



## 99TH GENERAL ASSEMBLY

### State of Illinois

### 2015 and 2016

#### HB6614

by Rep. Katherine Cloonen

#### SYNOPSIS AS INTRODUCED:

30 ILCS 740/2-3	from Ch. 111 2/3, par. 663
35 ILCS 105/9	from Ch. 120, par. 439.9
35 ILCS 110/9	from Ch. 120, par. 439.39
35 ILCS 115/9	from Ch. 120, par. 439.109
35 ILCS 120/3	from Ch. 120, par. 442

Amends the Downstate Public Transportation Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, the Use Tax Act, and the Service Use Tax Act. Beginning July 1, 2017, instead of use and occupation tax collections being deposited into the General Revenue Fund and then transferred monthly by the Comptroller from the General Revenue Fund to the Downstate Public Transportation Fund, requires the Department of Revenue to deposit the designated fraction of the net revenue realized from those collections directly into the Downstate Public Transportation Fund. Effective July 1, 2017.

LRB099 23583 HLH 51072 b

1 AN ACT concerning transportation.

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

4 Section 5. The Downstate Public Transportation Act is  
5 amended by changing Section 2-3 as follows:

6 (30 ILCS 740/2-3) (from Ch. 111 2/3, par. 663)

7 Sec. 2-3. (a) As soon as possible after the first day of  
8 each month, beginning July 1, 1984, upon certification of the  
9 Department of Revenue, the Comptroller shall order  
10 transferred, and the Treasurer shall transfer, from the General  
11 Revenue Fund to a special fund in the State Treasury which is  
12 hereby created, to be known as the "Downstate Public  
13 Transportation Fund", an amount equal to 2/32 (beginning July  
14 1, 2005, 3/32) of the net revenue realized from the "Retailers'  
15 Occupation Tax Act", as now or hereafter amended, the "Service  
16 Occupation Tax Act", as now or hereafter amended, the "Use Tax  
17 Act", as now or hereafter amended, and the "Service Use Tax  
18 Act", as now or hereafter amended, from persons incurring  
19 municipal or county retailers' or service occupation tax  
20 liability for the benefit of any municipality or county located  
21 wholly within the boundaries of each participant other than any  
22 Metro-East Transit District participant certified pursuant to  
23 subsection (c) of this Section during the preceding month,

1 except that the Department shall pay into the Downstate Public  
2 Transportation Fund 2/32 (beginning July 1, 2005, 3/32) of 80%  
3 of the net revenue realized under the State tax Acts named  
4 above within any municipality or county located wholly within  
5 the boundaries of each participant, other than any Metro-East  
6 participant, for tax periods beginning on or after January 1,  
7 1990. Net revenue realized for a month shall be the revenue  
8 collected by the State pursuant to such Acts during the  
9 previous month from persons incurring municipal or county  
10 retailers' or service occupation tax liability for the benefit  
11 of any municipality or county located wholly within the  
12 boundaries of a participant, less the amount paid out during  
13 that same month as refunds or credit memoranda to taxpayers for  
14 overpayment of liability under such Acts for the benefit of any  
15 municipality or county located wholly within the boundaries of  
16 a participant.

17 (b) As soon as possible after the first day of each month,  
18 beginning July 1, 1989, upon certification of the Department of  
19 Revenue, the Comptroller shall order transferred, and the  
20 Treasurer shall transfer, from the General Revenue Fund to a  
21 special fund in the State Treasury which is hereby created, to  
22 be known as the "Metro-East Public Transportation Fund", an  
23 amount equal to 2/32 of the net revenue realized, as above,  
24 from within the boundaries of Madison, Monroe, and St. Clair  
25 Counties, except that the Department shall pay into the  
26 Metro-East Public Transportation Fund 2/32 of 80% of the net

1 revenue realized under the State tax Acts specified in  
2 subsection (a) of this Section within the boundaries of  
3 Madison, Monroe and St. Clair Counties for tax periods  
4 beginning on or after January 1, 1990. A local match equivalent  
5 to an amount which could be raised by a tax levy at the rate of  
6 .05% on the assessed value of property within the boundaries of  
7 Madison County is required annually to cause a total of 2/32 of  
8 the net revenue to be deposited in the Metro-East Public  
9 Transportation Fund. Failure to raise the required local match  
10 annually shall result in only 1/32 being deposited into the  
11 Metro-East Public Transportation Fund after July 1, 1989, or  
12 1/32 of 80% of the net revenue realized for tax periods  
13 beginning on or after January 1, 1990.

14 (b-5) As soon as possible after the first day of each  
15 month, beginning July 1, 2005, upon certification of the  
16 Department of Revenue, the Comptroller shall order  
17 transferred, and the Treasurer shall transfer, from the General  
18 Revenue Fund to the Downstate Public Transportation Fund, an  
19 amount equal to 3/32 of 80% of the net revenue realized from  
20 within the boundaries of Monroe and St. Clair Counties under  
21 the State Tax Acts specified in subsection (a) of this Section  
22 and provided further that, beginning July 1, 2005, the  
23 provisions of subsection (b) shall no longer apply with respect  
24 to such tax receipts from Monroe and St. Clair Counties.

25 (b-6) As soon as possible after the first day of each  
26 month, beginning July 1, 2008, upon certification by the

1 Department of Revenue, the Comptroller shall order transferred  
2 and the Treasurer shall transfer, from the General Revenue Fund  
3 to the Downstate Public Transportation Fund, an amount equal to  
4  $\frac{3}{32}$  of 80% of the net revenue realized from within the  
5 boundaries of Madison County under the State Tax Acts specified  
6 in subsection (a) of this Section and provided further that,  
7 beginning July 1, 2008, the provisions of subsection (b) shall  
8 no longer apply with respect to such tax receipts from Madison  
9 County.

10 (b-7) Beginning July 1, 2017, notwithstanding the other  
11 provisions of this Section, instead of the Comptroller making  
12 monthly transfers from the General Revenue Fund to the  
13 Downstate Public Transportation Fund, the Department of  
14 Revenue shall deposit the designated fraction of the net  
15 revenue realized from collections under the Retailers'  
16 Occupation Tax Act, the Service Occupation Tax Act, the Use Tax  
17 Act, and the Service Use Tax Act directly into the Downstate  
18 Public Transportation Fund.

19 (c) The Department shall certify to the Department of  
20 Revenue the eligible participants under this Article and the  
21 territorial boundaries of such participants for the purposes of  
22 the Department of Revenue in subsections (a) and (b) of this  
23 Section.

24 (d) For the purposes of this Article, beginning in fiscal  
25 year 2009 the General Assembly shall appropriate an amount from  
26 the Downstate Public Transportation Fund equal to the sum total

1 funds projected to be paid to the participants pursuant to  
2 Section 2-7. If the General Assembly fails to make  
3 appropriations sufficient to cover the amounts projected to be  
4 paid pursuant to Section 2-7, this Act shall constitute an  
5 irrevocable and continuing appropriation from the Downstate  
6 Public Transportation Fund of all amounts necessary for those  
7 purposes.

