

1 AN ACT concerning taxation.

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

4 Section 5. The Cigarette Tax Act is amended by changing  
5 Section 2 as follows:

6 (35 ILCS 130/2) (from Ch. 120, par. 453.2)

7 Sec. 2. Tax imposed; rate; collection, payment, and  
8 distribution; discount.

9 (a) A tax is imposed upon any person engaged in business  
10 as a retailer of cigarettes in this State at the rate of 5  
11 1/2 mills per cigarette sold, or otherwise disposed of in the  
12 course of such business in this State. In addition to any  
13 other tax imposed by this Act, a tax is imposed upon any  
14 person engaged in business as a retailer of cigarettes in  
15 this State at a rate of 1/2 mill per cigarette sold or  
16 otherwise disposed of in the course of such business in this  
17 State on and after January 1, 1947, and shall be paid into  
18 the Metropolitan Fair and Exposition Authority Reconstruction  
19 Fund. On and after December 1, 1985, in addition to any other  
20 tax imposed by this Act, a tax is imposed upon any person  
21 engaged in business as a retailer of cigarettes in this State  
22 at a rate of 4 mills per cigarette sold or otherwise disposed  
23 of in the course of such business in this State. Of the  
24 additional tax imposed by this amendatory Act of 1985,  
25 \$9,000,000 of the moneys received by the Department of  
26 Revenue pursuant to this Act shall be paid each month into  
27 the Common School Fund. On and after the effective date of  
28 this amendatory Act of 1989, in addition to any other tax  
29 imposed by this Act, a tax is imposed upon any person engaged  
30 in business as a retailer of cigarettes at the rate of 5  
31 mills per cigarette sold or otherwise disposed of in the

1 course of such business in this State. On and after the  
2 effective date of this amendatory Act of 1993, in addition to  
3 any other tax imposed by this Act, a tax is imposed upon any  
4 person engaged in business as a retailer of cigarettes at the  
5 rate of 7 mills per cigarette sold or otherwise disposed of  
6 in the course of such business in this State. On and after  
7 December 15, 1997, in addition to any other tax imposed by  
8 this Act, a tax is imposed upon any person engaged in  
9 business as a retailer of cigarettes at the rate of 7 mills  
10 per cigarette sold or otherwise disposed of in the course of  
11 such business of this State. All of the moneys received by  
12 the Department of Revenue pursuant to this Act and the  
13 Cigarette Use Tax Act from the additional taxes imposed by  
14 this amendatory Act of 1997, shall be paid each month into  
15 the Common School Fund. The payment of such taxes shall be  
16 evidenced by a stamp affixed to each original package of  
17 cigarettes, or an authorized substitute for such stamp  
18 imprinted on each original package of such cigarettes  
19 underneath the sealed transparent outside wrapper of such  
20 original package, as hereinafter provided. However, such  
21 taxes are not imposed upon any activity in such business in  
22 interstate commerce or otherwise, which activity may not  
23 under the Constitution and statutes of the United States be  
24 made the subject of taxation by this State.

25 Beginning on the effective date of this amendatory Act of  
26 1998, all of the moneys received by the Department of Revenue  
27 pursuant to this Act and the Cigarette Use Tax Act, other  
28 than the moneys that are dedicated to the Metropolitan Fair  
29 and Exposition Authority Reconstruction Fund and the Common  
30 School Fund, shall be distributed each month as follows:  
31 first, there shall be paid into the General Revenue Fund an  
32 amount which, when added to the amount paid into the Common  
33 School Fund for that month, equals \$33,300,000; then, from  
34 the moneys remaining, if any amounts required to be paid into

1 the General Revenue Fund in previous months remain unpaid,  
2 those amounts shall be paid into the General Revenue Fund;  
3 then the moneys remaining, if any, shall be paid into the  
4 Long-Term Care Provider Fund. To the extent that more than  
5 \$25,000,000 has been paid into the General Revenue Fund and  
6 Common School Fund per month for the period of July 1, 1993  
7 through the effective date of this amendatory Act of 1994  
8 from combined receipts of the Cigarette Tax Act and the  
9 Cigarette Use Tax Act, notwithstanding the distribution  
10 provided in this Section, the Department of Revenue is hereby  
11 directed to adjust the distribution provided in this Section  
12 to increase the next monthly payments to the Long Term Care  
13 Provider Fund by the amount paid to the General Revenue Fund  
14 and Common School Fund in excess of \$25,000,000 per month and  
15 to decrease the next monthly payments to the General Revenue  
16 Fund and Common School Fund by that same excess amount.

17 When any tax imposed herein terminates or has terminated,  
18 distributors who have bought stamps while such tax was in  
19 effect and who therefore paid such tax, but who can show, to  
20 the Department's satisfaction, that they sold the cigarettes  
21 to which they affixed such stamps after such tax had  
22 terminated and did not recover the tax or its equivalent from  
23 purchasers, shall be allowed by the Department to take credit  
24 for such absorbed tax against subsequent tax stamp purchases  
25 from the Department by such distributor.

26 The impact of the tax levied by this Act is imposed upon  
27 the retailer and shall be prepaid or pre-collected by the  
28 distributor for the purpose of convenience and facility only,  
29 and the amount of the tax shall be added to the price of the  
30 cigarettes sold by such distributor. Collection of the tax  
31 shall be evidenced by a stamp or stamps affixed to each  
32 original package of cigarettes, as hereinafter provided.

33 Each distributor shall collect the tax from the retailer  
34 at or before the time of the sale, shall affix the stamps as

1 hereinafter required, and shall remit the tax collected from  
2 retailers to the Department, as hereinafter provided. Any  
3 distributor who fails to properly collect and pay the tax  
4 imposed by this Act shall be liable for the tax. Any  
5 distributor having cigarettes to which stamps have been  
6 affixed in his possession for sale on the effective date of  
7 this amendatory Act of 1989 shall not be required to pay the  
8 additional tax imposed by this amendatory Act of 1989 on such  
9 stamped cigarettes. Any distributor having cigarettes to  
10 which stamps have been affixed in his or her possession for  
11 sale at 12:01 a.m. on the effective date of this amendatory  
12 Act of 1993, is required to pay the additional tax imposed by  
13 this amendatory Act of 1993 on such stamped cigarettes. This  
14 payment, less the discount provided in subsection (b), shall  
15 be due when the distributor first makes a purchase of  
16 cigarette tax stamps after the effective date of this  
17 amendatory Act of 1993, or on the first due date of a return  
18 under this Act after the effective date of this amendatory  
19 Act of 1993, whichever occurs first. Any distributor having  
20 cigarettes to which stamps have been affixed in his  
21 possession for sale on December 15, 1997 shall not be  
22 required to pay the additional tax imposed by this amendatory  
23 Act of 1997 on such stamped cigarettes.

24 The amount of the Cigarette Tax imposed by this Act shall  
25 be separately stated, apart from the price of the goods, by  
26 both distributors and retailers, in all advertisements, bills  
27 and sales invoices.

28 (b) The distributor shall be required to collect the  
29 taxes provided under paragraph (a) hereof, and, to cover the  
30 costs of such collection, shall be allowed a discount during  
31 any year commencing July 1st and ending the following June  
32 30th in accordance with the schedule set out hereinbelow,  
33 which discount shall be allowed at the time of purchase of  
34 the stamps when purchase is required by this Act, or at the

1 time when the tax is remitted to the Department without the  
2 purchase of stamps from the Department when that method of  
3 paying the tax is required or authorized by this Act. Prior  
4 to December 1, 1985, a discount equal to 1 2/3% of the amount  
5 of the tax up to and including the first \$700,000 paid  
6 hereunder by such distributor to the Department during any  
7 such year; 1 1/3% of the next \$700,000 of tax or any part  
8 thereof, paid hereunder by such distributor to the Department  
9 during any such year; 1% of the next \$700,000 of tax, or any  
10 part thereof, paid hereunder by such distributor to the  
11 Department during any such year, and 2/3 of 1% of the amount  
12 of any additional tax paid hereunder by such distributor to  
13 the Department during any such year shall apply. On and after  
14 December 1, 1985, a discount equal to 1.75% of the amount of  
15 the tax payable under this Act up to and including the first  
16 \$3,000,000 paid hereunder by such distributor to the  
17 Department during any such year and 1.5% of the amount of any  
18 additional tax paid hereunder by such distributor to the  
19 Department during any such year shall apply.

20 Two or more distributors that use a common means of  
21 affixing revenue tax stamps or that are owned or controlled  
22 by the same interests shall be treated as a single  
23 distributor for the purpose of computing the discount.

24 (c) The taxes herein imposed are in addition to all  
25 other occupation or privilege taxes imposed by the State of  
26 Illinois, or by any political subdivision thereof, or by any  
27 municipal corporation.

28 (d) If any payment provided for in this Act exceeds the  
29 taxpayer's liabilities under this Act, as shown on an  
30 original return, the Department shall, if requested by the  
31 taxpayer, issue to the taxpayer a credit memorandum no later  
32 than 30 days after the date of payment. The credit evidenced  
33 by the credit memorandum may be assigned by the taxpayer to a  
34 similar taxpayer under this Act, in accordance with

1 reasonable rules prescribed by the Department. If no such  
2 request is made, the taxpayer may credit the excess payment  
3 against tax liability subsequently to be remitted to the  
4 Department under this Act, in accordance with reasonable  
5 rules prescribed by the Department. If the Department  
6 subsequently determines that all or any part of the credit  
7 taken was not actually due to the taxpayer, the taxpayer's  
8 1.75% and 1.5% discount shall be reduced by 1.75% or 1.5% of  
9 the difference between the credit taken and that actually  
10 due, and that taxpayer shall be liable for penalties and  
11 interest on the difference.

12 (Source: P.A. 90-548, eff. 12-4-97; 90-587, eff. 7-1-98.)

