.

2 Before October 1, 2000, if the taxpayer's average monthly
3 tax liability to the Department under this Act, the Use Tax
4 Act, the Service Occupation Tax Act, and the Service Use Tax
5 Act, excluding any liability for prepaid sales tax to be
6 remitted in accordance with Section 2d of this Act, was \$10,000
7 or more during the preceding 4 complete calendar quarters, he
8 shall file a return with the Department each month by the 20th
9 day of the month next following the month during which such tax
10 liability is incurred and shall make payments to the Department
11 on or before the 7th, 15th, 22nd and last day of the month
12 during which such liability is incurred. On and after October
13 1, 2000, if the taxpayer's average monthly tax liability to the
14 Department under this Act, the Use Tax Act, the Service
15 Occupation Tax Act, and the Service Use Tax Act, excluding any
16 liability for prepaid sales tax to be remitted in accordance
17 with Section 2d of this Act, was \$20,000 or more during the
18 preceding 4 complete calendar quarters, he shall file a return
19 with the Department each month by the 20th day of the month
20 next following the month during which such tax liability is
21 incurred and shall make payment to the Department on or before
22 the 7th, 15th, 22nd and last day of the month during which such
23 liability is incurred. If the month during which such tax
24 liability is incurred began prior to January 1, 1985, each
25 payment shall be in an amount equal to 1/4 of the taxpayer's
26 actual liability for the month or an amount set by the

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

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

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

25 The provisions of this paragraph apply before October 1,
26 2001. Without regard to whether a taxpayer is required to make

1 quarter monthly payments as specified above, any taxpayer who
2 is required by Section 2d of this Act to collect and remit
3 prepaid taxes and has collected prepaid taxes which average in
4 excess of \$25,000 per month during the preceding 2 complete
5 calendar quarters, shall file a return with the Department as
6 required by Section 2f and shall make payments to the
7 Department on or before the 7th, 15th, 22nd and last day of the
8 month during which such liability is incurred. If the month
9 during which such tax liability is incurred began prior to the
10 effective date of this amendatory Act of 1985, each payment
11 shall be in an amount not less than 22.5% of the taxpayer's
12 actual liability under Section 2d. If the month during which
13 such tax liability is incurred begins on or after January 1,
14 1986, each payment shall be in an amount equal to 22.5% of the
15 taxpayer's actual liability for the month or 27.5% of the
16 taxpayer's liability for the same calendar month of the
17 preceding calendar year. If the month during which such tax
18 liability is incurred begins on or after January 1, 1987, each
19 payment shall be in an amount equal to 22.5% of the taxpayer's
20 actual liability for the month or 26.25% of the taxpayer's
21 liability for the same calendar month of the preceding year.
22 The amount of such quarter monthly payments shall be credited
23 against the final tax liability of the taxpayer's return for
24 that month filed under this Section or Section 2f, as the case
25 may be. Once applicable, the requirement of the making of
26 quarter monthly payments to the Department pursuant to this

1 paragraph shall continue until such taxpayer's average monthly
2 prepaid tax collections during the preceding 2 complete
3 calendar quarters is \$25,000 or less. If any such quarter
4 monthly payment is not paid at the time or in the amount
5 required, the taxpayer shall be liable for penalties and
6 interest on such difference, except insofar as the taxpayer has
7 previously made payments for that month in excess of the
8 minimum payments previously due.

9 The provisions of this paragraph apply on and after October
10 1, 2001. Without regard to whether a taxpayer is required to
11 make quarter monthly payments as specified above, any taxpayer
12 who is required by Section 2d of this Act to collect and remit
13 prepaid taxes and has collected prepaid taxes that average in
14 excess of \$20,000 per month during the preceding 4 complete
15 calendar quarters shall file a return with the Department as
16 required by Section 2f and shall make payments to the
17 Department on or before the 7th, 15th, 22nd and last day of the
18 month during which the liability is incurred. Each payment
19 shall be in an amount equal to 22.5% of the taxpayer's actual
20 liability for the month or 25% of the taxpayer's liability for
21 the same calendar month of the preceding year. The amount of
22 the quarter monthly payments shall be credited against the
23 final tax liability of the taxpayer's return for that month
24 filed under this Section or Section 2f, as the case may be.
25 Once applicable, the requirement of the making of quarter
26 monthly payments to the Department pursuant to this paragraph

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

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

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

9 If a retailer of motor fuel is entitled to a credit under
10 Section 2d of this Act which exceeds the taxpayer's liability
11 to the Department under this Act for the month which the
12 taxpayer is filing a return, the Department shall issue the
13 taxpayer a credit memorandum for the excess.

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

24 Beginning January 1, 1990, each month the Department shall
25 pay into the County and Mass Transit District Fund, a special
26 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. Beginning
7 September 1, 2010, each month the Department shall pay into the
8 County and Mass Transit District Fund 20% of the net revenue
9 realized for the preceding month from the 1.25% rate on the
10 selling price of sales tax holiday items.

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

15 Beginning August 1, 2000, each month the Department shall
16 pay into the Local Government Tax Fund 80% of the net revenue
17 realized for the preceding month from the 1.25% rate on the
18 selling price of motor fuel and gasohol. Beginning September 1,
19 2010, each month the Department shall pay into the Local
20 Government Tax Fund 80% of the net revenue realized for the
21 preceding month from the 1.25% rate on the selling price of
22 sales tax holiday items.

23 Beginning October 1, 2009, each month the Department shall
24 pay into the Capital Projects Fund an amount that is equal to
25 an amount estimated by the Department to represent 80% of the
26 net revenue realized for the preceding month from the sale of

1 candy, grooming and hygiene products, and soft drinks that had
2 been taxed at a rate of 1% prior to September 1, 2009 but that
3 are ~~is~~ now taxed at 6.25%.

4 Beginning July 1, 2011, each month the Department shall pay
5 into the Clean Air Act (CAA) Permit Fund 80% of the net revenue
6 realized for the preceding month from the 6.25% general rate on
7 the selling price of sorbents used in Illinois in the process
8 of sorbent injection as used to comply with the Environmental
9 Protection Act or the federal Clean Air Act, but the total
10 payment into the Clean Air Act (CAA) Permit Fund under this Act
11 and the Use Tax Act shall not exceed \$2,000,000 in any fiscal
12 year.