8 (e) Notwithstanding anything in this Section to the  
9 contrary, amounts transferred from the General Revenue Fund to  
10 the Downstate Public Transportation Fund pursuant to this  
11 Section shall not exceed \$169,000,000 in State fiscal year  
12 2012.

13 (Source: P.A. 97-641, eff. 12-19-11.)

14 Section 10. The Use Tax Act is amended by changing Section  
15 9 as follows:

16 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

17 Sec. 9. Except as to motor vehicles, watercraft, aircraft,  
18 and trailers that are required to be registered with an agency  
19 of this State, each retailer required or authorized to collect  
20 the tax imposed by this Act shall pay to the Department the  
21 amount of such tax (except as otherwise provided) at the time  
22 when he is required to file his return for the period during  
23 which such tax was collected, less a discount of 2.1% prior to  
24 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5

1 per calendar year, whichever is greater, which is allowed to  
2 reimburse the retailer for expenses incurred in collecting the  
3 tax, keeping records, preparing and filing returns, remitting  
4 the tax and supplying data to the Department on request. In the  
5 case of retailers who report and pay the tax on a transaction  
6 by transaction basis, as provided in this Section, such  
7 discount shall be taken with each such tax remittance instead  
8 of when such retailer files his periodic return. The Department  
9 may disallow the discount for retailers whose certificate of  
10 registration is revoked at the time the return is filed, but  
11 only if the Department's decision to revoke the certificate of  
12 registration has become final. A retailer need not remit that  
13 part of any tax collected by him to the extent that he is  
14 required to remit and does remit the tax imposed by the  
15 Retailers' Occupation Tax Act, with respect to the sale of the  
16 same property.

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

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

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

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



1           may require.

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

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

1 a tax liability in the amount set forth in subsection (b) of  
2 Section 2505-210 of the Department of Revenue Law shall make  
3 all payments required by rules of the Department by electronic  
4 funds transfer.

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

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

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

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

20 Before October 1, 2000, if the taxpayer's average monthly  
21 tax liability to the Department under this Act, the Retailers'  
22 Occupation Tax Act, the Service Occupation Tax Act, the Service  
23 Use Tax Act was \$10,000 or more during the preceding 4 complete  
24 calendar quarters, he shall file a return with the Department  
25 each month by the 20th day of the month next following the  
26 month during which such tax liability is incurred and shall

1 make payments to the Department on or before the 7th, 15th,  
2 22nd and last day of the month during which such liability is  
3 incurred. On and after October 1, 2000, if the taxpayer's  
4 average monthly tax liability to the Department under this Act,  
5 the Retailers' Occupation Tax Act, the Service Occupation Tax  
6 Act, and the Service Use Tax Act was \$20,000 or more during the  
7 preceding 4 complete calendar quarters, he shall file a return  
8 with the Department each month by the 20th day of the month  
9 next following the month during which such tax liability is  
10 incurred and shall make payment to the Department on or before  
11 the 7th, 15th, 22nd and last day of the month during which such  
12 liability is incurred. If the month during which such tax  
13 liability is incurred began prior to January 1, 1985, each  
14 payment shall be in an amount equal to 1/4 of the taxpayer's  
15 actual liability for the month or an amount set by the  
16 Department not to exceed 1/4 of the average monthly liability  
17 of the taxpayer to the Department for the preceding 4 complete  
18 calendar quarters (excluding the month of highest liability and  
19 the month of lowest liability in such 4 quarter period). If the  
20 month during which such tax liability is incurred begins on or  
21 after January 1, 1985, and prior to January 1, 1987, each  
22 payment shall be in an amount equal to 22.5% of the taxpayer's  
23 actual liability for the month or 27.5% of the taxpayer's  
24 liability for the same calendar month of the preceding year. If  
25 the month during which such tax liability is incurred begins on  
26 or after January 1, 1987, and prior to January 1, 1988, each

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

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

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

10 If any such payment provided for in this Section exceeds  
11 the taxpayer's liabilities under this Act, the Retailers'  
12 Occupation Tax Act, the Service Occupation Tax Act and the  
13 Service Use Tax Act, as shown by an original monthly return,  
14 the Department shall issue to the taxpayer a credit memorandum  
15 no later than 30 days after the date of payment, which  
16 memorandum may be submitted by the taxpayer to the Department  
17 in payment of tax liability subsequently to be remitted by the  
18 taxpayer to the Department or be assigned by the taxpayer to a  
19 similar taxpayer under this Act, the Retailers' Occupation Tax  
20 Act, the Service Occupation Tax Act or the Service Use Tax Act,  
21 in accordance with reasonable rules and regulations to be  
22 prescribed by the Department, except that if such excess  
23 payment is shown on an original monthly return and is made  
24 after December 31, 1986, no credit memorandum shall be issued,  
25 unless requested by the taxpayer. If no such request is made,  
26 the taxpayer may credit such excess payment against tax

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

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

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

1 following year.

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

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

12 In addition, with respect to motor vehicles, watercraft,  
13 aircraft, and trailers that are required to be registered with  
14 an agency of this State, every retailer selling this kind of  
15 tangible personal property shall file, with the Department,  
16 upon a form to be prescribed and supplied by the Department, a  
17 separate return for each such item of tangible personal  
18 property which the retailer sells, except that if, in the same  
19 transaction, (i) a retailer of aircraft, watercraft, motor  
20 vehicles or trailers transfers more than one aircraft,  
21 watercraft, motor vehicle or trailer to another aircraft,  
22 watercraft, motor vehicle or trailer retailer for the purpose  
23 of resale or (ii) a retailer of aircraft, watercraft, motor  
24 vehicles, or trailers transfers more than one aircraft,  
25 watercraft, motor vehicle, or trailer to a purchaser for use as  
26 a qualifying rolling stock as provided in Section 3-55 of this



1 Act, then that seller may report the transfer of all the  
2 aircraft, watercraft, motor vehicles or trailers involved in  
3 that transaction to the Department on the same uniform  
4 invoice-transaction reporting return form. For purposes of  
5 this Section, "watercraft" means a Class 2, Class 3, or Class 4  
6 watercraft as defined in Section 3-2 of the Boat Registration  
7 and Safety Act, a personal watercraft, or any boat equipped  
8 with an inboard motor.

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 2 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 and 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 2 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 date 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 tax  
25 that is imposed by this Act may be transmitted to the  
26 Department by way of the State agency with which, or State

1 officer with whom, the tangible personal property must be  
2 titled or registered (if titling or registration is required)  
3 if the Department and such agency or State officer determine  
4 that this procedure will expedite the processing of  
5 applications for title or 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 tax receipt  
11 (or a certificate of exemption if the Department is satisfied  
12 that the particular sale is tax exempt) which such purchaser  
13 may submit to the agency with which, or State officer with  
14 whom, he must title or register the tangible personal property  
15 that is involved (if titling or registration is required) in  
16 support of such purchaser's application for an Illinois  
17 certificate or other evidence of title or registration to such  
18 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 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           Where a retailer collects the tax with respect to the  
20 selling price of tangible personal property which he sells and  
21 the purchaser thereafter returns such tangible personal  
22 property and the retailer refunds the selling price thereof to  
23 the purchaser, such retailer shall also refund, to the  
24 purchaser, the tax so collected from the purchaser. When filing  
25 his return for the period in which he refunds such tax to the  
26 purchaser, the retailer may deduct the amount of the tax so

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

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

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

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

1 separate returns for each such registered business.