13 Section 10. The Cigarette Use Tax Act is amended by  
14 changing Section 3 as follows:

15 (35 ILCS 135/3) (from Ch. 120, par. 453.33)

16 Sec. 3. Stamp payment. The tax hereby imposed shall be  
17 collected by a distributor maintaining a place of business in  
18 this State or a distributor authorized by the Department  
19 pursuant to Section 7 hereof to collect the tax, and the  
20 amount of the tax shall be added to the price of the  
21 cigarettes sold by such distributor. Collection of the tax  
22 shall be evidenced by a stamp or stamps affixed to each  
23 original package of cigarettes or by an authorized substitute  
24 for such stamp imprinted on each original package of such  
25 cigarettes underneath the sealed transparent outside wrapper  
26 of such original package, except as hereinafter provided.  
27 Each distributor who is required or authorized to collect the  
28 tax herein imposed, before delivering or causing to be  
29 delivered any original packages of cigarettes in this State  
30 to any purchaser, shall firmly affix a proper stamp or stamps  
31 to each such package, or (in the case of manufacturers of  
32 cigarettes in original packages which are contained inside a

1 sealed transparent wrapper) shall imprint the required  
2 language on the original package of cigarettes beneath such  
3 outside wrapper as hereinafter provided. Such stamp or stamps  
4 need not be affixed to the original package of any cigarettes  
5 with respect to which the distributor is required to affix a  
6 like stamp or stamps by virtue of the Cigarette Tax Act,  
7 however, and no tax imprint need be placed underneath the  
8 sealed transparent wrapper of an original package of  
9 cigarettes with respect to which the distributor is required  
10 or authorized to employ a like tax imprint by virtue of the  
11 Cigarette Tax Act.

12 No stamp or imprint may be affixed to, or made upon, any  
13 package of cigarettes unless that package complies with all  
14 requirements of the federal Cigarette Labeling and  
15 Advertising Act, 15 U.S.C. 1331 and following, for the  
16 placement of labels, warnings, or any other information upon  
17 a package of cigarettes that is sold within the United  
18 States. Under the authority of Section 6, the Department  
19 shall revoke the license of any distributor that is  
20 determined to have violated this paragraph. A person may not  
21 affix a stamp on a package of cigarettes, cigarette papers,  
22 wrappers, or tubes if that individual package has been marked  
23 for export outside the United States with a label or notice  
24 in compliance with Section 290.185 of Title 27 of the Code of  
25 Federal Regulations. It is not a defense to a proceeding for  
26 violation of this paragraph that the label or notice has been  
27 removed, mutilated, obliterated, or altered in any manner.

28 Stamps, when required hereunder, shall be purchased from  
29 the Department, or any person authorized by the Department,  
30 by distributors.

31 Prior to December 1, 1985, the Department shall allow a  
32 distributor 21 days in which to make final payment of the  
33 amount to be paid for such stamps, by allowing the  
34 distributor to make payment for the stamps at the time of

1 purchasing them with a draft which shall be in such form as  
2 the Department prescribes, and which shall be payable within  
3 21 days thereafter: Provided that such distributor has filed  
4 with the Department, and has received the Department's  
5 approval of, a bond, which is in addition to the bond  
6 required under Section 4 of this Act, payable to the  
7 Department in an amount equal to 80% of such distributor's  
8 average monthly tax liability to the Department under this  
9 Act during the preceding calendar year or \$500,000, whichever  
10 is less. The bond shall be joint and several and shall be in  
11 the form of a surety company bond in such form as the  
12 Department prescribes, or it may be in the form of a bank  
13 certificate of deposit or bank letter of credit. The bond  
14 shall be conditioned upon the distributor's payment of the  
15 amount of any 21-day draft which the Department accepts from  
16 that distributor for the delivery of stamps to that  
17 distributor under this Act. The distributor's failure to pay  
18 any such draft, when due, shall also make such distributor  
19 automatically liable to the Department for a penalty equal to  
20 25% of the amount of such draft.

21 On and after December 1, 1985, the Department shall allow  
22 a distributor 30 days in which to make final payment of the  
23 amount to be paid for such stamps, by allowing the  
24 distributor to make payment for the stamps at the time of  
25 purchasing them with a draft which shall be in such form as  
26 the Department prescribes, and which shall be payable within  
27 30 days thereafter: Provided that such distributor has filed  
28 with the Department, and has received the Department's  
29 approval of, a bond, which is in addition to the bond  
30 required under Section 4 of this Act, payable to the  
31 Department in an amount equal to 150% of such distributor's  
32 average monthly tax liability to the Department under this  
33 Act during the preceding calendar year or \$750,000, whichever  
34 is less, except that as to bonds filed on or after January 1,



1 1987, such additional bond shall be in an amount equal to  
2 100% of such distributor's average monthly tax liability  
3 under this Act during the preceding calendar year or  
4 \$750,000, whichever is less. The bond shall be joint and  
5 several and shall be in the form of a surety company bond in  
6 such form as the Department prescribes, or it may be in the  
7 form of a bank certificate of deposit or bank letter of  
8 credit. The bond shall be conditioned upon the distributor's  
9 payment of the amount of any 30-day draft which the  
10 Department accepts from that distributor for the delivery of  
11 stamps to that distributor under this Act. The distributor's  
12 failure to pay any such draft, when due, shall also make such  
13 distributor automatically liable to the Department for a  
14 penalty equal to 25% of the amount of such draft.

15 Every prior continuous compliance taxpayer shall be  
16 exempt from all requirements under this Section concerning  
17 the furnishing of such bond, as defined in this Section, as a  
18 condition precedent to his being authorized to engage in the  
19 business licensed under this Act. This exemption shall  
20 continue for each such taxpayer until such time as he may be  
21 determined by the Department to be delinquent in the filing  
22 of any returns, or is determined by the Department (either  
23 through the Department's issuance of a final assessment which  
24 has become final under the Act, or by the taxpayer's filing  
25 of a return which admits tax to be due that is not paid) to  
26 be delinquent or deficient in the paying of any tax under  
27 this Act, at which time that taxpayer shall become subject to  
28 the bond requirements of this Section and, as a condition of  
29 being allowed to continue to engage in the business licensed  
30 under this Act, shall be required to furnish bond to the  
31 Department in such form as provided in this Section. Such  
32 taxpayer shall furnish such bond for a period of 2 years,  
33 after which, if the taxpayer has not been delinquent in the  
34 filing of any returns, or delinquent or deficient in the

1 paying of any tax under this Act, the Department may  
2 reinstate such person as a prior continuance compliance  
3 taxpayer. Any taxpayer who fails to pay an admitted or  
4 established liability under this Act may also be required to  
5 post bond or other acceptable security with the Department  
6 guaranteeing the payment of such admitted or established  
7 liability.

8 Any person aggrieved by any decision of the Department  
9 under this Section may, within the time allowed by law,  
10 protest and request a hearing, whereupon the Department shall  
11 give notice and shall hold a hearing in conformity with the  
12 provisions of this Act and then issue its final  
13 administrative decision in the matter to such person. In the  
14 absence of such a protest filed within the time allowed by  
15 law, the Department's decision shall become final without any  
16 further determination being made or notice given.

17 The Department shall discharge any surety and shall  
18 release and return any bond or security deposited, assigned,  
19 pledged, or otherwise provided to it by a taxpayer under this  
20 Section within 30 days after:

21 (1) Such Taxpayer becomes a prior continuous compliance  
22 taxpayer; or

23 (2) Such taxpayer has ceased to collect receipts on  
24 which he is required to remit tax to the Department, has  
25 filed a final tax return, and has paid to the Department an  
26 amount sufficient to discharge his remaining tax liability as  
27 determined by the Department under this Act. The Department  
28 shall make a final determination of the taxpayer's  
29 outstanding tax liability as expeditiously as possible after  
30 his final tax return has been filed. If the Department  
31 cannot make such final determination within 45 days after  
32 receiving the final tax return, within such period it shall  
33 so notify the taxpayer, stating its reasons therefor.

34 At the time of purchasing such stamps from the Department

1 when purchase is required by this Act, or at the time when  
2 the tax which he has collected is remitted by a distributor  
3 to the Department without the purchase of stamps from the  
4 Department when that method of remitting the tax that has  
5 been collected is required or authorized by this Act, the  
6 distributor shall be allowed a discount during any year  
7 commencing July 1 and ending the following June 30 in  
8 accordance with the schedule set out hereinbelow, from the  
9 amount to be paid by him to the Department for such stamps,  
10 or to be paid by him to the Department on the basis of  
11 monthly remittances (as the case may be), to cover the cost,  
12 to such distributor, of collecting the tax herein imposed by  
13 affixing such stamps to the original packages of cigarettes  
14 sold by such distributor or by placing tax imprints  
15 underneath the sealed transparent wrapper of original  
16 packages of cigarettes sold by such distributor (as the case  
17 may be): (1) Prior to December 1, 1985, a discount equal to  
18 1-2/3% of the amount of the tax up to and including the first  
19 \$700,000 paid hereunder by such distributor to the Department  
20 during any such year; 1-1/3% of the next \$700,000 of tax or  
21 any part thereof, paid hereunder by such distributor to the  
22 Department during any such year; 1% of the next \$700,000 of  
23 tax, or any part thereof, paid hereunder by such distributor  
24 to the Department during any such year; and 2/3 of 1% of the  
25 amount of any additional tax paid hereunder by such  
26 distributor to the Department during any such year or (2) On  
27 and after December 1, 1985, a discount equal to 1.75% of the  
28 amount of the tax payable under this Act up to and including  
29 the first \$3,000,000 paid hereunder by such distributor to  
30 the Department during any such year and 1.5% of the amount of  
31 any additional tax paid hereunder by such distributor to the  
32 Department during any such year.

33 Two or more distributors that use a common means of  
34 affixing revenue tax stamps or that are owned or controlled

1 by the same interests shall be treated as a single  
2 distributor for the purpose of computing the discount.