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

1 paragraph.

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

22	Fiscal Year	Annual Specified Amount
23	1986	\$54,800,000
24	1987	\$76,650,000
25	1988	\$80,480,000
26	1989	\$88,510,000

1	1990	\$115,330,000
2	1991	\$145,470,000
3	1992	\$182,730,000
4	1993	\$206,520,000;

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

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

1 Act.

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

14	Fiscal Year	Total Deposit
15	1993	\$0
16	1994	53,000,000
17	1995	58,000,000
18	1996	61,000,000
19	1997	64,000,000
20	1998	68,000,000
21	1999	71,000,000
22	2000	75,000,000
23	2001	80,000,000
24	2002	93,000,000
25	2003	99,000,000

1	2004	103,000,000
2	2005	108,000,000
3	2006	113,000,000
4	2007	119,000,000
5	2008	126,000,000
6	2009	132,000,000
7	2010	139,000,000
8	2011	146,000,000
9	2012	153,000,000
10	2013	161,000,000
11	2014	170,000,000
12	2015	179,000,000
13	2016	189,000,000
14	2017	199,000,000
15	2018	210,000,000
16	2019	221,000,000
17	2020	233,000,000
18	2021	246,000,000
19	2022	260,000,000
20	2023	275,000,000
21	2024	275,000,000
22	2025	275,000,000
23	2026	279,000,000
24	2027	292,000,000
25	2028	307,000,000
26	2029	322,000,000

1	2030	338,000,000
2	2031	350,000,000
3	2032	350,000,000

4 and

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 2060.

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

1 preceding paragraphs or in any amendments thereto hereafter
2 enacted, beginning July 1, 1993 and ending on September 30,
3 2013, the Department shall each month pay into the Illinois Tax
4 Increment Fund 0.27% of 80% of the net revenue realized for the
5 preceding month from the 6.25% general rate on the selling
6 price of tangible personal property.

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

20 Subject to payment of amounts into the Build Illinois Fund,
21 the McCormick Place Expansion Project Fund, the Illinois Tax
22 Increment Fund, and the Energy Infrastructure Fund pursuant to
23 the preceding paragraphs or in any amendments to this Section
24 hereafter enacted, beginning on the first day of the first
25 calendar month to occur on or after the effective date of this
26 amendatory Act of the 98th General Assembly, each month, from

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

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

19 The Department may, upon separate written notice to a
20 taxpayer, require the taxpayer to prepare and file with the
21 Department on a form prescribed by the Department within not
22 less than 60 days after receipt of the notice an annual
23 information return for the tax year specified in the notice.
24 Such annual return to the Department shall include a statement
25 of gross receipts as shown by the retailer's last Federal
26 income tax return. If the total receipts of the business as

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

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

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

26 (ii) On and after January 1, 1994, the taxpayer shall

1 be liable for a penalty as described in Section 3-4 of the
2 Uniform Penalty and Interest Act.

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

11 The provisions of this Section concerning the filing of an
12 annual information return do not apply to a retailer who is not
13 required to file an income tax return with the United States
14 Government.

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

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

26 For greater simplicity of administration, manufacturers,

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

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

24 Any person engaged in the business of selling tangible
25 personal property at retail as a concessionaire or other type
26 of seller at the Illinois State Fair, county fairs, art shows,

1 flea markets and similar exhibitions or events, or any
2 transient merchants, as defined by Section 2 of the Transient
3 Merchant Act of 1987, may be required to make a daily report of
4 the amount of such sales to the Department and to make a daily
5 payment of the full amount of tax due. The Department shall
6 impose this requirement when it finds that there is a
7 significant risk of loss of revenue to the State at such an
8 exhibition or event. Such a finding shall be based on evidence
9 that a substantial number of concessionaires or other sellers
10 who are not residents of Illinois will be engaging in the
11 business of selling tangible personal property at retail at the
12 exhibition or event, or other evidence of a significant risk of
13 loss of revenue to the State. The Department shall notify
14 concessionaires and other sellers affected by the imposition of
15 this requirement. In the absence of notification by the
16 Department, the concessionaires and other sellers shall file
17 their returns as otherwise required in this Section.

18 (Source: P.A. 97-95, eff. 7-12-11; 97-333, eff. 8-12-11; 98-24,
19 eff. 6-19-13; 98-109, eff. 7-25-13; 98-496, eff. 1-1-14;
20 revised 9-9-13.)

21 Section 40. The Telecommunications Excise Tax Act is
22 amended by changing Section 6 as follows:

23 (35 ILCS 630/6) (from Ch. 120, par. 2006)

24 Sec. 6. Except as provided hereinafter in this Section, on

1 or before the last day of each month, each retailer maintaining
2 a place of business in this State shall make a return to the
3 Department for the preceding calendar month, stating:

4 1. His name;

5 2. The address of his principal place of business, or
6 the address of the principal place of business (if that is
7 a different address) from which he engages in the business
8 of transmitting telecommunications;

9 3. Total amount of gross charges billed by him during
10 the preceding calendar month for providing
11 telecommunications during such calendar month;

12 4. Total amount received by him during the preceding
13 calendar month on credit extended;

14 5. Deductions allowed by law;

15 6. Gross charges which were billed by him during the
16 preceding calendar month and upon the basis of which the
17 tax is imposed;

18 7. Amount of tax (computed upon Item 6);

19 8. Such other reasonable information as the Department
20 may require.

21 Any taxpayer required to make payments under this Section
22 may make the payments by electronic funds transfer. The
23 Department shall adopt rules necessary to effectuate a program
24 of electronic funds transfer. Any taxpayer who has average
25 monthly tax billings due to the Department under this Act and
26 the Simplified Municipal Telecommunications Tax Act that

1 exceed \$1,000 shall make all payments by electronic funds
2 transfer as required by rules of the Department and shall file
3 the return required by this Section by electronic means as
4 required by rules of the Department.