2 Beginning January 1, 1990, each month the Department shall  
3 pay into the State and Local Sales Tax Reform Fund, a special  
4 fund in the State Treasury which is hereby created, the net  
5 revenue realized for the preceding month from the 1% tax on  
6 sales of food for human consumption which is to be consumed off  
7 the premises where it is sold (other than alcoholic beverages,  
8 soft drinks and food which has been prepared for immediate  
9 consumption) and prescription and nonprescription medicines,  
10 drugs, medical appliances, products classified as Class III  
11 medical devices by the United States Food and Drug  
12 Administration that are used for cancer treatment pursuant to a  
13 prescription, as well as any accessories and components related  
14 to those devices, and insulin, urine testing materials,  
15 syringes and needles used by diabetics.

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

23 Beginning January 1, 1990, each month the Department shall  
24 pay into the State and Local Sales Tax Reform Fund, a special  
25 fund in the State Treasury, 20% of the net revenue realized for  
26 the preceding month from the 6.25% general rate on the selling

1 price of tangible personal property, other than tangible  
2 personal property which is purchased outside Illinois at retail  
3 from a retailer and which is titled or registered by an agency  
4 of this State's government.

5       Beginning August 1, 2000, each month the Department shall  
6 pay into the State and Local Sales Tax Reform Fund 100% of the  
7 net revenue realized for the preceding month from the 1.25%  
8 rate on the selling price of motor fuel and gasohol. Beginning  
9 September 1, 2010, each month the Department shall pay into the  
10 State and Local Sales Tax Reform Fund 100% of the net revenue  
11 realized for the preceding month from the 1.25% rate on the  
12 selling price of sales tax holiday items.

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

20       Beginning October 1, 2009, each month the Department shall  
21 pay into the Capital Projects Fund an amount that is equal to  
22 an amount estimated by the Department to represent 80% of the  
23 net revenue realized for the preceding month from the sale of  
24 candy, grooming and hygiene products, and soft drinks that had  
25 been taxed at a rate of 1% prior to September 1, 2009 but that  
26 are now taxed at 6.25%.

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

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 Service 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 Service Use Tax Act, the Service Occupation Tax Act, and  
19 the Retailers' Occupation Tax Act shall not exceed \$18,000,000  
20 in any State fiscal year. As used in this paragraph, the  
21 "average monthly deficit" shall be equal to the difference  
22 between the average monthly claims for payment by the fund and  
23 the average monthly revenues deposited into the fund, excluding  
24 payments made pursuant to this paragraph.

25           Beginning July 1, 2015, of the remainder of the moneys  
26 received by the Department under this Act, the Service Use Tax



1 Act, the Service Occupation Tax Act, and the Retailers'  
2 Occupation Tax Act, each month the Department shall deposit  
3 \$500,000 into the State Crime Laboratory Fund.

4 Of the remainder of the moneys received by the Department  
5 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
6 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
7 and after July 1, 1989, 3.8% thereof shall be paid into the  
8 Build Illinois Fund; provided, however, that if in any fiscal  
9 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
10 may be, of the moneys received by the Department and required  
11 to be paid into the Build Illinois Fund pursuant to Section 3  
12 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
13 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
14 Service Occupation Tax Act, such Acts being hereinafter called  
15 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
16 may be, of moneys being hereinafter called the "Tax Act  
17 Amount", and (2) the amount transferred to the Build Illinois  
18 Fund from the State and Local Sales Tax Reform Fund shall be  
19 less than the Annual Specified Amount (as defined in Section 3  
20 of the Retailers' Occupation Tax Act), an amount equal to the  
21 difference shall be immediately paid into the Build Illinois  
22 Fund from other moneys received by the Department pursuant to  
23 the Tax Acts; and further provided, that if on the last  
24 business day of any month the sum of (1) the Tax Act Amount  
25 required to be deposited into the Build Illinois Bond Account  
26 in the Build Illinois Fund during such month and (2) the amount

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

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

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

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

3	Fiscal Year	Total Deposit
4	1993	\$0
5	1994	53,000,000
6	1995	58,000,000
7	1996	61,000,000
8	1997	64,000,000
9	1998	68,000,000
10	1999	71,000,000
11	2000	75,000,000
12	2001	80,000,000
13	2002	93,000,000
14	2003	99,000,000
15	2004	103,000,000
16	2005	108,000,000
17	2006	113,000,000
18	2007	119,000,000
19	2008	126,000,000
20	2009	132,000,000
21	2010	139,000,000
22	2011	146,000,000
23	2012	153,000,000
24	2013	161,000,000
25	2014	170,000,000
26	2015	179,000,000

1	2016	189,000,000
2	2017	199,000,000
3	2018	210,000,000
4	2019	221,000,000
5	2020	233,000,000
6	2021	246,000,000
7	2022	260,000,000
8	2023	275,000,000
9	2024	275,000,000
10	2025	275,000,000
11	2026	279,000,000
12	2027	292,000,000
13	2028	307,000,000
14	2029	322,000,000
15	2030	338,000,000
16	2031	350,000,000
17	2032	350,000,000

18                   and

19                   each fiscal year

20                   thereafter that bonds

21                   are outstanding under

22                   Section 13.2 of the

23                   Metropolitan Pier and

24                   Exposition Authority Act,

25                   but not after fiscal year 2060.

26                   Beginning July 20, 1993 and in each month of each fiscal

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

13 Subject to payment of amounts into the Build Illinois Fund  
14 and the McCormick Place Expansion Project Fund pursuant to the  
15 preceding paragraphs or in any amendments thereto hereafter  
16 enacted, beginning July 1, 1993 and ending on September 30,  
17 2013, the Department shall each month pay into the Illinois Tax  
18 Increment Fund 0.27% of 80% of the net revenue realized for the  
19 preceding month from the 6.25% general rate on the selling  
20 price of tangible personal property.

21 Subject to payment of amounts into the Build Illinois Fund  
22 and the McCormick Place Expansion Project Fund pursuant to the  
23 preceding paragraphs or in any amendments thereto hereafter  
24 enacted, beginning with the receipt of the first report of  
25 taxes paid by an eligible business and continuing for a 25-year  
26 period, the Department shall each month pay into the Energy

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

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

1       Subject to payments of amounts into the Build Illinois  
2 Fund, the McCormick Place Expansion Project Fund, the Illinois  
3 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax  
4 Compliance and Administration Fund as provided in this Section,  
5 beginning on July 1, 2017 the Department shall pay each month  
6 into the Downstate Public Transportation Fund the moneys  
7 required to be so paid under Section 2-3 of the Downstate  
8 Public Transportation Act.

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

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 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;  
8 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff.  
9 8-26-14; 99-352, eff. 8-12-15; 99-858, eff. 8-19-16.)