3 Cigarette manufacturers who are distributors under this  
4 Act, and who place their cigarettes in original packages  
5 which are contained inside a sealed transparent wrapper,  
6 shall be required to remit the tax which they are required to  
7 collect under this Act to the Department by remitting the  
8 amount thereof to the Department by the 5th day of each  
9 month, covering cigarettes shipped or otherwise delivered to  
10 points in Illinois to purchasers during the preceding  
11 calendar month, but a distributor need not remit to the  
12 Department the tax so collected by him from purchasers under  
13 this Act to the extent to which such distributor is required  
14 to remit the tax imposed by the Cigarette Tax Act to the  
15 Department with respect to the same cigarettes. All taxes  
16 upon cigarettes under this Act are a direct tax upon the  
17 retail consumer and shall conclusively be presumed to be  
18 precollected for the purpose of convenience and facility  
19 only. Distributors who are manufacturers of cigarettes in  
20 original packages which are contained inside a sealed  
21 transparent wrapper, before delivering such cigarettes or  
22 causing such cigarettes to be delivered in this State to  
23 purchasers, shall evidence their obligation to collect and  
24 remit the tax due with respect to such cigarettes by  
25 imprinting language to be prescribed by the Department on  
26 each original package of such cigarettes underneath the  
27 sealed transparent outside wrapper of such original package,  
28 in such place thereon and in such manner as the Department  
29 may prescribe; provided (as stated hereinbefore) that this  
30 requirement does not apply when such distributor is required  
31 or authorized by the Cigarette Tax Act to place the tax  
32 imprint provided for in the last paragraph of Section 3 of  
33 that Act underneath the sealed transparent wrapper of such  
34 original package of cigarettes. Such imprinted language shall

1 acknowledge the manufacturer's collection and payment of or  
2 liability for the tax imposed by this Act with respect to  
3 such cigarettes.

4 The Department shall adopt the design or designs of the  
5 tax stamps and shall procure the printing of such stamps in  
6 such amounts and denominations as it deems necessary to  
7 provide for the affixation of the proper amount of tax stamps  
8 to each original package of cigarettes.

9 Where tax stamps are required, the Department may  
10 authorize distributors to affix revenue tax stamps by  
11 imprinting tax meter stamps upon original packages of  
12 cigarettes. The Department shall adopt rules and regulations  
13 relating to the imprinting of such tax meter stamps as will  
14 result in payment of the proper taxes as herein imposed. No  
15 distributor may affix revenue tax stamps to original packages  
16 of cigarettes by imprinting meter stamps thereon unless such  
17 distributor has first obtained permission from the Department  
18 to employ this method of affixation. The Department shall  
19 regulate the use of tax meters and may, to assure the proper  
20 collection of the taxes imposed by this Act, revoke or  
21 suspend the privilege, theretofore granted by the Department  
22 to any distributor, to imprint tax meter stamps upon original  
23 packages of cigarettes.

24 The tax hereby imposed and not paid pursuant to this  
25 Section shall be paid to the Department directly by any  
26 person using such cigarettes within this State, pursuant to  
27 Section 12 hereof.

28 If any payment provided for in this Act exceeds the  
29 taxpayer's liabilities under this Act, as shown on an  
30 original return, the Department shall, if requested by the  
31 taxpayer, issue to the taxpayer a credit memorandum no later  
32 than 30 days after the date of payment. The credit evidenced  
33 by the credit memorandum may be assigned by the taxpayer to a  
34 similar taxpayer under this Act, in accordance with

1 reasonable rules prescribed by the Department. If no such  
2 request is made, the taxpayer may credit the excess payment  
3 against tax liability subsequently to be remitted to the  
4 Department under this Act, in accordance with reasonable  
5 rules prescribed by the Department. If the Department  
6 subsequently determines that all or any part of the credit  
7 taken was not actually due to the taxpayer, the taxpayer's  
8 1.75% and 1.5% discount shall be reduced by 1.75% or 1.5% of  
9 the difference between the credit taken and that actually  
10 due, and that taxpayer shall be liable for penalties and  
11 interest on the difference.

12 (Source: P.A. 91-246, eff. 7-22-99.)

13 Section 15. The Tobacco Products Tax Act of 1995 is  
14 amended by changing Section 10-30 as follows:

15 (35 ILCS 143/10-30)

16 Sec. 10-30. Returns. Every distributor shall, on or  
17 before the 15th day of each month, file a return with the  
18 Department covering the preceding calendar month. The return  
19 shall disclose the wholesale price for tobacco products sold  
20 or otherwise disposed of and other information that the  
21 Department may reasonably require. The return shall be filed  
22 upon a form prescribed and furnished by the Department.

23 At the time when any return of any distributor is due to  
24 be filed with the Department, the distributor shall also  
25 remit to the Department the tax liability that the  
26 distributor has incurred for transactions occurring in the  
27 preceding calendar month.

28 If any payment provided for in this Section exceeds the  
29 taxpayer's liabilities under this Act, as shown on an  
30 original return, the Department shall, if requested by the  
31 taxpayer, issue to the taxpayer a credit memorandum no later  
32 than 30 days after the date of payment. The credit evidenced

1 by the credit memorandum may be assigned by the taxpayer to a  
 2 similar taxpayer under this Act, in accordance with  
 3 reasonable rules prescribed by the Department. If no such  
 4 request is made, the taxpayer may credit the excess payment  
 5 against tax liability subsequently to be remitted to the  
 6 Department under this Act, in accordance with reasonable  
 7 rules prescribed by the Department.

8 (Source: P.A. 89-21, eff. 6-6-95.)

9 Section 20. The Hotel Operators' Occupation Tax Act is  
 10 amended by changing Section 6 as follows:

11 (35 ILCS 145/6) (from Ch. 120, par. 481b.36)

12 (Text of Section before amendment by P.A. 91-935)

13 Sec. 6. Except as provided hereinafter in this Section,  
 14 on or before the last day of each calendar month, every  
 15 person engaged in the business of renting, leasing or letting  
 16 rooms in a hotel in this State during the preceding calendar  
 17 month shall file a return with the Department, stating:

- 18 1. The name of the operator;
- 19 2. His residence address and the address of his  
 20 principal place of business and the address of the  
 21 principal place of business (if that is a different  
 22 address) from which he engages in the business of  
 23 renting, leasing or letting rooms in a hotel in this  
 24 State;
- 25 3. Total amount of rental receipts received by him  
 26 during the preceding calendar month from renting, leasing  
 27 or letting rooms during such preceding calendar month;
- 28 4. Total amount of rental receipts received by him  
 29 during the preceding calendar month from renting, leasing  
 30 or letting rooms to permanent residents during such  
 31 preceding calendar month;
- 32 5. Total amount of other exclusions from gross

1 rental receipts allowed by this Act;

2 6. Gross rental receipts which were received by him  
3 during the preceding calendar month and upon the basis of  
4 which the tax is imposed;

5 7. The amount of tax due;

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

8 If the operator's average monthly tax liability to the  
9 Department does not exceed \$200, the Department may authorize  
10 his returns to be filed on a quarter annual basis, with the  
11 return for January, February and March of a given year being  
12 due by April 30 of such year; with the return for April, May  
13 and June of a given year being due by July 31 of such year;  
14 with the return for July, August and September of a given  
15 year being due by October 31 of such year, and with the  
16 return for October, November and December of a given year  
17 being due by January 31 of the following year.

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

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

26 Notwithstanding any other provision in this Act  
27 concerning the time within which an operator may file his  
28 return, in the case of any operator who ceases to engage in a  
29 kind of business which makes him responsible for filing  
30 returns under this Act, such operator shall file a final  
31 return under this Act with the Department not more than 1  
32 month after discontinuing such business.

33 Where the same person has more than 1 business registered  
34 with the Department under separate registrations under this



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

5 In his return, the operator shall determine the value of  
6 any consideration other than money received by him in  
7 connection with the renting, leasing or letting of rooms in  
8 the course of his business and he shall include such value in  
9 his return. Such determination shall be subject to review  
10 and revision by the Department in the manner hereinafter  
11 provided for the correction of returns.

12 Where the operator is a corporation, the return filed on  
13 behalf of such corporation shall be signed by the president,  
14 vice-president, secretary or treasurer or by the properly  
15 accredited agent of such corporation.

16 The person filing the return herein provided for shall,  
17 at the time of filing such return, pay to the Department the  
18 amount of tax herein imposed. The operator filing the return  
19 under this Section shall, at the time of filing such return,  
20 pay to the Department the amount of tax imposed by this Act  
21 less a discount of 2.1% or \$25 per calendar year, whichever  
22 is greater, which is allowed to reimburse the operator for  
23 the expenses incurred in keeping records, preparing and  
24 filing returns, remitting the tax and supplying data to the  
25 Department on request.

26 If any payment provided for in this Section exceeds the  
27 taxpayer's liabilities under this Act, as shown on an  
28 original return, the Department shall, if requested by the  
29 taxpayer, issue to the taxpayer a credit memorandum no later  
30 than 30 days after the date of payment. The credit evidenced  
31 by the credit memorandum may be assigned by the taxpayer to a  
32 similar taxpayer under this Act, in accordance with  
33 reasonable rules prescribed by the Department. If no such  
34 request is made, the taxpayer may credit the excess payment

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

10       There shall be deposited in the Build Illinois Fund in  
11 the State Treasury for each State fiscal year 40% of the  
12 amount of total net proceeds from the tax imposed by  
13 subsection (a) of Section 3. Of the remaining 60%,  
14 \$5,000,000 shall be deposited in the Illinois Sports  
15 Facilities Fund and credited to the Subsidy Account each  
16 fiscal year by making monthly deposits in the amount of 1/8  
17 of \$5,000,000 plus cumulative deficiencies in such deposits  
18 for prior months, and an additional \$8,000,000 shall be  
19 deposited in the Illinois Sports Facilities Fund and credited  
20 to the Advance Account each fiscal year by making monthly  
21 deposits in the amount of 1/8 of \$8,000,000 plus any  
22 cumulative deficiencies in such deposits for prior months.  
23 (The deposits of the additional \$8,000,000 during each fiscal  
24 year shall be treated as advances of funds to the Illinois  
25 Sports Facilities Authority for its corporate purposes to the  
26 extent paid to the Authority or its trustee and shall be  
27 repaid into the General Revenue Fund in the State Treasury by  
28 the State Treasurer on behalf of the Authority solely from  
29 collections of the tax imposed by the Authority pursuant to  
30 Section 19 of the Illinois Sports Facilities Act, as  
31 amended.)