5 If the retailer's average monthly tax billings due to the
6 Department under this Act and the Simplified Municipal
7 Telecommunications Tax Act do not exceed \$1,000, the Department
8 may authorize his returns to be filed on a quarter annual
9 basis, with the return for January, February and March of a
10 given year being due by April 30 of such year; with the return
11 for April, May and June of a given year being due by July 31st
12 of such year; with the return for July, August and September of
13 a given year being due by October 31st of such year; and with
14 the return of October, November and December of a given year
15 being due by January 31st of the following year.

16 If the retailer is otherwise required to file a monthly or
17 quarterly return and if the retailer's average monthly tax
18 billings due to the Department under this Act and the
19 Simplified Municipal Telecommunications Tax Act do not exceed
20 \$400, the Department may authorize his or her return to be
21 filed on an annual basis, with the return for a given year
22 being due by January 31st of the following year.

23 Notwithstanding any other provision of this Article
24 containing the time within which a retailer may file his
25 return, in the case of any retailer who ceases to engage in a
26 kind of business which makes him responsible for filing returns

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

4 In making such return, the retailer shall determine the
5 value of any consideration other than money received by him and
6 he shall include such value in his return. Such determination
7 shall be subject to review and revision by the Department in
8 the manner hereinafter provided for the correction of returns.

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

1 against the final liability of the retailer's return for any
2 subsequent month. If any quarter monthly payment is not paid at
3 the time or in the amount required by this Section, the
4 retailer shall be liable for penalty and interest on the
5 difference between the minimum amount due as a payment and the
6 amount of such payment actually and timely paid, except insofar
7 as the retailer has previously made payments for that month to
8 the Department in excess of the minimum payments previously
9 due.

10 The retailer making the return herein provided for shall,
11 at the time of making such return, pay to the Department the
12 amount of tax herein imposed, less a discount of 1% which is
13 allowed to reimburse the retailer for the expenses incurred in
14 keeping records, billing the customer, preparing and filing
15 returns, remitting the tax, and supplying data to the
16 Department upon request. No discount may be claimed by a
17 retailer on returns not timely filed and for taxes not timely
18 remitted.

19 On and after the effective date of this Article of 1985,
20 ~~\$1,000,000~~ of the moneys received by the Department of Revenue
21 pursuant to this Article, other than moneys received pursuant
22 to the additional taxes imposed by Public Act 90-548:

23 (1) \$1,000,000 shall be paid each month into the Common
24 School Fund;

25 (2) beginning on the first day of the first calendar
26 month to occur on or after the effective date of this

1 amendatory Act of the 98th General Assembly, an amount
2 equal to 1/12 of 5% of the cash receipts collected during
3 the preceding fiscal year by the Audit Bureau of the
4 Department from the tax under this Act and the Simplified
5 Municipal Telecommunications Tax Act shall be paid each
6 month into the Tax Compliance and Administration Fund;
7 those moneys shall be used, subject to appropriation, to
8 fund additional auditors and compliance personnel at the
9 Department of Revenue; and

10 (3) the remainder shall be deposited into the General
11 Revenue Fund.

12 On and after February 1, 1998, however, of the moneys
13 received by the Department of Revenue pursuant to the
14 additional taxes imposed by Public Act 90-548, ~~this amendatory~~
15 ~~Act of 1997~~ one-half shall be deposited into the School
16 Infrastructure Fund and one-half shall be deposited into the
17 Common School Fund. On and after the effective date of this
18 amendatory Act of the 91st General Assembly, if in any fiscal
19 year the total of the moneys deposited into the School
20 Infrastructure Fund under this Act is less than the total of
21 the moneys deposited into that Fund from the additional taxes
22 imposed by Public Act 90-548 during fiscal year 1999, then, as
23 soon as possible after the close of the fiscal year, the
24 Comptroller shall order transferred and the Treasurer shall
25 transfer from the General Revenue Fund to the School
26 Infrastructure Fund an amount equal to the difference between

1 the fiscal year total deposits and the total amount deposited
2 into the Fund in fiscal year 1999.

3 (Source: P.A. 91-541, eff. 8-13-99; 91-870, 6-22-00; 92-526,
4 eff. 1-1-03.)

5 Section 45. The Telecommunications Infrastructure
6 Maintenance Fee Act is amended by changing Section 25 as
7 follows:

8 (35 ILCS 635/25)

9 Sec. 25. Collection, enforcement, and administration of
10 State telecommunications infrastructure maintenance fees.

11 (a) A telecommunications retailer shall charge each
12 customer an additional charge equal to the State infrastructure
13 maintenance fee attributable to that customer's service
14 address. Such additional charge shall be shown separately on
15 the bill to each customer.

16 (b) The State infrastructure maintenance fee shall be
17 designated as a replacement for the personal property tax and
18 shall be remitted by the telecommunications retailer to the
19 Department; provided, however, that the telecommunications
20 retailer may retain an amount not to exceed 2% of the State
21 infrastructure maintenance fee paid to the Department, with a
22 timely paid and timely filed return to reimburse itself for
23 expenses incurred in collecting, accounting for, and remitting
24 the fee.

1 Beginning on the first day of the first calendar month to
2 occur on or after the effective date of this amendatory Act of
3 the 98th General Assembly, an amount equal to 1/12 of 5% of the
4 cash receipts collected during the preceding fiscal year by the
5 Audit Bureau of the Department from the tax under this Act
6 shall be paid each month into the Tax Compliance and
7 Administration Fund to be used, subject to appropriation, to
8 fund additional auditors and compliance personnel at the
9 Department of Revenue. All remaining amounts herein remitted to
10 the Department shall be paid into ~~transferred to~~ the Personal
11 Property Tax Replacement Fund in the State Treasury.

12 (Source: P.A. 92-526, eff. 1-1-03.)