10 Section 15. The Service Use Tax Act is amended by changing  
11 Section 9 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, products  
16 classified as Class III medical devices, by the United States  
17 Food and Drug Administration that are used for cancer treatment  
18 pursuant to a prescription, as well as any accessories and  
19 components related to those devices, and insulin, urine testing  
20 materials, syringes and needles used by diabetics.

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

1 registered by an agency of this State's government.

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

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

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



1 made pursuant to this paragraph.

2 Beginning July 1, 2015, of the remainder of the moneys  
3 received by the Department under the Use Tax Act, this Act, the  
4 Service Occupation Tax Act, and the Retailers' Occupation Tax  
5 Act, each month the Department shall deposit \$500,000 into the  
6 State Crime Laboratory Fund.

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

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

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

20 Subject to payment of amounts into the Build Illinois Fund  
21 as provided in the preceding paragraph or in any amendment  
22 thereto hereafter enacted, the following specified monthly  
23 installment of the amount requested in the certificate of the  
24 Chairman of the Metropolitan Pier and Exposition Authority  
25 provided under Section 8.25f of the State Finance Act, but not  
26 in excess of the sums designated as "Total Deposit", shall be

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

	Fiscal Year	Total Deposit
6		
7	1993	\$0
8	1994	53,000,000
9	1995	58,000,000
10	1996	61,000,000
11	1997	64,000,000
12	1998	68,000,000
13	1999	71,000,000
14	2000	75,000,000
15	2001	80,000,000
16	2002	93,000,000
17	2003	99,000,000
18	2004	103,000,000
19	2005	108,000,000
20	2006	113,000,000
21	2007	119,000,000
22	2008	126,000,000
23	2009	132,000,000
24	2010	139,000,000
25	2011	146,000,000

1	2012	153,000,000
2	2013	161,000,000
3	2014	170,000,000
4	2015	179,000,000
5	2016	189,000,000
6	2017	199,000,000
7	2018	210,000,000
8	2019	221,000,000
9	2020	233,000,000
10	2021	246,000,000
11	2022	260,000,000
12	2023	275,000,000
13	2024	275,000,000
14	2025	275,000,000
15	2026	279,000,000
16	2027	292,000,000
17	2028	307,000,000
18	2029	322,000,000
19	2030	338,000,000
20	2031	350,000,000
21	2032	350,000,000

22                   and  
23                    each fiscal year  
24           thereafter that bonds  
25           are outstanding under  
26           Section 13.2 of the

1           Metropolitan Pier and  
2           Exposition Authority Act,  
3           but not after fiscal year 2060.

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

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 July 1, 1993 and ending on September 30,  
21          2013, the Department shall each month pay into the Illinois Tax  
22          Increment Fund 0.27% of 80% of the net revenue realized for the  
23          preceding month from the 6.25% general rate on the selling  
24          price of tangible personal property.

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

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

1 the Audit Bureau of the Department under the Use Tax Act, the  
2 Service Use Tax Act, the Service Occupation Tax Act, the  
3 Retailers' Occupation Tax Act, and associated local occupation  
4 and use taxes administered by the Department.

5 Subject to payments of amounts into the Build Illinois  
6 Fund, the McCormick Place Expansion Project Fund, the Illinois  
7 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax  
8 Compliance and Administration Fund as provided in this Section,  
9 beginning on July 1, 2017 the Department shall pay each month  
10 into the Downstate Public Transportation Fund the moneys  
11 required to be so paid under Section 2-3 of the Downstate  
12 Public Transportation Act.

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

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



1 Net revenue realized for a month shall be the revenue  
2 collected by the State pursuant to this Act, less the amount  
3 paid out during that month as refunds to taxpayers for  
4 overpayment of liability.

5 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;  
6 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14;  
7 98-1098, eff. 8-26-14; 99-352, eff. 8-12-15; 99-858, eff.  
8 8-19-16.)

9 Section 20. The Service Occupation Tax Act is amended by  
10 changing Section 9 as follows:

11 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

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

1 registration has become final.

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

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

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

- 24 1. The name of the seller;
- 25 2. The address of the principal place of business from  
26 which he engages in business as a serviceman in this State;

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

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

7           5. The amount of tax due;

8           5-5. The signature of the taxpayer; and

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

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

15          Prior to October 1, 2003, and on and after September 1,  
16          2004 a serviceman may accept a Manufacturer's Purchase Credit  
17          certification from a purchaser in satisfaction of Service Use  
18          Tax as provided in Section 3-70 of the Service Use Tax Act if  
19          the purchaser provides the appropriate documentation as  
20          required by Section 3-70 of the Service Use Tax Act. A  
21          Manufacturer's Purchase Credit certification, accepted prior  
22          to October 1, 2003 or on or after September 1, 2004 by a  
23          serviceman as provided in Section 3-70 of the Service Use Tax  
24          Act, may be used by that serviceman to satisfy Service  
25          Occupation Tax liability in the amount claimed in the  
26          certification, not to exceed 6.25% of the receipts subject to

1 tax from a qualifying purchase. A Manufacturer's Purchase  
2 Credit reported on any original or amended return filed under  
3 this Act after October 20, 2003 for reporting periods prior to  
4 September 1, 2004 shall be disallowed. Manufacturer's Purchase  
5 Credit reported on annual returns due on or after January 1,  
6 2005 will be disallowed for periods prior to September 1, 2004.  
7 No Manufacturer's Purchase Credit may be used after September  
8 30, 2003 through August 31, 2004 to satisfy any tax liability  
9 imposed under this Act, including any audit liability.

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

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

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

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

8           Beginning October 1, 1993, a taxpayer who has an average  
9 monthly tax liability of \$150,000 or more shall make all  
10 payments required by rules of the Department by electronic  
11 funds transfer. Beginning October 1, 1994, a taxpayer who has  
12 an average monthly tax liability of \$100,000 or more shall make  
13 all payments required by rules of the Department by electronic  
14 funds transfer. Beginning October 1, 1995, a taxpayer who has  
15 an average monthly tax liability of \$50,000 or more shall make  
16 all payments required by rules of the Department by electronic  
17 funds transfer. Beginning October 1, 2000, a taxpayer who has  
18 an annual tax liability of \$200,000 or more shall make all  
19 payments required by rules of the Department by electronic  
20 funds transfer. The term "annual tax liability" shall be the  
21 sum of the taxpayer's liabilities under this Act, and under all  
22 other State and local occupation and use tax laws administered  
23 by the Department, for the immediately preceding calendar year.  
24 The term "average monthly tax liability" means the sum of the  
25 taxpayer's liabilities under this Act, and under all other  
26 State and local occupation and use tax laws administered by the

1 Department, for the immediately preceding calendar year  
2 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
3 a tax liability in the amount set forth in subsection (b) of  
4 Section 2505-210 of the Department of Revenue Law shall make  
5 all payments required by rules of the Department by electronic  
6 funds transfer.