32       Of the remaining 60% of the amount of total net proceeds  
33 from the tax imposed by subsection (a) of Section 3 after all  
34 required deposits in the Illinois Sports Facilities Fund, the

1 amount equal to 8% of the net revenue realized from the Hotel  
 2 Operators' Occupation Tax Act plus an amount equal to 8% of  
 3 the net revenue realized from any tax imposed under Section  
 4 4.05 of the Chicago World's Fair-1992 Authority during the  
 5 preceding month shall be deposited in the Local Tourism Fund  
 6 each month for purposes authorized by Section 605-705 of the  
 7 Department of Commerce and Community Affairs Law (20 ILCS  
 8 605/605-705) in the Local Tourism Fund, and beginning August  
 9 1, 1999, the amount equal to 6% of the net revenue realized  
 10 from the Hotel Operators' Occupation Tax Act during the  
 11 preceding month shall be deposited into the International  
 12 Tourism Fund for the purposes authorized in Section 605-725  
 13 of the Department of Commerce and Community Affairs Law 46-6d  
 14 ~~of--the--Civil-Administrative-Code-of-Illinois~~. "Net revenue  
 15 realized for a month" means the revenue collected by the  
 16 State under that Act during the previous month less the  
 17 amount paid out during that same month as refunds to  
 18 taxpayers for overpayment of liability under that Act.

19 After making all these deposits, all other proceeds of  
 20 the tax imposed under subsection (a) of Section 3 shall be  
 21 deposited in the General Revenue Fund in the State Treasury.  
 22 All moneys received by the Department from the additional tax  
 23 imposed under subsection (b) of Section 3 shall be deposited  
 24 into the Build Illinois Fund in the State Treasury.

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

1 the same period, the operator shall attach to his annual  
2 information return a schedule showing a reconciliation of the  
3 amounts and the reasons for the difference. The operator's  
4 annual information return to the Department shall also  
5 disclose pay roll information of the operator's business  
6 during the year covered by such return and any additional  
7 reasonable information which the Department deems would be  
8 helpful in determining the accuracy of the monthly, quarterly  
9 or annual tax returns by such operator as hereinbefore  
10 provided for in this Section.

11 If the annual information return required by this Section  
12 is not filed when and as required the taxpayer shall be  
13 liable for a penalty in an amount determined in accordance  
14 with Section 3-4 of the Uniform Penalty and Interest Act  
15 until such return is filed as required, the penalty to be  
16 assessed and collected in the same manner as any other  
17 penalty provided for in this Act.

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

26 The foregoing portion of this Section concerning the  
27 filing of an annual information return shall not apply to an  
28 operator who is not required to file an income tax return  
29 with the United States Government.

30 (Source: P.A. 90-26, eff. 7-1-97; 91-239, eff. 1-1-00;  
31 91-604, eff. 8-16-99; revised 10-27-99.)

32 (Text of Section after amendment by P.A. 91-935)

33 Sec. 6. Except as provided hereinafter in this Section,  
34 on or before the last day of each calendar month, every

1 person engaged in the business of renting, leasing or letting  
2 rooms in a hotel in this State during the preceding calendar  
3 month shall file a return with the Department, stating:

4 1. The name of the operator;

5 2. His residence address and the address of his  
6 principal place of business and the address of the  
7 principal place of business (if that is a different  
8 address) from which he engages in the business of  
9 renting, leasing or letting rooms in a hotel in this  
10 State;

11 3. Total amount of rental receipts received by him  
12 during the preceding calendar month from renting, leasing  
13 or letting rooms during such preceding calendar month;

14 4. Total amount of rental receipts received by him  
15 during the preceding calendar month from renting, leasing  
16 or letting rooms to permanent residents during such  
17 preceding calendar month;

18 5. Total amount of other exclusions from gross  
19 rental receipts allowed by this Act;

20 6. Gross rental receipts which were received by him  
21 during the preceding calendar month and upon the basis of  
22 which the tax is imposed;

23 7. The amount of tax due;

24 8. Such other reasonable information as the  
25 Department may require.

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

1 being due by January 31 of the following year.

2 If the operator's average monthly tax liability to the  
3 Department does not exceed \$50, the Department may authorize  
4 his returns to be filed on an annual basis, with the return  
5 for a given year being due by January 31 of the following  
6 year.

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

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

17 Where the same person has more than 1 business registered  
18 with the Department under separate registrations under this  
19 Act, such person shall not file each return that is due as a  
20 single return covering all such registered businesses, but  
21 shall file separate returns for each such registered  
22 business.

23 In his return, the operator shall determine the value of  
24 any consideration other than money received by him in  
25 connection with the renting, leasing or letting of rooms in  
26 the course of his business and he shall include such value in  
27 his return. Such determination shall be subject to review  
28 and revision by the Department in the manner hereinafter  
29 provided for the correction of returns.

30 Where the operator is a corporation, the return filed on  
31 behalf of such corporation shall be signed by the president,  
32 vice-president, secretary or treasurer or by the properly  
33 accredited agent of such corporation.

34 The person filing the return herein provided for shall,

1 at the time of filing such return, pay to the Department the  
2 amount of tax herein imposed. The operator filing the return  
3 under this Section shall, at the time of filing such return,  
4 pay to the Department the amount of tax imposed by this Act  
5 less a discount of 2.1% or \$25 per calendar year, whichever  
6 is greater, which is allowed to reimburse the operator for  
7 the expenses incurred in keeping records, preparing and  
8 filing returns, remitting the tax and supplying data to the  
9 Department on request.

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

28 There shall be deposited in the Build Illinois Fund in  
29 the State Treasury for each State fiscal year 40% of the  
30 amount of total net proceeds from the tax imposed by  
31 subsection (a) of Section 3. Of the remaining 60%,  
32 \$5,000,000 shall be deposited in the Illinois Sports  
33 Facilities Fund and credited to the Subsidy Account each  
34 fiscal year by making monthly deposits in the amount of 1/8

1 of \$5,000,000 plus cumulative deficiencies in such deposits  
2 for prior months, and an additional \$8,000,000 shall be  
3 deposited in the Illinois Sports Facilities Fund and credited  
4 to the Advance Account each fiscal year by making monthly  
5 deposits in the amount of 1/8 of \$8,000,000 plus any  
6 cumulative deficiencies in such deposits for prior months;  
7 provided, that for fiscal years ending after June 30, 2001,  
8 the amount to be so deposited into the Illinois Sports  
9 Facilities Fund and credited to the Advance Account each  
10 fiscal year shall be increased from \$8,000,000 to the then  
11 applicable Advance Amount and the required monthly deposits  
12 beginning with July 2001 shall be in the amount of 1/8 of the  
13 then applicable Advance Amount plus any cumulative  
14 deficiencies in those deposits for prior months. (The  
15 deposits of the additional \$8,000,000 or the then applicable  
16 Advance Amount, as applicable, during each fiscal year shall  
17 be treated as advances of funds to the Illinois Sports  
18 Facilities Authority for its corporate purposes to the extent  
19 paid to the Authority or its trustee and shall be repaid into  
20 the General Revenue Fund in the State Treasury by the State  
21 Treasurer on behalf of the Authority pursuant to Section 19  
22 of the Illinois Sports Facilities Authority Act, as amended.  
23 If in any fiscal year the full amount of the then applicable  
24 Advance Amount is not repaid into the General Revenue Fund,  
25 then the deficiency shall be paid from the amount in the  
26 Local Government Distributive Fund that would otherwise be  
27 allocated to the City of Chicago under the State Revenue  
28 Sharing Act.)

29 For purposes of the foregoing paragraph, the term  
30 "Advance Amount" means, for fiscal year 2002, \$22,179,000,  
31 and for subsequent fiscal years through fiscal year 2032,  
32 105.615% of the Advance Amount for the immediately preceding  
33 fiscal year, rounded up to the nearest \$1,000.

34 Of the remaining 60% of the amount of total net proceeds



1 from the tax imposed by subsection (a) of Section 3 after all  
2 required deposits in the Illinois Sports Facilities Fund, the  
3 amount equal to 8% of the net revenue realized from the Hotel  
4 Operators' Occupation Tax Act plus an amount equal to 8% of  
5 the net revenue realized from any tax imposed under Section  
6 4.05 of the Chicago World's Fair-1992 Authority Act during  
7 the preceding month shall be deposited in the Local Tourism  
8 Fund each month for purposes authorized by Section 605-705 of  
9 the Department of Commerce and Community Affairs Law (20 ILCS  
10 605/605-705) in the Local Tourism Fund, and beginning August  
11 1, 1999 the amount equal to 6% of the net revenue realized  
12 from the Hotel Operators' Occupation Tax Act during the  
13 preceding month shall be deposited into the International  
14 Tourism Fund for the purposes authorized in Section 46.6d of  
15 the Civil Administrative Code of Illinois. "Net revenue  
16 realized for a month" means the revenue collected by the  
17 State under that Act during the previous month less the  
18 amount paid out during that same month as refunds to  
19 taxpayers for overpayment of liability under that Act.

20 After making all these deposits, all other proceeds of  
21 the tax imposed under subsection (a) of Section 3 shall be  
22 deposited in the General Revenue Fund in the State Treasury.  
23 All moneys received by the Department from the additional tax  
24 imposed under subsection (b) of Section 3 shall be deposited  
25 into the Build Illinois Fund in the State Treasury.

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

1 agree with the gross receipts reported to the Department for  
2 the same period, the operator shall attach to his annual  
3 information return a schedule showing a reconciliation of the  
4 amounts and the reasons for the difference. The operator's  
5 annual information return to the Department shall also  
6 disclose pay roll information of the operator's business  
7 during the year covered by such return 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 tax returns by such operator 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  
14 liable for a penalty in an amount determined in accordance  
15 with Section 3-4 of the Uniform Penalty and Interest Act  
16 until such return is filed as required, the penalty to be  
17 assessed and collected in the same manner as any other  
18 penalty provided for in this Act.

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

27 The foregoing portion of this Section concerning the  
28 filing of an annual information return shall not apply to an  
29 operator who is not required to file an income tax return  
30 with the United States Government.

31 (Source: P.A. 90-26, eff. 7-1-97; 91-239, eff. 1-1-00;  
32 91-604, eff. 8-16-99; 91-935, eff. 6-1-01.)