13 Section 55. The Counties Code is amended by changing
14 Section 5-1014.3 as follows:

15 (55 ILCS 5/5-1014.3)

16 Sec. 5-1014.3. Agreements to share or rebate occupation
17 taxes.

18 (a) On and after June 1, 2004, a county board shall not
19 enter into any agreement to share or rebate any portion of
20 retailers' occupation taxes generated by retail sales of
21 tangible personal property if: (1) the tax on those retail
22 sales, absent the agreement, would have been paid to another
23 unit of local government; and (2) the retailer maintains,
24 within that other unit of local government, a retail location

1 from which the tangible personal property is delivered to
2 purchasers, or a warehouse from which the tangible personal
3 property is delivered to purchasers. Any unit of local
4 government denied retailers' occupation tax revenue because of
5 an agreement that violates this Section may file an action in
6 circuit court against only the county. Any agreement entered
7 into prior to June 1, 2004 is not affected by this amendatory
8 Act of the 93rd General Assembly. Any unit of local government
9 that prevails in the circuit court action is entitled to
10 damages in the amount of the tax revenue it was denied as a
11 result of the agreement, statutory interest, costs, reasonable
12 attorney's fees, and an amount equal to 50% of the tax.

13 (b) On and after the effective date of this amendatory Act
14 of the 93rd General Assembly, a home rule unit shall not enter
15 into any agreement prohibited by this Section. This Section is
16 a denial and limitation of home rule powers and functions under
17 subsection (g) of Section 6 of Article VII of the Illinois
18 Constitution.

19 (c) Any county that enters into an agreement to share or
20 rebate any portion of retailers' occupation taxes generated by
21 retail sales of tangible personal property must complete and
22 submit a report by electronic filing to the Department of
23 Revenue within 30 days after the execution of the agreement.
24 Any county that has entered into such an agreement before the
25 effective date of this amendatory Act of the 97th General
26 Assembly that has not been terminated or expired as of the

1 effective date of this amendatory Act of the 97th General
2 Assembly shall submit a report with respect to the agreements
3 within 90 days after the effective date of this amendatory Act
4 of the 97th General Assembly.

5 Any agreement entered into after the effective date of this
6 amendatory Act of the 98th General Assembly is not valid until
7 the county entering into the agreement complies with the
8 requirements set forth in this subsection. Any county that
9 fails to comply with the requirements set forth in this
10 subsection within 30 days after the execution of the agreement
11 shall be responsible for paying to the Department of Revenue a
12 delinquency penalty of \$20 per day for each day the county
13 fails to submit a report by electronic filing to the Department
14 of Revenue. A county that has previously failed to report an
15 agreement in effect on the effective date of this subsection
16 will begin to accrue a delinquency penalty for each day the
17 agreement remains unreported beginning on the effective date of
18 this subsection. The Department of Revenue may adopt rules to
19 implement and administer these penalties.

20 (d) The report described in this Section shall be made on a
21 form to be supplied by the Department of Revenue and shall
22 contain the following:

23 (1) the names of the county and the business entering
24 into the agreement;

25 (2) the location or locations of the business within
26 the county;

1 (3) a statement, to be answered in the affirmative or
2 negative, as to whether or not the company maintains
3 additional places of business in the State other than those
4 described pursuant to paragraph (2);

5 (4) the terms of the agreement, including (i) the
6 manner in which the amount of any retailers' occupation tax
7 to be shared, rebated, or refunded is to be determined each
8 year for the duration of the agreement, (ii) the duration
9 of the agreement, and (iii) the name of any business who is
10 not a party to the agreement but who directly or indirectly
11 receives a share, refund, or rebate of the retailers'
12 occupation tax; and

13 (5) a copy of the agreement to share or rebate any
14 portion of retailers' occupation taxes generated by retail
15 sales of tangible personal property.

16 An updated report must be filed by the county within 30
17 days after the execution of any amendment made to an agreement.

18 Reports filed with the Department pursuant to this Section
19 shall not constitute tax returns.

20 (e) The Department and the county shall redact the sales
21 figures, the amount of sales tax collected, and the amount of
22 sales tax rebated prior to disclosure of information contained
23 in a report required by this Section or the Freedom of
24 Information Act. The information redacted shall be exempt from
25 the provisions of the Freedom of Information Act.

26 (f) All reports, except the copy of the agreement, required

1 to be filed with the Department of Revenue pursuant to this
2 Section shall be posted on the Department's website within 6
3 months after the effective date of this amendatory Act of the
4 97th General Assembly. The website shall be updated on a
5 monthly basis to include newly received reports.

6 (Source: P.A. 97-976, eff. 1-1-13; 98-463, eff. 8-16-13.)

7 Section 60. The Illinois Municipal Code is amended by
8 changing Section 8-11-21 as follows:

9 (65 ILCS 5/8-11-21)

10 Sec. 8-11-21. Agreements to share or rebate occupation
11 taxes.

12 (a) On and after June 1, 2004, the corporate authorities of
13 a municipality shall not enter into any agreement to share or
14 rebate any portion of retailers' occupation taxes generated by
15 retail sales of tangible personal property if: (1) the tax on
16 those retail sales, absent the agreement, would have been paid
17 to another unit of local government; and (2) the retailer
18 maintains, within that other unit of local government, a retail
19 location from which the tangible personal property is delivered
20 to purchasers, or a warehouse from which the tangible personal
21 property is delivered to purchasers. Any unit of local
22 government denied retailers' occupation tax revenue because of
23 an agreement that violates this Section may file an action in
24 circuit court against only the municipality. Any agreement

1 entered into prior to June 1, 2004 is not affected by this
2 amendatory Act of the 93rd General Assembly. Any unit of local
3 government that prevails in the circuit court action is
4 entitled to damages in the amount of the tax revenue it was
5 denied as a result of the agreement, statutory interest, costs,
6 reasonable attorney's fees, and an amount equal to 50% of the
7 tax.

8 (b) On and after the effective date of this amendatory Act
9 of the 93rd General Assembly, a home rule unit shall not enter
10 into any agreement prohibited by this Section. This Section is
11 a denial and limitation of home rule powers and functions under
12 subsection (g) of Section 6 of Article VII of the Illinois
13 Constitution.

14 (c) Any municipality that enters into an agreement to share
15 or rebate any portion of retailers' occupation taxes generated
16 by retail sales of tangible personal property must complete and
17 submit a report by electronic filing to the Department of
18 Revenue within 30 days after the execution of the agreement.
19 Any municipality that has entered into such an agreement before
20 the effective date of this amendatory Act of the 97th General
21 Assembly that has not been terminated or expired as of the
22 effective date of this amendatory Act of the 97th General
23 Assembly shall submit a report with respect to the agreements
24 within 90 days after the effective date of this amendatory Act
25 of the 97th General Assembly.