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

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

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

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

22 Where a serviceman collects the tax with respect to the  
23 selling price of tangible personal property which he sells and  
24 the purchaser thereafter returns such tangible personal  
25 property and the serviceman refunds the selling price thereof  
26 to the purchaser, such serviceman shall also refund, to the

1 purchaser, the tax so collected from the purchaser. When filing  
2 his return for the period in which he refunds such tax to the  
3 purchaser, the serviceman may deduct the amount of the tax so  
4 refunded by him to the purchaser from any other Service  
5 Occupation Tax, Service Use Tax, Retailers' Occupation Tax or  
6 Use Tax which such serviceman may be required to pay or remit  
7 to the Department, as shown by such return, provided that the  
8 amount of the tax to be deducted shall previously have been  
9 remitted to the Department by such serviceman. If the  
10 serviceman shall not previously have remitted the amount of  
11 such tax to the Department, he shall be entitled to no  
12 deduction hereunder upon refunding such tax to the purchaser.

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

20 Where the serviceman has more than one business registered  
21 with the Department under separate registrations hereunder,  
22 such serviceman shall file separate returns for each registered  
23 business.

24 Beginning January 1, 1990, each month the Department shall  
25 pay into the Local Government Tax Fund the revenue realized for  
26 the preceding month from the 1% tax on sales of food for human

1 consumption which is to be consumed off the premises where it  
2 is sold (other than alcoholic beverages, soft drinks and food  
3 which has been prepared for immediate consumption) and  
4 prescription and nonprescription medicines, drugs, medical  
5 appliances, products classified as Class III medical devices by  
6 the United States Food and Drug Administration that are used  
7 for cancer treatment pursuant to a prescription, as well as any  
8 accessories and components related to those devices, and  
9 insulin, urine testing materials, syringes and needles used by  
10 diabetics.

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

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

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

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



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

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

23           Beginning July 1, 2015, of the remainder of the moneys  
24 received by the Department under the Use Tax Act, the Service  
25 Use Tax Act, this Act, and the Retailers' Occupation Tax Act,  
26 each month the Department shall deposit \$500,000 into the State

1 Crime Laboratory Fund.

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

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

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

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

		Total
	Fiscal Year	Deposit
1		
2	1993	\$0
3	1994	53,000,000
4	1995	58,000,000
5	1996	61,000,000
6	1997	64,000,000
7	1998	68,000,000
8	1999	71,000,000
9	2000	75,000,000
10	2001	80,000,000
11	2002	93,000,000
12	2003	99,000,000
13	2004	103,000,000
14	2005	108,000,000
15	2006	113,000,000
16	2007	119,000,000
17	2008	126,000,000
18	2009	132,000,000
19	2010	139,000,000
20	2011	146,000,000
21	2012	153,000,000
22	2013	161,000,000
23	2014	170,000,000
24	2015	179,000,000
25	2016	189,000,000

1	2017	199,000,000
2	2018	210,000,000
3	2019	221,000,000
4	2020	233,000,000
5	2021	246,000,000
6	2022	260,000,000
7	2023	275,000,000
8	2024	275,000,000
9	2025	275,000,000
10	2026	279,000,000
11	2027	292,000,000
12	2028	307,000,000
13	2029	322,000,000
14	2030	338,000,000
15	2031	350,000,000
16	2032	350,000,000

17 and

18 each fiscal year

19 thereafter that bonds

20 are outstanding under

21 Section 13.2 of the

22 Metropolitan Pier and

23 Exposition Authority Act,

24 but not after fiscal year 2060.

25 Beginning July 20, 1993 and in each month of each fiscal  
26 year thereafter, one-eighth of the amount requested in the

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

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

20 Subject to payment of amounts into the Build Illinois Fund  
21 and the McCormick Place Expansion Project Fund pursuant to the  
22 preceding paragraphs or in any amendments thereto hereafter  
23 enacted, beginning with the receipt of the first report of  
24 taxes paid by an eligible business and continuing for a 25-year  
25 period, the Department shall each month pay into the Energy  
26 Infrastructure Fund 80% of the net revenue realized from the

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

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

26 Subject to payments of amounts into the Build Illinois



1 Fund, the McCormick Place Expansion Project Fund, the Illinois  
2 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax  
3 Compliance and Administration Fund as provided in this Section,  
4 beginning on July 1, 2017 the Department shall pay each month  
5 into the Downstate Public Transportation Fund the moneys  
6 required to be so paid under Section 2-3 of the Downstate  
7 Public Transportation Act.

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

15       The Department may, upon separate written notice to a  
16 taxpayer, require the taxpayer to prepare and file with the  
17 Department on a form prescribed by the Department within not  
18 less than 60 days after receipt of the notice an annual  
19 information return for the tax year specified in the notice.  
20 Such annual return to the Department shall include a statement  
21 of gross receipts as shown by the taxpayer's last Federal  
22 income tax return. If the total receipts of the business as  
23 reported in the Federal income tax return do not agree with the  
24 gross receipts reported to the Department of Revenue for the  
25 same period, the taxpayer shall attach to his annual return a  
26 schedule showing a reconciliation of the 2 amounts and the

1 reasons for the difference. The taxpayer's annual return to the  
2 Department shall also disclose the cost of goods sold by the  
3 taxpayer during the year covered by such return, opening and  
4 closing inventories of such goods for such year, cost of goods  
5 used from stock or taken from stock and given away by the  
6 taxpayer during such year, pay roll information of the  
7 taxpayer's business during such year and any additional  
8 reasonable information which the Department deems would be  
9 helpful in determining the accuracy of the monthly, quarterly  
10 or annual returns filed by such taxpayer as hereinbefore  
11 provided for in this Section.

12 If the annual information return required by this Section  
13 is not filed when and as required, the taxpayer shall be liable  
14 as follows:

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

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

25 The chief executive officer, proprietor, owner or highest  
26 ranking manager shall sign the annual return to certify the

1 accuracy of the information contained therein. Any person who  
2 willfully signs the annual return containing false or  
3 inaccurate information shall be guilty of perjury and punished  
4 accordingly. The annual return form prescribed by the  
5 Department shall include a warning that the person signing the  
6 return may be liable for perjury.

7 The foregoing portion of this Section concerning the filing  
8 of an annual information return shall not apply to a serviceman  
9 who is not required to file an income tax return with the  
10 United States Government.

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

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

22 For greater simplicity of administration, it shall be  
23 permissible for manufacturers, importers and wholesalers whose  
24 products are sold by numerous servicemen in Illinois, and who  
25 wish to do so, to assume the responsibility for accounting and  
26 paying to the Department all tax accruing under this Act with

1 respect to such sales, if the servicemen who are affected do  
2 not make written objection to the Department to this  
3 arrangement.

4 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;  
5 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; 98-756, eff. 7-16-14;  
6 98-1098, eff. 8-26-14; 99-352, eff. 8-12-15; 99-858, eff.  
7 8-19-16.)