33 Section 25. The Motor Fuel Tax Law is amended by

1 changing Sections 2b, 6, and 6a as follows:

2 (35 ILCS 505/2b) (from Ch. 120, par. 418b)

3 Sec. 2b. In addition to the tax collection and reporting  
4 responsibilities imposed elsewhere in this Act, a person who  
5 is required to pay the tax imposed by Section 2a of this Act  
6 shall pay the tax to the Department by return showing all  
7 fuel purchased, acquired or received and sold, distributed or  
8 used during the preceding calendar month including losses of  
9 fuel as the result of evaporation or shrinkage due to  
10 temperature variations. Losses of fuel as the result of  
11 evaporation or shrinkage due to temperature variations may  
12 not exceed one percent of the total gallons in storage at  
13 the beginning of the month, plus the receipts of gallonage  
14 during the month, minus the gallonage remaining in storage at  
15 the end of the month. Any loss reported that is in excess of  
16 this amount shall be subject to the tax imposed by Section 2a  
17 of this Law.

18 The return shall be prescribed by the Department and  
19 shall be filed between the 1st and 20th days of each calendar  
20 month. The Department may, in its discretion, combine the  
21 returns filed under this Section, Section 5, and Section 5a  
22 of this Act. The return must be accompanied by appropriate  
23 computer-generated magnetic media supporting schedule data in  
24 the format required by the Department, unless, as provided by  
25 rule, the Department grants an exception upon petition of a  
26 taxpayer. If the return is filed timely, the seller shall  
27 take a discount of 2% which is allowed to reimburse the  
28 seller for the expenses incurred in keeping records,  
29 preparing and filing returns, collecting and remitting the  
30 tax and supplying data to the Department on request. The 2%  
31 discount, however, shall be applicable only to the amount of  
32 payment which accompanies a return that is filed timely in  
33 accordance with this Section.

1       If any payment provided for in this Section exceeds the  
2       taxpayer's liabilities under this Law, as shown on an  
3       original return, the Department shall, if requested by the  
4       taxpayer, issue to the taxpayer a credit memorandum no later  
5       than 30 days after the date of payment. The credit evidenced  
6       by the credit memorandum may be assigned by the taxpayer to a  
7       similar taxpayer under this Law, in accordance with  
8       reasonable rules prescribed by the Department. If no such  
9       request is made, the taxpayer may credit the excess payment  
10       against tax liability subsequently to be remitted to the  
11       Department under this Law, in accordance with reasonable  
12       rules prescribed by the Department. If the Department  
13       subsequently determines that all or any part of the credit  
14       taken was not actually due to the taxpayer, the taxpayer's 2%  
15       discount shall be reduced by 2% of the difference between the  
16       credit taken and that actually due, and that taxpayer shall  
17       be liable for penalties and interest on the difference.

18       (Source: P.A. 91-173, eff. 1-1-00.)

19       (35 ILCS 505/6) (from Ch. 120, par. 422)

20       Sec. 6. Collection of tax; distributors. A distributor  
21       who sells or distributes any motor fuel, which he is required  
22       by Section 5 to report to the Department when filing a  
23       return, shall (except as hereinafter provided) collect at the  
24       time of such sale and distribution, the amount of tax imposed  
25       under this Act on all such motor fuel sold and distributed,  
26       and at the time of making a return, the distributor shall pay  
27       to the Department the amount so collected less a discount of  
28       2% which is allowed to reimburse the distributor for the  
29       expenses incurred in keeping records, preparing and filing  
30       returns, collecting and remitting the tax and supplying data  
31       to the Department on request, and shall also pay to the  
32       Department an amount equal to the amount that would be  
33       collectible as a tax in the event of a sale thereof on all

1 such motor fuel used by said distributor during the period  
2 covered by the return. However, no payment shall be made  
3 based upon dyed diesel fuel used by the distributor for  
4 non-highway purposes. The 2% discount shall only be  
5 applicable to the amount of tax payment which accompanies a  
6 return which is filed timely in accordance with Section 5 of  
7 this Act. In each subsequent sale of motor fuel on which the  
8 amount of tax imposed under this Act has been collected as  
9 provided in this Section, the amount so collected shall be  
10 added to the selling price, so that the amount of tax is paid  
11 ultimately by the user of the motor fuel. However, no  
12 collection or payment shall be made in the case of the sale  
13 or use of any motor fuel to the extent to which such sale or  
14 use of motor fuel may not, under the constitution and  
15 statutes of the United States, be made the subject of  
16 taxation by this State. A person whose license to act as a  
17 distributor of fuel has been revoked shall, at the time of  
18 making a return, also pay to the Department an amount equal  
19 to the amount that would be collectible as a tax in the event  
20 of a sale thereof on all motor fuel, which he is required by  
21 the second paragraph of Section 5 to report to the Department  
22 in making a return, and which he had on hand on the date on  
23 which the license was revoked, and with respect to which no  
24 tax had been previously paid under this Act.

25 If any payment provided for in this Section exceeds the  
26 distributor's liabilities under this Law, as shown on an  
27 original return, the Department shall, if requested by the  
28 distributor, issue to the distributor a credit memorandum no  
29 later than 30 days after the date of payment. The credit  
30 evidenced by the credit memorandum may be assigned by the  
31 distributor to a similar distributor under this Law, in  
32 accordance with reasonable rules prescribed by the  
33 Department. If no such request is made, the distributor may  
34 credit the excess payment against tax liability subsequently

1 to be remitted to the Department under this Law, in  
2 accordance with reasonable rules prescribed by the  
3 Department. If the Department subsequently determined that  
4 all or any part of the credit taken was not actually due to  
5 the distributor, the distributor's 2% discount shall be  
6 reduced by 2% of the difference between the credit taken and  
7 that actually due, and that distributor shall be liable for  
8 penalties and interest on the difference.

9 A distributor may make tax free sales of motor fuel, with  
10 respect to which he is otherwise required to collect the tax,  
11 when the motor fuel is delivered from a dispensing facility  
12 that has withdrawal facilities capable of dispensing motor  
13 fuel into the fuel supply tanks of motor vehicles only as  
14 specified in the following items 3, 4, and 5. A distributor  
15 may make tax-free sales of motor fuel, with respect to which  
16 he is otherwise required to collect the tax, when the motor  
17 fuel is delivered from other facilities only as specified in  
18 the following items 1 through 7.

19 1. When the sale is made to a person holding a  
20 valid unrevoked license as a distributor, by making a  
21 specific notation thereof on invoices or sales slip  
22 covering each sale.

23 2. When the sale is made with delivery to a  
24 purchaser outside of this State.

25 3. When the sale is made to the Federal Government  
26 or its instrumentalities.

27 4. When the sale is made to a municipal corporation  
28 owning and operating a local transportation system for  
29 public service in this State when an official certificate  
30 of exemption is obtained in lieu of the tax.

31 5. When the sale is made to a privately owned  
32 public utility owning and operating 2 axle vehicles  
33 designed and used for transporting more than 7  
34 passengers, which vehicles are used as common carriers in

1 general transportation of passengers, are not devoted to  
2 any specialized purpose and are operated entirely within  
3 the territorial limits of a single municipality or of any  
4 group of contiguous municipalities, or in a close radius  
5 thereof, and the operations of which are subject to the  
6 regulations of the Illinois Commerce Commission, when an  
7 official certificate of exemption is obtained in lieu of  
8 the tax.

9 6. When a sale of special fuel is made to a person  
10 holding a valid, unrevoked license as a supplier, by  
11 making a specific notation thereof on the invoice or  
12 sales slip covering each such sale.

13 7. When a sale of special fuel is made to someone  
14 other than a licensed distributor or a licensed supplier  
15 for a use other than in motor vehicles, by making a  
16 specific notation thereof on the invoice or sales slip  
17 covering such sale and obtaining such supporting  
18 documentation as may be required by the Department. The  
19 distributor shall obtain and keep the supporting  
20 documentation in such form as the Department may require  
21 by rule.

22 8. (Blank).

23 All special fuel sold or used for non-highway purposes  
24 must have a dye added in accordance with Section 4d of this  
25 Law.

26 All suits or other proceedings brought for the purpose of  
27 recovering any taxes, interest or penalties due the State of  
28 Illinois under this Act may be maintained in the name of the  
29 Department.

30 (Source: P.A. 91-173, eff. 1-1-00.)

31 (35 ILCS 505/6a) (from Ch. 120, par. 422a)

32 Sec. 6a. Collection of tax; suppliers. A supplier, other  
33 than a licensed distributor, who sells or distributes any

1 special fuel, which he is required by Section 5a to report to  
2 the Department when filing a return, shall (except as  
3 hereinafter provided) collect at the time of such sale and  
4 distribution, the amount of tax imposed under this Act on all  
5 such special fuel sold and distributed, and at the time of  
6 making a return, the supplier shall pay to the Department the  
7 amount so collected less a discount of 2% which is allowed  
8 to reimburse the supplier for the expenses incurred in  
9 keeping records, preparing and filing returns, collecting and  
10 remitting the tax and supplying data to the Department on  
11 request, and shall also pay to the Department an amount  
12 equal to the amount that would be collectible as a tax in the  
13 event of a sale thereof on all such special fuel used by said  
14 supplier during the period covered by the return. However,  
15 no payment shall be made based upon dyed diesel fuel used by  
16 said supplier for non-highway purposes. The 2% discount shall  
17 only be applicable to the amount of tax payment which  
18 accompanies a return which is filed timely in accordance with  
19 Section 5(a) of this Act. In each subsequent sale of special  
20 fuel on which the amount of tax imposed under this Act has  
21 been collected as provided in this Section, the amount so  
22 collected shall be added to the selling price, so that the  
23 amount of tax is paid ultimately by the user of the special  
24 fuel. However, no collection or payment shall be made in the  
25 case of the sale or use of any special fuel to the extent to  
26 which such sale or use of motor fuel may not, under the  
27 Constitution and statutes of the United States, be made the  
28 subject of taxation by this State.