26 Any agreement entered into on or after the effective date

1 of this amendatory Act of the 98th General Assembly is not
2 valid until the municipality entering into the agreement
3 complies with the requirements set forth in this subsection.
4 Any municipality that fails to comply with the requirements set
5 forth in this subsection within the 30 days after the execution
6 of the agreement shall be responsible for paying to the
7 Department of Revenue a delinquency penalty of \$20 per day for
8 each day the municipality fails to submit a report by
9 electronic filing to the Department of Revenue. A municipality
10 that has previously failed to report an agreement in effect on
11 the effective date of this subsection will begin to accrue a
12 delinquency penalty for each day the agreement remains
13 unreported beginning on the effective date of this subsection.
14 The Department of Revenue may adopt rules to implement and
15 administer these penalties.

16 (d) The report described in this Section shall be made on a
17 form to be supplied by the Department of Revenue and shall
18 contain the following:

19 (1) the names of the municipality and the business
20 entering into the agreement;

21 (2) the location or locations of the business within
22 the municipality;

23 (3) a statement, to be answered in the affirmative or
24 negative, as to whether or not the company maintains
25 additional places of business in the State other than those
26 described pursuant to paragraph (2);

1 (4) the terms of the agreement, including (i) the
2 manner in which the amount of any retailers' occupation tax
3 to be shared, rebated, or refunded is to be determined each
4 year for the duration of the agreement, (ii) the duration
5 of the agreement, and (iii) the name of any business who is
6 not a party to the agreement but who directly or indirectly
7 receives a share, refund, or rebate of the retailers'
8 occupation tax; and

9 (5) a copy of the agreement to share or rebate any
10 portion of retailers' occupation taxes generated by retail
11 sales of tangible personal property.

12 An updated report must be filed by the municipality within
13 30 days after the execution of any amendment made to an
14 agreement.

15 Reports filed with the Department pursuant to this Section
16 shall not constitute tax returns.

17 (e) The Department and the municipality shall redact the
18 sales figures, the amount of sales tax collected, and the
19 amount of sales tax rebated prior to disclosure of information
20 contained in a report required by this Section or the Freedom
21 of Information Act. The information redacted shall be exempt
22 from the provisions of the Freedom of Information Act.

23 (f) All reports, except the copy of the agreement, required
24 to be filed with the Department of Revenue pursuant to this
25 Section shall be posted on the Department's website within 6
26 months after the effective date of this amendatory Act of the

1 97th General Assembly. The website shall be updated on a
2 monthly basis to include newly received reports.

3 (Source: P.A. 97-976, eff. 1-1-13; 98-463, eff. 8-16-13.)".

4 Section 65. The Civic Center Code is amended by changing
5 Section 245-12 as follows:

6 (70 ILCS 200/245-12)

7 Sec. 245-12. Use and occupation taxes.

8 (a) The Authority may adopt a resolution that authorizes a
9 referendum on the question of whether the Authority shall be
10 authorized to impose a retailers' occupation tax, a service
11 occupation tax, and a use tax in one-quarter percent increments
12 at a rate not to exceed 1%. The Authority shall certify the
13 question to the proper election authorities who shall submit
14 the question to the voters of the metropolitan area at the next
15 regularly scheduled election in accordance with the general
16 election law. The question shall be in substantially the
17 following form:

18 "Shall the Salem Civic Center Authority be authorized to
19 impose a retailers' occupation tax, a service occupation
20 tax, and a use tax at the rate of (rate) for the sole
21 purpose of obtaining funds for the support, construction,
22 maintenance, or financing of a facility of the Authority?"

23 Votes shall be recorded as "yes" or "no". If a majority of
24 all votes cast on the proposition are in favor of the

1 proposition, the Authority is authorized to impose the tax.

2 (b) The Authority shall impose the retailers' occupation
3 tax upon all persons engaged in the business of selling
4 tangible personal property at retail in the metropolitan area,
5 at the rate approved by referendum, on the gross receipts from
6 the sales made in the course of such business within the
7 metropolitan area. The tax imposed under this Section and all
8 civil penalties that may be assessed as an incident thereof
9 shall be collected and enforced by the Department of Revenue.
10 The Department has full power to administer and enforce this
11 Section; to collect all taxes and penalties so collected in the
12 manner provided in this Section; and to determine all rights to
13 credit memoranda arising on account of the erroneous payment of
14 tax or penalty hereunder. In the administration of, and
15 compliance with, this Section, the Department and persons who
16 are subject to this Section shall (i) have the same rights,
17 remedies, privileges, immunities, powers and duties, (ii) be
18 subject to the same conditions, restrictions, limitations,
19 penalties, exclusions, exemptions, and definitions of terms,
20 and (iii) employ the same modes of procedure as are prescribed
21 in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2,
22 2-5, 2-5.5, 2-10 (in respect to all provisions therein other
23 than the State rate of tax), 2-12, 2-15 through 2-70, 2a, 2b,
24 2c, 3 (except as to the disposition of taxes and penalties
25 collected and provisions related to quarter monthly payments),
26 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c,

1 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation
2 Tax Act and Section 3-7 of the Uniform Penalty and Interest
3 Act, as fully as if those provisions were set forth in this
4 subsection.

5 Persons subject to any tax imposed under this subsection
6 may reimburse themselves for their seller's tax liability by
7 separately stating the tax as an additional charge, which
8 charge may be stated in combination, in a single amount, with
9 State taxes that sellers are required to collect, in accordance
10 with such bracket schedules as the Department may prescribe.

11 Whenever the Department determines that a refund should be
12 made under this subsection to a claimant instead of issuing a
13 credit memorandum, the Department shall notify the State
14 Comptroller, who shall cause the warrant to be drawn for the
15 amount specified, and to the person named, in the notification
16 from the Department. The refund shall be paid by the State
17 Treasurer out of the tax fund referenced under paragraph (g) of
18 this Section.