8 Section 25. The Retailers' Occupation Tax Act is amended by  
9 changing Section 3 as follows:

10 (35 ILCS 120/3) (from Ch. 120, par. 442)

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

16 1. The name of the seller;

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

22 3. Total amount of receipts received by him during the  
23 preceding calendar month or quarter, as the case may be,  
24 from sales of tangible personal property, and from services

1 furnished, by him during such preceding calendar month or  
2 quarter;

3 4. Total amount received by him during the preceding  
4 calendar month or quarter on charge and time sales of  
5 tangible personal property, and from services furnished,  
6 by him prior to the month or quarter for which the return  
7 is filed;

8 5. Deductions allowed by law;

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

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

14 8. The amount of tax due;

15 9. The signature of the taxpayer; and

16 10. Such other reasonable information as the  
17 Department may require.

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

22 Each return shall be accompanied by the statement of  
23 prepaid tax issued pursuant to Section 2e for which credit is  
24 claimed.

25 Prior to October 1, 2003, and on and after September 1,  
26 2004 a retailer may accept a Manufacturer's Purchase Credit

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

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

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

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

1 "alcoholic liquor" shall have the meaning prescribed in the  
2 Liquor Control Act of 1934.

3 Beginning on October 1, 2003, every distributor, importing  
4 distributor, and manufacturer of alcoholic liquor as defined in  
5 the Liquor Control Act of 1934, shall file a statement with the  
6 Department of Revenue, no later than the 10th day of the month  
7 for the preceding month during which transactions occurred, by  
8 electronic means, showing the total amount of gross receipts  
9 from the sale of alcoholic liquor sold or distributed during  
10 the preceding month to purchasers; identifying the purchaser to  
11 whom it was sold or distributed; the purchaser's tax  
12 registration number; and such other information reasonably  
13 required by the Department. A distributor, importing  
14 distributor, or manufacturer of alcoholic liquor must  
15 personally deliver, mail, or provide by electronic means to  
16 each retailer listed on the monthly statement a report  
17 containing a cumulative total of that distributor's, importing  
18 distributor's, or manufacturer's total sales of alcoholic  
19 liquor to that retailer no later than the 10th day of the month  
20 for the preceding month during which the transaction occurred.  
21 The distributor, importing distributor, or manufacturer shall  
22 notify the retailer as to the method by which the distributor,  
23 importing distributor, or manufacturer will provide the sales  
24 information. If the retailer is unable to receive the sales  
25 information by electronic means, the distributor, importing  
26 distributor, or manufacturer shall furnish the sales



1 information by personal delivery or by mail. For purposes of  
2 this paragraph, the term "electronic means" includes, but is  
3 not limited to, the use of a secure Internet website, e-mail,  
4 or facsimile.

5 If a total amount of less than \$1 is payable, refundable or  
6 creditable, such amount shall be disregarded if it is less than  
7 50 cents and shall be increased to \$1 if it is 50 cents or more.

8 Beginning October 1, 1993, a taxpayer who has an average  
9 monthly tax liability of \$150,000 or more shall make all  
10 payments required by rules of the Department by electronic  
11 funds transfer. Beginning October 1, 1994, a taxpayer who has  
12 an average monthly tax liability of \$100,000 or more shall make  
13 all payments required by rules of the Department by electronic  
14 funds transfer. Beginning October 1, 1995, a taxpayer who has  
15 an average monthly tax liability of \$50,000 or more shall make  
16 all payments required by rules of the Department by electronic  
17 funds transfer. Beginning October 1, 2000, a taxpayer who has  
18 an annual tax liability of \$200,000 or more shall make all  
19 payments required by rules of the Department by electronic  
20 funds transfer. The term "annual tax liability" shall be the  
21 sum of the taxpayer's liabilities under this Act, and under all  
22 other State and local occupation and use tax laws administered  
23 by the Department, for the immediately preceding calendar year.  
24 The term "average monthly tax liability" shall be the sum of  
25 the taxpayer's liabilities under this Act, and under all other  
26 State and local occupation and use tax laws administered by the

1 Department, for the immediately preceding calendar year  
2 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
3 a tax liability in the amount set forth in subsection (b) of  
4 Section 2505-210 of the Department of Revenue Law shall make  
5 all payments required by rules of the Department by electronic  
6 funds transfer.

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

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

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

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

22 Any amount which is required to be shown or reported on any  
23 return or other document under this Act shall, if such amount  
24 is not a whole-dollar amount, be increased to the nearest  
25 whole-dollar amount in any case where the fractional part of a  
26 dollar is 50 cents or more, and decreased to the nearest

1 whole-dollar amount where the fractional part of a dollar is  
2 less than 50 cents.

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

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

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

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

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

4 Where the same person has more than one business registered  
5 with the Department under separate registrations under this  
6 Act, such person may not file each return that is due as a  
7 single return covering all such registered businesses, but  
8 shall file separate returns for each such registered business.

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

1 invoice-transaction reporting return form. For purposes of  
2 this Section, "watercraft" means a Class 2, Class 3, or Class 4  
3 watercraft as defined in Section 3-2 of the Boat Registration  
4 and Safety Act, a personal watercraft, or any boat equipped  
5 with an inboard motor.

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

14 The transaction reporting return, in the case of motor  
15 vehicles or trailers that are required to be registered with an  
16 agency of this State, shall be the same document as the Uniform  
17 Invoice referred to in Section 5-402 of The Illinois Vehicle  
18 Code and must show the name and address of the seller; the name  
19 and address of the purchaser; the amount of the selling price  
20 including the amount allowed by the retailer for traded-in  
21 property, if any; the amount allowed by the retailer for the  
22 traded-in tangible personal property, if any, to the extent to  
23 which Section 1 of this Act allows an exemption for the value  
24 of traded-in property; the balance payable after deducting such  
25 trade-in allowance from the total selling price; the amount of  
26 tax due from the retailer with respect to such transaction; the

1 amount of tax collected from the purchaser by the retailer on  
2 such transaction (or satisfactory evidence that such tax is not  
3 due in that particular instance, if that is claimed to be the  
4 fact); the place and date of the sale; a sufficient  
5 identification of the property sold; such other information as  
6 is required in Section 5-402 of The Illinois Vehicle Code, and  
7 such other information as the Department may reasonably  
8 require.

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

25 Such transaction reporting return shall be filed not later  
26 than 20 days after the day of delivery of the item that is

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

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

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

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

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

24 Refunds made by the seller during the preceding return  
25 period to purchasers, on account of tangible personal property  
26 returned to the seller, shall be allowed as a deduction under



1 subdivision 5 of his monthly or quarterly return, as the case  
2 may be, in case the seller had theretofore included the  
3 receipts from the sale of such tangible personal property in a  
4 return filed by him and had paid the tax imposed by this Act  
5 with respect to such receipts.

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

10 Where the seller is a limited liability company, the return  
11 filed on behalf of the limited liability company shall be  
12 signed by a manager, member, or properly accredited agent of  
13 the limited liability company.