29 A person whose license to act as supplier of special fuel  
30 has been revoked shall, at the time of making a return, also  
31 pay to the Department an amount equal to the amount that  
32 would be collectible as a tax in the event of a sale thereof  
33 on all special fuel, which he is required by the 1st  
34 paragraph of Section 5a to report to the Department in making



1 a return.

2 If any payment provided for in this Section exceeds the  
3 supplier's liabilities under this Law, as shown on an  
4 original return, the Department shall, if requested by the  
5 supplier, issue to the supplier a credit memorandum no later  
6 than 30 days after the date of payment. The credit evidenced  
7 by the credit memorandum may be assigned by the supplier to a  
8 similar supplier under this Law, in accordance with  
9 reasonable rules prescribed by the Department. If no such  
10 request is made, the supplier may credit the excess payment  
11 against tax liability subsequently to be remitted to the  
12 Department under this Law, in accordance with reasonable  
13 rules prescribed by the Department. If the Department  
14 subsequently determines that all or any part of the credit  
15 taken was not actually due to the supplier, the supplier's 2%  
16 discount shall be reduced by 2% of the difference between the  
17 credit taken and that actually due, and that supplier shall  
18 be liable for penalties and interest on the difference.

19 A supplier may make tax-free sales of special fuel, with  
20 respect to which he is otherwise required to collect the tax,  
21 when the motor fuel is delivered from a dispensing facility  
22 that has withdrawal facilities capable of dispensing special  
23 fuel into the fuel supply tanks of motor vehicles only as  
24 specified in the following items 1, 2, and 3. A supplier may  
25 make tax-free sales of special fuel, with respect to which he  
26 is otherwise required to collect the tax, when the special  
27 fuel is delivered from other facilities only as specified in  
28 the following items 1 through 7.

29 1. When the sale is made to the federal government  
30 or its instrumentalities.

31 2. When the sale is made to a municipal corporation  
32 owning and operating a local transportation system for  
33 public service in this State when an official certificate  
34 of exemption is obtained in lieu of the tax.

1           3. When the sale is made to a privately owned  
2 public utility owning and operating 2 axle vehicles  
3 designed and used for transporting more than 7  
4 passengers, which vehicles are used as common carriers in  
5 general transportation of passengers, are not devoted to  
6 any specialized purpose and are operated entirely within  
7 the territorial limits of a single municipality or of any  
8 group of contiguous municipalities, or in a close radius  
9 thereof, and the operations of which are subject to the  
10 regulations of the Illinois Commerce Commission, when an  
11 official certificate of exemption is obtained in lieu of  
12 the tax.

13           4. When a sale of special fuel is made to a person  
14 holding a valid unrevoked license as a supplier or a  
15 distributor by making a specific notation thereof on  
16 invoice or sales slip covering each such sale.

17           5. When a sale of special fuel is made to someone  
18 other than a licensed distributor, licensed supplier, or  
19 licensed bulk user for a use other than in motor  
20 vehicles, by making a specific notation thereof on the  
21 invoice or sales slip covering such sale and obtaining  
22 such supporting documentation as may be required by the  
23 Department. The supplier shall obtain and keep the  
24 supporting documentation in such form as the Department  
25 may require by rule.

26           6. (Blank).

27           7. When a sale of special fuel is made to a person  
28 where delivery is made outside of this State.

29 All special fuel sold or used for non-highway purposes  
30 must have a dye added in accordance with Section 4d of this  
31 Law.

32 All suits or other proceedings brought for the purpose of  
33 recovering any taxes, interest or penalties due the State of  
34 Illinois under this Act may be maintained in the name of the

1 Department.

2 (Source: P.A. 91-173, eff. 1-1-00.)

3 Section 30. The Gas Revenue Tax Act is amended by  
4 changing Section 2a.2 as follows:

5 (35 ILCS 615/2a.2) (from Ch. 120, par. 467.17a.2)

6 Sec. 2a.2. Annual return, collection and payment. A  
7 return with respect to the tax imposed by Section 2a.1 shall  
8 be made by every person for any taxable period for which such  
9 person is liable for such tax. Such return shall be made on  
10 such forms as the Department shall prescribe and shall  
11 contain the following information:

12 1. Taxpayer's name;

13 2. Address of taxpayer's principal place of  
14 business, and address of the principal place of business  
15 (if that is a different address) from which the taxpayer  
16 engages in the business of distributing, supplying,  
17 furnishing or selling gas in this State;

18 3. The total proprietary capital and total  
19 long-term debt as of the beginning and end of the taxable  
20 period as set forth on the balance sheets included in the  
21 taxpayer's annual report to the Illinois Commerce  
22 Commission for the taxable period;

23 4. The taxpayer's base income allocable to Illinois  
24 under Sections 301 and 304(a) of the "Illinois Income Tax  
25 Act", for the period covered by the return;

26 5. The amount of tax due for the taxable period  
27 (computed on the basis of the amounts set forth in Items  
28 3 and 4); and

29 6. Such other reasonable information as may be  
30 required by forms or regulations prescribed by the  
31 Department.

32 The returns prescribed by this Section shall be due and

1 shall be filed with the Department not later than the 15th  
 2 day of the third month following the close of the taxable  
 3 period. The taxpayer making the return herein provided for  
 4 shall, at the time of making such return, pay to the  
 5 Department the remaining amount of tax herein imposed and due  
 6 for the taxable period. Each taxpayer shall make estimated  
 7 quarterly payments on the 15th day of the third, sixth, ninth  
 8 and twelfth months of each taxable period. Such estimated  
 9 payments shall be 25% of the tax liability for the  
 10 immediately preceding taxable period or the tax liability  
 11 that would have been imposed in the immediately preceding  
 12 taxable period if this amendatory Act of 1979 had been in  
 13 effect. All moneys received by the Department under Sections  
 14 2a.1 and 2a.2 shall be paid into the Personal Property Tax  
 15 Replacement Fund in the State Treasury.

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

28 (Source: P.A. 87-205.)

29 Section 35. The Public Utilities Revenue Act is amended  
 30 by changing Section 2a.2 as follows:

31 (35 ILCS 620/2a.2) (from Ch. 120, par. 469a.2)

32 Sec. 2a.2. Annual return, collection and payment. A

1 return with respect to the tax imposed by Section 2a.1 shall  
2 be made by every person for any taxable period for which such  
3 person is liable for such tax. Such return shall be made on  
4 such forms as the Department shall prescribe and shall  
5 contain the following information:

- 6 1. Taxpayer's name;
- 7 2. Address of taxpayer's principal place of  
8 business, and address of the principal place of business  
9 (if that is a different address) from which the taxpayer  
10 engages in the business of distributing electricity in  
11 this State;
- 12 3. The total equity, in the case of electric  
13 cooperatives, in the annual reports filed with the Rural  
14 Utilities Service for the taxable period;
- 15 3a. The total kilowatt-hours of electricity  
16 distributed by a taxpayer, other than an electric  
17 cooperative, in this State for the taxable period covered  
18 by the return;
- 19 4. The amount of tax due for the taxable period  
20 (computed on the basis of the amounts set forth in Items  
21 3 and 3a); and
- 22 5. Such other reasonable information as may be  
23 required by forms or regulations prescribed by the  
24 Department.

25 The returns prescribed by this Section shall be due and  
26 shall be filed with the Department not later than the 15th  
27 day of the third month following the close of the taxable  
28 period. The taxpayer making the return herein provided for  
29 shall, at the time of making such return, pay to the  
30 Department the remaining amount of tax herein imposed and due  
31 for the taxable period. Each taxpayer shall make estimated  
32 quarterly payments on the 15th day of the third, sixth, ninth  
33 and twelfth months of each taxable period. Such estimated  
34 payments shall be 25% of the tax liability for the

1 immediately preceding taxable period or the tax liability  
 2 that would have been imposed in the immediately preceding  
 3 taxable period if this amendatory Act of 1979 had been in  
 4 effect. All moneys received by the Department under Sections  
 5 2a.1 and 2a.2 shall be paid into the Personal Property Tax  
 6 Replacement Fund in the State Treasury.

7 If any payment provided for in this Section exceeds the  
 8 taxpayer's liabilities under this Act, as shown on an  
 9 original return, the Department shall, if requested by the  
 10 taxpayer, issue to the taxpayer a credit memorandum no later  
 11 than 30 days after the date of payment. The credit evidenced  
 12 by the credit memorandum may be assigned by the taxpayer to a  
 13 similar taxpayer under this Act, in accordance with  
 14 reasonable rules prescribed by the Department. If no such  
 15 request is made, the taxpayer may credit the excess payment  
 16 against tax liability subsequently to be remitted to the  
 17 Department under this Act, in accordance with reasonable  
 18 rules prescribed by the Department.

19 (Source: P.A. 90-561, eff. 1-1-98.)

20 Section 40. The Water Company Invested Capital Tax Act  
 21 is amended by changing Section 4 as follows:

22 (35 ILCS 625/4) (from Ch. 120, par. 1414)

23 Sec. 4. Annual return, collection and payment. A return  
 24 with respect to the tax imposed by this Act shall be made by  
 25 every public utility for any taxable period for which such  
 26 person is liable for such tax. Such return shall be made on  
 27 such forms as the Department shall prescribe and shall  
 28 contain the following information:

- 29 1. Taxpayer's name;
- 30 2. Address of taxpayer's principal place of  
 31 business, and address of the principal place of business  
 32 (if that is a different address) from which the taxpayer

1 engages in the business of distributing, supplying,  
2 furnishing or selling water in this State;

3 3. The total proprietary capital and total  
4 long-term debt as of the beginning and end of the taxable  
5 period as set forth on the balance sheets included in the  
6 taxpayer's annual report to the Illinois Commerce  
7 Commission for the taxable period;

8 4. The taxpayer's base income allocable to Illinois  
9 under Sections 301 and 304(a) of the "Illinois Income Tax  
10 Act", for the period covered by the return;

11 5. The amount of tax due for the taxable period  
12 (computed on the basis of the amounts set forth in Items  
13 3 and 4); and

14 6. Such other reasonable information as may be  
15 required by forms or regulations prescribed by the  
16 Department.