19 If a tax is imposed under this subsection (b), a tax shall
20 also be imposed at the same rate under subsections (c) and (d)
21 of this Section.

22 For the purpose of determining whether a tax authorized
23 under this Section is applicable, a retail sale, by a producer
24 of coal or other mineral mined in Illinois, is a sale at retail
25 at the place where the coal or other mineral mined in Illinois
26 is extracted from the earth. This paragraph does not apply to

1 coal or other mineral when it is delivered or shipped by the
2 seller to the purchaser at a point outside Illinois so that the
3 sale is exempt under the Federal Constitution as a sale in
4 interstate or foreign commerce.

5 Nothing in this Section shall be construed to authorize the
6 Authority to impose a tax upon the privilege of engaging in any
7 business which under the Constitution of the United States may
8 not be made the subject of taxation by this State.

9 (c) If a tax has been imposed under subsection (b), a
10 service occupation tax shall also be imposed at the same rate
11 upon all persons engaged, in the metropolitan area, in the
12 business of making sales of service, who, as an incident to
13 making those sales of service, transfer tangible personal
14 property within the metropolitan area as an incident to a sale
15 of service. The tax imposed under this subsection and all civil
16 penalties that may be assessed as an incident thereof shall be
17 collected and enforced by the Department of Revenue. The
18 Department has full power to administer and enforce this
19 paragraph; to collect all taxes and penalties due hereunder; to
20 dispose of taxes and penalties so collected in the manner
21 hereinafter provided; and to determine all rights to credit
22 memoranda arising on account of the erroneous payment of tax or
23 penalty hereunder. In the administration of, and compliance
24 with this paragraph, the Department and persons who are subject
25 to this paragraph shall (i) have the same rights, remedies,
26 privileges, immunities, powers, and duties, (ii) be subject to

1 the same conditions, restrictions, limitations, penalties,
2 exclusions, exemptions, and definitions of terms, and (iii)
3 employ the same modes of procedure as are prescribed in
4 Sections 2 (except that the reference to State in the
5 definition of supplier maintaining a place of business in this
6 State shall mean the metropolitan area), 2a, 2b, 3 through 3-55
7 (in respect to all provisions therein other than the State rate
8 of tax), 4 (except that the reference to the State shall be to
9 the Authority), 5, 7, 8 (except that the jurisdiction to which
10 the tax shall be a debt to the extent indicated in that Section
11 8 shall be the Authority), 9 (except as to the disposition of
12 taxes and penalties collected, and except that the returned
13 merchandise credit for this tax may not be taken against any
14 State tax), 11, 12 (except the reference therein to Section 2b
15 of the Retailers' Occupation Tax Act), 13 (except that any
16 reference to the State shall mean the Authority), 15, 16, 17,
17 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7
18 of the Uniform Penalty and Interest Act, as fully as if those
19 provisions were set forth herein.

20 Persons subject to any tax imposed under the authority
21 granted in this subsection may reimburse themselves for their
22 serviceman's tax liability by separately stating the tax as an
23 additional charge, which charge may be stated in combination,
24 in a single amount, with State tax that servicemen are
25 authorized to collect under the Service Use Tax Act, in
26 accordance with such bracket schedules as the Department may

1 prescribe.

2 Whenever the Department determines that a refund should be
3 made under this subsection to a claimant instead of issuing a
4 credit memorandum, the Department shall notify the State
5 Comptroller, who shall cause the warrant to be drawn for the
6 amount specified, and to the person named, in the notification
7 from the Department. The refund shall be paid by the State
8 Treasurer out of the tax fund referenced under paragraph (g) of
9 this Section.

10 Nothing in this paragraph shall be construed to authorize
11 the Authority to impose a tax upon the privilege of engaging in
12 any business which under the Constitution of the United States
13 may not be made the subject of taxation by the State.

14 (d) If a tax has been imposed under subsection (b), a use
15 tax shall also be imposed at the same rate upon the privilege
16 of using, in the metropolitan area, any item of tangible
17 personal property that is purchased outside the metropolitan
18 area at retail from a retailer, and that is titled or
19 registered at a location within the metropolitan area with an
20 agency of this State's government. "Selling price" is defined
21 as in the Use Tax Act. The tax shall be collected from persons
22 whose Illinois address for titling or registration purposes is
23 given as being in the metropolitan area. The tax shall be
24 collected by the Department of Revenue for the Authority. The
25 tax must be paid to the State, or an exemption determination
26 must be obtained from the Department of Revenue, before the

1 title or certificate of registration for the property may be
2 issued. The tax or proof of exemption may be transmitted to the
3 Department by way of the State agency with which, or the State
4 officer with whom, the tangible personal property must be
5 titled or registered if the Department and the State agency or
6 State officer determine that this procedure will expedite the
7 processing of applications for title or registration.

8 The Department has full power to administer and enforce
9 this paragraph; to collect all taxes, penalties and interest
10 due hereunder; to dispose of taxes, penalties and interest so
11 collected in the manner hereinafter provided; and to determine
12 all rights to credit memoranda or refunds arising on account of
13 the erroneous payment of tax, penalty or interest hereunder. In
14 the administration of, and compliance with, this subsection,
15 the Department and persons who are subject to this paragraph
16 shall (i) have the same rights, remedies, privileges,
17 immunities, powers, and duties, (ii) be subject to the same
18 conditions, restrictions, limitations, penalties, exclusions,
19 exemptions, and definitions of terms, and (iii) employ the same
20 modes of procedure as are prescribed in Sections 2 (except the
21 definition of "retailer maintaining a place of business in this
22 State"), 3, 3-5, 3-10, 3-45, 3-55, 3-65, 3-70, 3-85, 3a, 4, 6,
23 7, 8 (except that the jurisdiction to which the tax shall be a
24 debt to the extent indicated in that Section 8 shall be the
25 Authority), 9 (except provisions relating to quarter monthly
26 payments), 10, 11, 12, 12a, 12b, 13, 14, 15, 19, 20, 21, and 22

1 of the Use Tax Act and Section 3-7 of the Uniform Penalty and
2 Interest Act, that are not inconsistent with this paragraph, as
3 fully as if those provisions were set forth herein.