14 Except as provided in this Section, the retailer filing the  
15 return under this Section shall, at the time of filing such  
16 return, pay to the Department the amount of tax imposed by this  
17 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%  
18 on and after January 1, 1990, or \$5 per calendar year,  
19 whichever is greater, which is allowed to reimburse the  
20 retailer for the expenses incurred in keeping records,  
21 preparing and filing returns, remitting the tax and supplying  
22 data to the Department on request. Any prepayment made pursuant  
23 to Section 2d of this Act shall be included in the amount on  
24 which such 2.1% or 1.75% discount is computed. In the case of  
25 retailers who report and pay the tax on a transaction by  
26 transaction basis, as provided in this Section, such discount

1 shall be taken with each such tax remittance instead of when  
2 such retailer files his periodic return. The Department may  
3 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.

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

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

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

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

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

4 The provisions of this paragraph apply before October 1,  
5 2001. Without regard to whether a taxpayer is required to make  
6 quarter monthly payments as specified above, any taxpayer who  
7 is required by Section 2d of this Act to collect and remit  
8 prepaid taxes and has collected prepaid taxes which average in  
9 excess of \$25,000 per month during the preceding 2 complete  
10 calendar quarters, shall file a return with the Department as  
11 required by Section 2f and shall make payments to the  
12 Department on or before the 7th, 15th, 22nd and last day of the  
13 month during which such liability is incurred. If the month  
14 during which such tax liability is incurred began prior to the  
15 effective date of this amendatory Act of 1985, each payment  
16 shall be in an amount not less than 22.5% of the taxpayer's  
17 actual liability under Section 2d. If the month during which  
18 such tax liability is incurred begins on or after January 1,  
19 1986, each payment shall be in an amount equal to 22.5% of the  
20 taxpayer's actual liability for the month or 27.5% of the  
21 taxpayer's liability for the same calendar month of the  
22 preceding calendar year. If the month during which such tax  
23 liability is incurred begins on or after January 1, 1987, each  
24 payment shall be in an amount equal to 22.5% of the taxpayer's  
25 actual liability for the month or 26.25% of the taxpayer's  
26 liability for the same calendar month of the preceding year.

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

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

1 the quarter monthly payments shall be credited against the  
2 final tax liability of the taxpayer's return for that month  
3 filed under this Section or Section 2f, as the case may be.  
4 Once applicable, the requirement of the making of quarter  
5 monthly payments to the Department pursuant to this paragraph  
6 shall continue until the taxpayer's average monthly prepaid tax  
7 collections during the preceding 4 complete calendar quarters  
8 (excluding the month of highest liability and the month of  
9 lowest liability) is less than \$19,000 or until such taxpayer's  
10 average monthly liability to the Department as computed for  
11 each calendar quarter of the 4 preceding complete calendar  
12 quarters is less than \$20,000. If any such quarter monthly  
13 payment is not paid at the time or in the amount required, the  
14 taxpayer shall be liable for penalties and interest on such  
15 difference, except insofar as the taxpayer has previously made  
16 payments for that month in excess of the minimum payments  
17 previously due.

18 If any payment provided for in this Section exceeds the  
19 taxpayer's liabilities under this Act, the Use Tax Act, the  
20 Service Occupation Tax Act and the Service Use Tax Act, as  
21 shown on an original monthly return, the Department shall, if  
22 requested by the taxpayer, issue to the taxpayer a credit  
23 memorandum no later than 30 days after the date of payment. The  
24 credit evidenced by such credit memorandum may be assigned by  
25 the taxpayer to a similar taxpayer under this Act, the Use Tax  
26 Act, the Service Occupation Tax Act or the Service Use Tax Act,



1 in accordance with reasonable rules and regulations to be  
2 prescribed by the Department. If no such request is made, the  
3 taxpayer may credit such excess payment against tax liability  
4 subsequently to be remitted to the Department under this Act,  
5 the Use Tax Act, the Service Occupation Tax Act or the Service  
6 Use Tax Act, in accordance with reasonable rules and  
7 regulations prescribed by the Department. If the Department  
8 subsequently determined that all or any part of the credit  
9 taken was not actually due to the taxpayer, the taxpayer's 2.1%  
10 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%  
11 of the difference between the credit taken and that actually  
12 due, and that taxpayer shall be liable for penalties and  
13 interest on such difference.

14 If a retailer of motor fuel is entitled to a credit under  
15 Section 2d of this Act which exceeds the taxpayer's liability  
16 to the Department under this Act for the month which the  
17 taxpayer is filing a return, the Department shall issue the  
18 taxpayer a credit memorandum for the excess.

19 Beginning January 1, 1990, each month the Department shall  
20 pay into the Local Government Tax Fund, a special fund in the  
21 State treasury which is hereby created, the net revenue  
22 realized for the preceding month from the 1% tax on sales of  
23 food for human consumption which is to be consumed off the  
24 premises where it is sold (other than alcoholic beverages, soft  
25 drinks and food which has been prepared for immediate  
26 consumption) and prescription and nonprescription medicines,

1 drugs, medical appliances, products classified as Class III  
2 medical devices by the United States Food and Drug  
3 Administration that are used for cancer treatment pursuant to a  
4 prescription, as well as any accessories and components related  
5 to those devices, and insulin, urine testing materials,  
6 syringes and needles used by diabetics.

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

12 Beginning August 1, 2000, each month the Department shall  
13 pay into the County and Mass Transit District Fund 20% of the  
14 net revenue realized for the preceding month from the 1.25%  
15 rate on the selling price of motor fuel and gasohol. Beginning  
16 September 1, 2010, each month the Department shall pay into the  
17 County and Mass Transit District Fund 20% of the net revenue  
18 realized for the preceding month from the 1.25% rate on the  
19 selling price of sales tax holiday items.

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

24 Beginning August 1, 2000, each month the Department shall  
25 pay into the Local Government Tax Fund 80% of the net revenue  
26 realized for the preceding month from the 1.25% rate on the

1 selling price of motor fuel and gasohol. Beginning September 1,  
2 2010, each month the Department shall pay into the Local  
3 Government Tax Fund 80% of the net revenue realized for the  
4 preceding month from the 1.25% rate on the selling price of  
5 sales tax holiday items.

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

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

22 Beginning July 1, 2013, each month the Department shall pay  
23 into the Underground Storage Tank Fund from the proceeds  
24 collected under this Act, the Use Tax Act, the Service Use Tax  
25 Act, and the Service Occupation Tax Act an amount equal to the  
26 average monthly deficit in the Underground Storage Tank Fund

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

11 Beginning July 1, 2015, of the remainder of the moneys  
12 received by the Department under the Use Tax Act, the Service  
13 Use Tax Act, the Service Occupation Tax Act, and this Act, each  
14 month the Department shall deposit \$500,000 into the State  
15 Crime Laboratory Fund.