17 The returns prescribed by this Section shall be due and  
18 shall be filed with the Department not later than the 15th  
19 day of the third month following the close of the taxable  
20 period. The taxpayer making the return herein provided for  
21 shall, at the time of making such return, pay to the  
22 Department the remaining amount of tax herein imposed and due  
23 for the taxable period. Each taxpayer shall make estimated  
24 quarterly payments on the 15th day of the third, sixth, ninth  
25 and twelfth months of each taxable period. Such estimated  
26 payments shall be 25% of the tax liability for the  
27 immediately preceding taxable period or the tax liability  
28 that would have been imposed in the immediately preceding  
29 taxable period if this Act had been in effect. All moneys  
30 received by the Department under this Act shall be paid into  
31 the Personal Property Tax Replacement Fund in the State  
32 Treasury.

33 Any taxpayer required to make payments under this Section  
34 may make the payments by electronic funds transfer. The

1 Department shall adopt rules necessary to effectuate a  
2 program of electronic funds transfer.

3 If any payment provided for in this Section exceeds the  
4 taxpayer's liabilities under this Act, as shown on an  
5 original return, the Department shall, if requested by the  
6 taxpayer, issue to the taxpayer a credit memorandum no later  
7 than 30 days after the date of payment. The credit evidenced  
8 by the credit memorandum may be assigned by the taxpayer to a  
9 similar taxpayer under this Act, in accordance with  
10 reasonable rules prescribed by the Department. If no such  
11 request is made, the taxpayer may credit the excess payment  
12 against tax liability subsequently to be remitted to the  
13 Department under this Act, in accordance with reasonable  
14 rules prescribed by the Department.

15 (Source: P.A. 90-16, eff. 6-16-97.)

16 Section 45. The Telecommunications Excise Tax Act is  
17 amended by changing Section 6 as follows:

18 (35 ILCS 630/6) (from Ch. 120, par. 2006)

19 Sec. 6. Except as provided hereinafter in this Section,  
20 on or before the 15th day of each month each retailer  
21 maintaining a place of business in this State shall make a  
22 return to the Department for the preceding calendar month,  
23 stating:

- 24 1. His name;
- 25 2. The address of his principal place of business,  
26 and the address of the principal place of business (if  
27 that is a different address) from which he engages in the  
28 business of transmitting telecommunications;
- 29 3. Total amount of gross charges billed by him  
30 during the preceding calendar month for providing  
31 telecommunications during such calendar month;
- 32 4. Total amount received by him during the



1 preceding calendar month on credit extended;

2 5. Deductions allowed by law;

3 6. Gross charges which were billed by him during  
4 the preceding calendar month and upon the basis of which  
5 the tax is imposed;

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

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

9 Any taxpayer required to make payments under this Section  
10 may make the payments by electronic funds transfer. The  
11 Department shall adopt rules necessary to effectuate a  
12 program of electronic funds transfer.

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

23 If the retailer is otherwise required to file a monthly  
24 or quarterly return and if the retailer's average monthly tax  
25 billings due to the Department do not exceed \$50, the  
26 Department may authorize his or her return to be filed on an  
27 annual basis, with the return for a given year being due by  
28 January 15th of the following year.

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

1 one month after discontinuing such business.

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

8 Each retailer whose average monthly liability to the  
9 Department under this Article was \$10,000 or more during the  
10 preceding calendar year, excluding the month of highest  
11 liability and the month of lowest liability in such calendar  
12 year, and who is not operated by a unit of local government,  
13 shall make estimated payments to the Department on or before  
14 the 7th, 15th, 22nd and last day of the month during which  
15 tax collection liability to the Department is incurred in an  
16 amount not less than the lower of either 22.5% of the  
17 retailer's actual tax collections for the month or 25% of the  
18 retailer's actual tax collections for the same calendar month  
19 of the preceding year. The amount of such quarter monthly  
20 payments shall be credited against the final liability of the  
21 retailer's return for that month. Any outstanding credit,  
22 approved by the Department, arising from the retailer's  
23 overpayment of its final liability for any month may be  
24 applied to reduce the amount of any subsequent quarter  
25 monthly payment or credited against the final liability of  
26 the retailer's return for any subsequent month. If any  
27 quarter monthly payment is not paid at the time or in the  
28 amount required by this Section, the retailer shall be liable  
29 for penalty and interest on the difference between the  
30 minimum amount due as a payment and the amount of such  
31 payment actually and timely paid, except insofar as the  
32 retailer has previously made payments for that month to the  
33 Department in excess of the minimum payments previously due.

34 If the Director finds that the information required for

1 the making of an accurate return cannot reasonably be  
2 compiled by a retailer within 15 days after the close of the  
3 calendar month for which a return is to be made, he may grant  
4 an extension of time for the filing of such return for a  
5 period of not to exceed 31 calendar days. The granting of  
6 such an extension may be conditioned upon the deposit by the  
7 retailer with the Department of an amount of money not  
8 exceeding the amount estimated by the Director to be due with  
9 the return so extended. All such deposits, including any  
10 heretofore made with the Department, shall be credited  
11 against the retailer's liabilities under this Article. If  
12 any such deposit exceeds the retailer's present and probable  
13 future liabilities under this Article, the Department shall  
14 issue to the retailer a credit memorandum, which may be  
15 assigned by the retailer to a similar retailer under this  
16 Article, in accordance with reasonable rules and regulations  
17 to be prescribed by the Department.

18 The retailer making the return herein provided for shall,  
19 at the time of making such return, pay to the Department the  
20 amount of tax herein imposed. On and after the effective date  
21 of this Article of 1985, \$1,000,000 of the moneys received by  
22 the Department of Revenue pursuant to this Article shall be  
23 paid each month into the Common School Fund and the remainder  
24 into the General Revenue Fund. On and after February 1, 1998,  
25 however, of the moneys received by the Department of Revenue  
26 pursuant to the additional taxes imposed by this amendatory  
27 Act of 1997 one-half shall be deposited into the School  
28 Infrastructure Fund and one-half shall be deposited into the  
29 Common School Fund. On and after the effective date of this  
30 amendatory Act of the 91st General Assembly, if in any fiscal  
31 year the total of the moneys deposited into the School  
32 Infrastructure Fund under this Act is less than the total of  
33 the moneys deposited into that Fund from the additional taxes  
34 imposed by Public Act 90-548 during fiscal year 1999, then,

1 as soon as possible after the close of the fiscal year, the  
 2 Comptroller shall order transferred and the Treasurer shall  
 3 transfer from the General Revenue Fund to the School  
 4 Infrastructure Fund an amount equal to the difference between  
 5 the fiscal year total deposits and the total amount deposited  
 6 into the Fund in fiscal year 1999.

7 If any payment provided for in this Section exceeds the  
 8 taxpayer's liabilities under this Act, as shown on an  
 9 original return, the Department shall, if requested by the  
 10 taxpayer, issue to the taxpayer a credit memorandum no later  
 11 than 30 days after the date of payment. The credit evidenced  
 12 by the credit memorandum may be assigned by the taxpayer to a  
 13 similar taxpayer under this Act, in accordance with  
 14 reasonable rules prescribed by the Department. If no such  
 15 request is made, the taxpayer may credit the excess payment  
 16 against tax liability subsequently to be remitted to the  
 17 Department under this Act, in accordance with reasonable  
 18 rules prescribed by the Department.

19 (Source: P.A. 90-16, eff. 6-16-97; 90-548, eff. 12-4-97;  
 20 91-541, eff. 8-13-99; 91-870, 6-22-00.)

21 Section 50. The Electricity Excise Tax Law is amended by  
 22 changing Sections 2-9 and 2-11 as follows:

23 (35 ILCS 640/2-9)

24 Sec. 2-9. Return and payment of tax by delivering  
 25 supplier. Each delivering supplier who is required or  
 26 authorized to collect the tax imposed by this Law shall make  
 27 a return to the Department on or before the 15th day of each  
 28 month for the preceding calendar month stating the following:

- 29 (1) The delivering supplier's name.
- 30 (2) The address of the delivering supplier's
- 31 principal place of business and the address of the
- 32 principal place of business (if that is a different

1 address) from which the delivering supplier engaged in  
2 the business of delivering electricity in this State.

3 (3) The total number of kilowatt-hours which the  
4 supplier delivered to or for purchasers during the  
5 preceding calendar month and upon the basis of which the  
6 tax is imposed.

7 (4) Amount of tax, computed upon Item (3) at the  
8 rates stated in Section 2-4.

9 (5) An adjustment for uncollectible amounts of tax  
10 in respect of prior period kilowatt-hour deliveries,  
11 determined in accordance with rules and regulations  
12 promulgated by the Department.

13 (5.5) The amount of credits to which the taxpayer  
14 is entitled on account of purchases made under Section  
15 8-403.1 of the Public Utilities Act.

16 (6) Such other information as the Department  
17 reasonably may require.

18 In making such return the delivering supplier may use any  
19 reasonable method to derive reportable "kilowatt-hours" from  
20 the delivering supplier's records.

21 If the average monthly tax liability to the Department of  
22 the delivering supplier does not exceed \$2,500, the  
23 Department may authorize the delivering supplier's returns to  
24 be filed on a quarter-annual basis, with the return for  
25 January, February and March of a given year being due by  
26 April 30 of such year; with the return for April, May and  
27 June of a given year being due by July 31 of such year; with  
28 the return for July, August and September of a given year  
29 being due by October 31 of such year; and with the return for  
30 October, November and December of a given year being due by  
31 January 31 of the following year.

32 If the average monthly tax liability to the Department of  
33 the delivering supplier does not exceed \$1,000, the  
34 Department may authorize the delivering supplier's returns to

1 be filed on an annual basis, with the return for a given year  
2 being due by January 31 of the following year.

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

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

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

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

7 If any payment provided for in this Section exceeds the  
8 delivering supplier's liabilities under this Law, as shown on  
9 an original return, the Department shall, if requested by the  
10 delivering supplier, issue to the delivering supplier a  
11 credit memorandum no later than 30 days after the date of  
12 payment. The credit evidenced by the credit memorandum may  
13 be assigned by the delivering supplier to a similar  
14 delivering supplier under this Law, in accordance with  
15 reasonable rules prescribed by the Department. If no such  
16 request is made, the delivering supplier may credit the  
17 excess payment against tax liability subsequently to be  
18 remitted to the Department under this Law, in accordance with  
19 reasonable rules prescribed by the Department.