4 Whenever the Department determines that a refund should be
5 made under this subsection to a claimant instead of issuing a
6 credit memorandum, the Department shall notify the State
7 Comptroller, who shall cause the order to be drawn for the
8 amount specified, and to the person named, in the notification
9 from the Department. The refund shall be paid by the State
10 Treasurer out of the tax fund referenced under paragraph (g) of
11 this Section.

12 (e) A certificate of registration issued by the State
13 Department of Revenue to a retailer under the Retailers'
14 Occupation Tax Act or under the Service Occupation Tax Act
15 shall permit the registrant to engage in a business that is
16 taxed under the tax imposed under paragraphs (b), (c), or (d)
17 of this Section and no additional registration shall be
18 required. A certificate issued under the Use Tax Act or the
19 Service Use Tax Act shall be applicable with regard to any tax
20 imposed under paragraph (c) of this Section.

21 (f) The results of any election authorizing a proposition
22 to impose a tax under this Section or effecting a change in the
23 rate of tax shall be certified by the proper election
24 authorities and filed with the Illinois Department on or before
25 the first day of April. In addition, an ordinance imposing,
26 discontinuing, or effecting a change in the rate of tax under

1 this Section shall be adopted and a certified copy thereof
2 filed with the Department on or before the first day of April.
3 After proper receipt of such certifications, the Department
4 shall proceed to administer and enforce this Section as of the
5 first day of July next following such adoption and filing.

6 (g) The Department of Revenue shall, upon collecting any
7 taxes and penalties as provided in this Section, pay the taxes
8 and penalties over to the State Treasurer as trustee for the
9 Authority. The taxes and penalties shall be held in a trust
10 fund outside the State Treasury. On or before the 25th day of
11 each calendar month, the Department of Revenue shall prepare
12 and certify to the Comptroller of the State of Illinois the
13 amount to be paid to the Authority, which shall be the balance
14 in the fund, less any amount determined by the Department to be
15 necessary for the payment of refunds. Within 10 days after
16 receipt by the Comptroller of the certification of the amount
17 to be paid to the Authority, the Comptroller shall cause an
18 order to be drawn for payment for the amount in accordance with
19 the directions contained in the certification. Amounts
20 received from the tax imposed under this Section shall be used
21 only for the support, construction, maintenance, or financing
22 of a facility of the Authority.

23 (h) When certifying the amount of a monthly disbursement to
24 the Authority under this Section, the Department shall increase
25 or decrease the amounts by an amount necessary to offset any
26 miscalculation of previous disbursements. The offset amount

1 shall be the amount erroneously disbursed within the previous 6
2 months from the time a miscalculation is discovered.

3 (i) This Section may be cited as the Salem Civic Center Use
4 and Occupation Tax Law.

5 (Source: P.A. 90-328, eff. 1-1-98.)

6 Section 70. The Metro-East Park and Recreation District Act
7 is amended by changing Section 30 as follows:

8 (70 ILCS 1605/30)

9 Sec. 30. Taxes.

10 (a) The board shall impose a tax upon all persons engaged
11 in the business of selling tangible personal property, other
12 than personal property titled or registered with an agency of
13 this State's government, at retail in the District on the gross
14 receipts from the sales made in the course of business. This
15 tax shall be imposed only at the rate of one-tenth of one per
16 cent.

17 This additional tax may not be imposed on the sales of food
18 for human consumption that is to be consumed off the premises
19 where it is sold (other than alcoholic beverages, soft drinks,
20 and food which has been prepared for immediate consumption) and
21 prescription and non-prescription medicines, drugs, medical
22 appliances, and insulin, urine testing materials, syringes,
23 and needles used by diabetics. The tax imposed by the Board
24 under this Section and all civil penalties that may be assessed

1 as an incident of the tax shall be collected and enforced by
2 the Department of Revenue. The certificate of registration that
3 is issued by the Department to a retailer under the Retailers'
4 Occupation Tax Act shall permit the retailer to engage in a
5 business that is taxable without registering separately with
6 the Department under an ordinance or resolution under this
7 Section. The Department has full power to administer and
8 enforce this Section, to collect all taxes and penalties due
9 under this Section, to dispose of taxes and penalties so
10 collected in the manner provided in this Section, and to
11 determine all rights to credit memoranda arising on account of
12 the erroneous payment of a tax or penalty under this Section.
13 In the administration of and compliance with this Section, the
14 Department and persons who are subject to this Section shall
15 (i) have the same rights, remedies, privileges, immunities,
16 powers, and duties, (ii) be subject to the same conditions,
17 restrictions, limitations, penalties, and definitions of
18 terms, and (iii) employ the same modes of procedure as are
19 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m,
20 1n, 2, 2-5, 2-5.5, 2-10 (in respect to all provisions contained
21 in those Sections other than the State rate of tax), 2-12, 2-15
22 through 2-70, 2a, 2b, 2c, 3 (except provisions relating to
23 transaction returns and quarter monthly payments), 4, 5, 5a,
24 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8,
25 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act
26 and the Uniform Penalty and Interest Act as if those provisions

1 were set forth in this Section.

2 Persons subject to any tax imposed under the authority
3 granted in this Section may reimburse themselves for their
4 sellers' tax liability by separately stating the tax as an
5 additional charge, which charge may be stated in combination,
6 in a single amount, with State tax which sellers are required
7 to collect under the Use Tax Act, pursuant to such bracketed
8 schedules as the Department may prescribe.

9 Whenever the Department determines that a refund should be
10 made under this Section to a claimant instead of issuing a
11 credit memorandum, the Department shall notify the State
12 Comptroller, who shall cause the order to be drawn for the
13 amount specified and to the person named in the notification
14 from the Department. The refund shall be paid by the State
15 Treasurer out of the State Metro-East Park and Recreation
16 District Fund.