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

1 2.2% or 3.8%, as the case may be, of moneys being hereinafter  
2 called the "Tax Act Amount", and (2) the amount transferred to  
3 the Build Illinois Fund from the State and Local Sales Tax  
4 Reform Fund shall be less than the Annual Specified Amount (as  
5 hereinafter defined), an amount equal to the difference shall  
6 be immediately paid into the Build Illinois Fund from other  
7 moneys received by the Department pursuant to the Tax Acts; the  
8 "Annual Specified Amount" means the amounts specified below for  
9 fiscal years 1986 through 1993:

10	Fiscal Year	Annual Specified Amount
11	1986	\$54,800,000
12	1987	\$76,650,000
13	1988	\$80,480,000
14	1989	\$88,510,000
15	1990	\$115,330,000
16	1991	\$145,470,000
17	1992	\$182,730,000
18	1993	\$206,520,000;

19 and means the Certified Annual Debt Service Requirement (as  
20 defined in Section 13 of the Build Illinois Bond Act) or the  
21 Tax Act Amount, whichever is greater, for fiscal year 1994 and  
22 each fiscal year thereafter; and further provided, that if on  
23 the last business day of any month the sum of (1) the Tax Act  
24 Amount required to be deposited into the Build Illinois Bond  
25 Account in the Build Illinois Fund during such month and (2)  
26 the amount transferred to the Build Illinois Fund from the

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

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

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

1 Expansion Project Fund in the specified fiscal years.

2	Fiscal Year	Total
		Deposit
3	1993	\$0
4	1994	53,000,000
5	1995	58,000,000
6	1996	61,000,000
7	1997	64,000,000
8	1998	68,000,000
9	1999	71,000,000
10	2000	75,000,000
11	2001	80,000,000
12	2002	93,000,000
13	2003	99,000,000
14	2004	103,000,000
15	2005	108,000,000
16	2006	113,000,000
17	2007	119,000,000
18	2008	126,000,000
19	2009	132,000,000
20	2010	139,000,000
21	2011	146,000,000
22	2012	153,000,000
23	2013	161,000,000
24	2014	170,000,000
25	2015	179,000,000



1	2016	189,000,000
2	2017	199,000,000
3	2018	210,000,000
4	2019	221,000,000
5	2020	233,000,000
6	2021	246,000,000
7	2022	260,000,000
8	2023	275,000,000
9	2024	275,000,000
10	2025	275,000,000
11	2026	279,000,000
12	2027	292,000,000
13	2028	307,000,000
14	2029	322,000,000
15	2030	338,000,000
16	2031	350,000,000
17	2032	350,000,000

18                   and

19                    each fiscal year

20                   thereafter that bonds

21                   are outstanding under

22                   Section 13.2 of the

23                   Metropolitan Pier and

24                   Exposition Authority Act,

25                   but not after fiscal year 2060.

26                   Beginning July 20, 1993 and in each month of each fiscal

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

13 Subject to payment of amounts into the Build Illinois Fund  
14 and the McCormick Place Expansion Project Fund pursuant to the  
15 preceding paragraphs or in any amendments thereto hereafter  
16 enacted, beginning July 1, 1993 and ending on September 30,  
17 2013, the Department shall each month pay into the Illinois Tax  
18 Increment Fund 0.27% of 80% of the net revenue realized for the  
19 preceding month from the 6.25% general rate on the selling  
20 price of tangible personal property.

21 Subject to payment of amounts into the Build Illinois Fund  
22 and the McCormick Place Expansion Project Fund pursuant to the  
23 preceding paragraphs or in any amendments thereto hereafter  
24 enacted, beginning with the receipt of the first report of  
25 taxes paid by an eligible business and continuing for a 25-year  
26 period, the Department shall each month pay into the Energy

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

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

1       Subject to payments of amounts into the Build Illinois  
2 Fund, the McCormick Place Expansion Project Fund, the Illinois  
3 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax  
4 Compliance and Administration Fund as provided in this Section,  
5 beginning on July 1, 2017 the Department shall pay each month  
6 into the Downstate Public Transportation Fund the moneys  
7 required to be so paid under Section 2-3 of the Downstate  
8 Public Transportation Act.

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

15       The Department may, upon separate written notice to a  
16 taxpayer, require the taxpayer to prepare and file with the  
17 Department on a form prescribed by the Department within not  
18 less than 60 days after receipt of the notice an annual  
19 information return for the tax year specified in the notice.  
20 Such annual return to the Department shall include a statement  
21 of gross receipts as shown by the retailer's last Federal  
22 income tax return. If the total receipts of the business as  
23 reported in the Federal income tax return do not agree with the  
24 gross receipts reported to the Department of Revenue for the  
25 same period, the retailer shall attach to his annual return a  
26 schedule showing a reconciliation of the 2 amounts and the

1 reasons for the difference. The retailer's annual return to the  
2 Department shall also disclose the cost of goods sold by the  
3 retailer during the year covered by such return, opening and  
4 closing inventories of such goods for such year, costs of goods  
5 used from stock or taken from stock and given away by the  
6 retailer during such year, payroll information of the  
7 retailer's business during such year and any additional  
8 reasonable information which the Department deems would be  
9 helpful in determining the accuracy of the monthly, quarterly  
10 or annual returns filed by such retailer as provided for in  
11 this Section.

12 If the annual information return required by this Section  
13 is not filed when and as required, the taxpayer shall be liable  
14 as follows:

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

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

25 The chief executive officer, proprietor, owner or highest  
26 ranking manager shall sign the annual return to certify the

1 accuracy of the information contained therein. Any person who  
2 willfully signs the annual return containing false or  
3 inaccurate information shall be guilty of perjury and punished  
4 accordingly. The annual return form prescribed by the  
5 Department shall include a warning that the person signing the  
6 return may be liable for perjury.

7 The provisions of this Section concerning the filing of an  
8 annual information return do not apply to a retailer who is not  
9 required to file an income tax return with the United States  
10 Government.

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

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

22 For greater simplicity of administration, manufacturers,  
23 importers and wholesalers whose products are sold at retail in  
24 Illinois by numerous retailers, and who wish to do so, may  
25 assume the responsibility for accounting and paying to the  
26 Department all tax accruing under this Act with respect to such

1 sales, if the retailers who are affected do not make written  
2 objection to the Department to this arrangement.

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

20 Any person engaged in the business of selling tangible  
21 personal property at retail as a concessionaire or other type  
22 of seller at the Illinois State Fair, county fairs, art shows,  
23 flea markets and similar exhibitions or events, or any  
24 transient merchants, as defined by Section 2 of the Transient  
25 Merchant Act of 1987, may be required to make a daily report of  
26 the amount of such sales to the Department and to make a daily

1 payment of the full amount of tax due. The Department shall  
2 impose this requirement when it finds that there is a  
3 significant risk of loss of revenue to the State at such an  
4 exhibition or event. Such a finding shall be based on evidence  
5 that a substantial number of concessionaires or other sellers  
6 who are not residents of Illinois will be engaging in the  
7 business of selling tangible personal property at retail at the  
8 exhibition or event, or other evidence of a significant risk of  
9 loss of revenue to the State. The Department shall notify  
10 concessionaires and other sellers affected by the imposition of  
11 this requirement. In the absence of notification by the  
12 Department, the concessionaires and other sellers shall file  
13 their returns as otherwise required in this Section.

14 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;  
15 98-496, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1098, eff.  
16 8-26-14; 99-352, eff. 8-12-15; 99-858, eff. 8-19-16.)

17 Section 99. Effective date. This Act takes effect July 1,  
18 2017.