17 (b) If a tax has been imposed under subsection (a), a
18 service occupation tax shall also be imposed at the same rate
19 upon all persons engaged, in the District, in the business of
20 making sales of service, who, as an incident to making those
21 sales of service, transfer tangible personal property within
22 the District as an incident to a sale of service. This tax may
23 not be imposed on sales of food for human consumption that is
24 to be consumed off the premises where it is sold (other than
25 alcoholic beverages, soft drinks, and food prepared for
26 immediate consumption) and prescription and non-prescription

1 medicines, drugs, medical appliances, and insulin, urine
2 testing materials, syringes, and needles used by diabetics. The
3 tax imposed under this subsection and all civil penalties that
4 may be assessed as an incident thereof shall be collected and
5 enforced by the Department of Revenue. The Department has full
6 power to administer and enforce this subsection; to collect all
7 taxes and penalties due hereunder; to dispose of taxes and
8 penalties so collected in the manner hereinafter provided; and
9 to determine all rights to credit memoranda arising on account
10 of the erroneous payment of tax or penalty hereunder. In the
11 administration of, and compliance with this subsection, the
12 Department and persons who are subject to this paragraph shall
13 (i) have the same rights, remedies, privileges, immunities,
14 powers, and duties, (ii) be subject to the same conditions,
15 restrictions, limitations, penalties, exclusions, exemptions,
16 and definitions of terms, and (iii) employ the same modes of
17 procedure as are prescribed in Sections 2 (except that the
18 reference to State in the definition of supplier maintaining a
19 place of business in this State shall mean the District), 2a,
20 2b, 2c, 3 through 3-50 (in respect to all provisions therein
21 other than the State rate of tax), 4 (except that the reference
22 to the State shall be to the District), 5, 7, 8 (except that
23 the jurisdiction to which the tax shall be a debt to the extent
24 indicated in that Section 8 shall be the District), 9 (except
25 as to the disposition of taxes and penalties collected), 10,
26 11, 12 (except the reference therein to Section 2b of the

1 Retailers' Occupation Tax Act), 13 (except that any reference
2 to the State shall mean the District), Sections 15, 16, 17, 18,
3 19 and 20 of the Service Occupation Tax Act and the Uniform
4 Penalty and Interest Act, as fully as if those provisions were
5 set forth herein.

6 Persons subject to any tax imposed under the authority
7 granted in this subsection may reimburse themselves for their
8 serviceman's tax liability by separately stating the tax as an
9 additional charge, which charge may be stated in combination,
10 in a single amount, with State tax that servicemen are
11 authorized to collect under the Service Use Tax Act, in
12 accordance with such bracket schedules as the Department may
13 prescribe.

14 Whenever the Department determines that a refund should be
15 made under this subsection to a claimant instead of issuing a
16 credit memorandum, the Department shall notify the State
17 Comptroller, who shall cause the warrant to be drawn for the
18 amount specified, and to the person named, in the notification
19 from the Department. The refund shall be paid by the State
20 Treasurer out of the State Metro-East Park and Recreation
21 District Fund.

22 Nothing in this subsection shall be construed to authorize
23 the board to impose a tax upon the privilege of engaging in any
24 business which under the Constitution of the United States may
25 not be made the subject of taxation by the State.

26 (c) The Department shall immediately pay over to the State

1 Treasurer, ex officio, as trustee, all taxes and penalties
2 collected under this Section to be deposited into the State
3 Metro-East Park and Recreation District Fund, which shall be an
4 unappropriated trust fund held outside of the State treasury.

5 As soon as possible after the first day of each month,
6 beginning January 1, 2011, upon certification of the Department
7 of Revenue, the Comptroller shall order transferred, and the
8 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
9 local sales tax increment, as defined in the Innovation
10 Development and Economy Act, collected under this Section
11 during the second preceding calendar month for sales within a
12 STAR bond district. The Department shall make this
13 certification only if the Metro East Park and Recreation
14 District imposes a tax on real property as provided in the
15 definition of "local sales taxes" under the Innovation
16 Development and Economy Act.

17 After the monthly transfer to the STAR Bonds Revenue Fund,
18 on or before the 25th day of each calendar month, the
19 Department shall prepare and certify to the Comptroller the
20 disbursement of stated sums of money pursuant to Section 35 of
21 this Act to the District from which retailers have paid taxes
22 or penalties to the Department during the second preceding
23 calendar month. The amount to be paid to the District shall be
24 the amount (not including credit memoranda) collected under
25 this Section during the second preceding calendar month by the
26 Department plus an amount the Department determines is

1 necessary to offset any amounts that were erroneously paid to a
2 different taxing body, and not including (i) an amount equal to
3 the amount of refunds made during the second preceding calendar
4 month by the Department on behalf of the District, (ii) any
5 amount that the Department determines is necessary to offset
6 any amounts that were payable to a different taxing body but
7 were erroneously paid to the District, and (iii) any amounts
8 that are transferred to the STAR Bonds Revenue Fund. Within 10
9 days after receipt by the Comptroller of the disbursement
10 certification to the District provided for in this Section to
11 be given to the Comptroller by the Department, the Comptroller
12 shall cause the orders to be drawn for the respective amounts
13 in accordance with directions contained in the certification.

14 (d) For the purpose of determining whether a tax authorized
15 under this Section is applicable, a retail sale by a producer
16 of coal or another mineral mined in Illinois is a sale at
17 retail at the place where the coal or other mineral mined in
18 Illinois is extracted from the earth. This paragraph does not
19 apply to coal or another mineral when it is delivered or
20 shipped by the seller to the purchaser at a point outside
21 Illinois so that the sale is exempt under the United States
22 Constitution as a sale in interstate or foreign commerce.

23 (e) Nothing in this Section shall be construed to authorize
24 the board to impose a tax upon the privilege of engaging in any
25 business that under the Constitution of the United States may
26 not be made the subject of taxation by this State.

1 (f) An ordinance imposing a tax under this Section or an
2 ordinance extending the imposition of a tax to an additional
3 county or counties shall be certified by the board and filed
4 with the Department of Revenue either (i) on or before the
5 first day of April, whereupon the Department shall proceed to
6 administer and enforce the tax as of the first day of July next
7 following the filing; or (ii) on or before the first day of
8 October, whereupon the Department shall proceed to administer
9 and enforce the tax as of the first day of January next
10 following the filing.

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

17 (Source: P.A. 96-939, eff. 6-24-10.)

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