20 If the Director finds that the information required for  
21 the making of an accurate return cannot reasonably be  
22 compiled by such delivering supplier within 15 days after the  
23 close of the calendar month for which a return is to be made,  
24 the Director may grant an extension of time for the filing of  
25 such return for a period not to exceed 31 calendar days. The  
26 granting of such an extension may be conditioned upon the  
27 deposit by such delivering supplier with the Department of an  
28 amount of money not exceeding the amount estimated by the  
29 Director to be due with the return so extended. All such  
30 deposits shall be credited against such delivering supplier's  
31 liabilities under this Law. If the deposit exceeds such  
32 delivering supplier's present and probable future liabilities  
33 under this Law, the Department shall issue to such delivering  
34 supplier a credit memorandum, which may be assigned by such

1 delivering supplier to a similar person under this Law, in  
2 accordance with reasonable rules and regulations to be  
3 prescribed by the Department.

4 The delivering supplier making the return provided for in  
5 this Section shall, at the time of making such return, pay to  
6 the Department the amount of tax imposed by this Law.

7 A delivering supplier who has an average monthly tax  
8 liability of \$10,000 or more shall make all payments  
9 required by rules of the Department by electronic funds  
10 transfer. The term "average monthly tax liability" shall be  
11 the sum of the delivering supplier's liabilities under this  
12 Law for the immediately preceding calendar year divided by  
13 12. Any delivering supplier not required to make payments  
14 by electronic funds transfer may make payments by electronic  
15 funds transfer with the permission of the Department. All  
16 delivering suppliers required to make payments by electronic  
17 funds transfer and any delivering suppliers authorized to  
18 voluntarily make payments by electronic funds transfer shall  
19 make those payments in the manner authorized by the  
20 Department.

21 Each month the Department shall pay into the Public  
22 Utility Fund in the State treasury an amount determined by  
23 the Director to be equal to 3.0% of the funds received by the  
24 Department pursuant to this Section. The remainder of all  
25 moneys received by the Department under this Section shall be  
26 paid into the General Revenue Fund in the State treasury.

27 (Source: P.A. 90-561, eff. 8-1-98; 90-813, eff. 1-29-99.)

28 (35 ILCS 640/2-11)

29 Sec. 2-11. Direct return and payment by self-assessing  
30 purchaser. When electricity is used or consumed by a  
31 self-assessing purchaser subject to the tax imposed by this  
32 Law who did not pay the tax to a delivering supplier  
33 maintaining a place of business within this State and



1 required or authorized to collect the tax, that  
2 self-assessing purchaser shall, on or before the 15th day of  
3 each month, make a return to the Department for the preceding  
4 calendar month, stating all of the following:

5 (1) The self-assessing purchaser's name and  
6 principal address.

7 (2) The aggregate purchase price paid by the  
8 self-assessing purchaser for the distribution, supply,  
9 furnishing, sale, transmission and delivery of such  
10 electricity to or for the purchaser during the preceding  
11 calendar month, including budget plan and other  
12 purchaser-owned amounts applied during such month in  
13 payment of charges includible in the purchase price, and  
14 upon the basis of which the tax is imposed.

15 (3) Amount of tax, computed upon item (2) at the  
16 rate stated in Section 2-4.

17 (4) Such other information as the Department  
18 reasonably may require.

19 In making such return the self-assessing purchaser may  
20 use any reasonable method to derive reportable "purchase  
21 price" from the self-assessing purchaser's records.

22 If the average monthly tax liability of the  
23 self-assessing purchaser to the Department does not exceed  
24 \$2,500, the Department may authorize the self-assessing  
25 purchaser's returns to be filed on a quarter-annual basis,  
26 with the return for January, February and March of a given  
27 year being due by April 30 of such year; with the return for  
28 April, May and June of a given year being due by July 31 of  
29 such year; with the return for July, August, and September of  
30 a given year being due by October 31 of such year; and with  
31 the return for October, November and December of a given year  
32 being due by January 31 of the following year.

33 If the average monthly tax liability of the  
34 self-assessing purchaser to the Department does not exceed

1 \$1,000, the Department may authorize the self-assessing  
2 purchaser's returns to be filed on an annual basis, with the  
3 return for a given year being due by January 31 of the  
4 following year.

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

8 Notwithstanding any other provision in this Law  
9 concerning the time within which a self-assessing purchaser  
10 may file a return, any such self-assessing purchaser who  
11 ceases to be responsible for filing returns under this Law  
12 shall file a final return under this Law with the Department  
13 not more than one month thereafter.

14 Each self-assessing purchaser whose average monthly  
15 liability to the Department pursuant to this Section was  
16 \$10,000 or more during the preceding calendar year, excluding  
17 the month of highest liability and the month of lowest  
18 liability during such calendar year, and which is not  
19 operated by a unit of local government, shall make estimated  
20 payments to the Department on or before the 7th, 15th, 22nd  
21 and last day of the month during which tax liability to the  
22 Department is incurred in an amount not less than the lower  
23 of either 22.5% of such self-assessing purchaser's actual tax  
24 liability for the month or 25% of such self-assessing  
25 purchaser's actual tax liability for the same calendar month  
26 of the preceding year. The amount of such quarter-monthly  
27 payments shall be credited against the final tax liability of  
28 the self-assessing purchaser's return for that month. An  
29 outstanding credit approved by the Department or a credit  
30 memorandum issued by the Department arising from the  
31 self-assessing purchaser's overpayment of the self-assessing  
32 purchaser's final tax liability for any month may be applied  
33 to reduce the amount of any subsequent quarter-monthly  
34 payment or credited against the final tax liability of such

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

9 If any payment provided for in this Section exceeds the  
10 self-assessing purchaser's liabilities under this Law, as  
11 shown on an original return, the Department shall, if  
12 requested by the self-assessing purchaser, issue to the  
13 self-assessing purchaser a credit memorandum no later than 30  
14 days after the date of payment. The credit evidenced by the  
15 credit memorandum may be assigned by the self-assessing  
16 purchaser to a similar self-assessing purchaser under this  
17 Law, in accordance with reasonable rules prescribed by the  
18 Department. If no such request is made, the self-assessing  
19 purchaser may credit the excess payment against tax liability  
20 subsequently to be remitted to the Department under this Law,  
21 in accordance with reasonable rules prescribed by the  
22 Department.

23 If the Director finds that the information required for  
24 the making of an accurate return cannot reasonably be  
25 compiled by a self-assessing purchaser within 15 days after  
26 the close of the calendar month for which a return is to be  
27 made, the Director may grant an extension of time for the  
28 filing of such return for a period of not to exceed 31  
29 calendar days. The granting of such an extension may be  
30 conditioned upon the deposit by such self-assessing purchaser  
31 with the Department of an amount of money not exceeding the  
32 amount estimated by the Director to be due with the return so  
33 extended. All such deposits shall be credited against such  
34 self-assessing purchaser's liabilities under this Law. If

1 the deposit exceeds such self-assessing purchaser's present  
2 and probable future liabilities under this Law, the  
3 Department shall issue to such self-assessing purchaser a  
4 credit memorandum, which may be assigned by such  
5 self-assessing purchaser to a similar person under this Law,  
6 in accordance with reasonable rules and regulations to be  
7 prescribed by the Department.

8 The self-assessing purchaser making the return provided  
9 for in this Section shall, at the time of making such return,  
10 pay to the Department the amount of tax imposed by this Law.

11 A self-assessing purchaser who has an average monthly tax  
12 liability of \$10,000 or more shall make all payments  
13 required by rules of the Department by electronic funds  
14 transfer. The term "average monthly tax liability" shall be  
15 the sum of the self-assessing purchaser's liabilities under  
16 this Law for the immediately preceding calendar year divided  
17 by 12. Any self-assessing purchaser not required to make  
18 payments by electronic funds transfer may make payments by  
19 electronic funds transfer with the permission of the  
20 Department. All self-assessing purchasers required to make  
21 payments by electronic funds transfer and any self-assessing  
22 purchasers authorized to voluntarily make payments by  
23 electronic funds transfer shall make those payments in the  
24 manner authorized by the Department.

25 Each month the Department shall pay into the Public  
26 Utility Fund in the State treasury an amount determined by  
27 the Director to be equal to 3.0% of the funds received by the  
28 Department pursuant to this Section. The remainder of all  
29 moneys received by the Department under this Section shall be  
30 paid into the General Revenue Fund in the State treasury.

31 (Source: P.A. 90-561, eff. 8-1-98; 91-357, eff. 7-29-99.)

32 Section 55. The Illinois Pull Tabs and Jar Games Act is  
33 amended by changing Section 5 as follows:

1 (230 ILCS 20/5) (from Ch. 120, par. 1055)

2 Sec. 5. There shall be paid to the Department of Revenue  
3 5% of the gross proceeds of any pull tabs and jar games  
4 conducted under this Act. Such payments shall be made 4  
5 times per year, between the first and the 20th day of April,  
6 July, October and January. Payment must be made by money  
7 order or certified check. Accompanying each payment shall be  
8 a report, on forms provided by the Department of Revenue,  
9 listing the number of drawings conducted, the gross income  
10 derived therefrom and such other information as the  
11 Department of Revenue may require. Failure to submit either  
12 the payment or the report within the specified time shall  
13 result in automatic revocation of the license. If any payment  
14 provided for in this Section exceeds the taxpayer's  
15 liabilities under this Act, as shown on an original return,  
16 the Department shall, if requested by the taxpayer, issue to  
17 the taxpayer a credit memorandum no later than 30 days after  
18 the date of payment. The credit evidenced by the credit  
19 memorandum may be assigned by the taxpayer to a similar  
20 taxpayer under this Act, in accordance with reasonable rules  
21 prescribed by the Department. If no such request is made,  
22 the taxpayer may credit the excess payment against tax  
23 liability subsequently to be remitted to the Department under  
24 this Act, in accordance with reasonable rules prescribed by  
25 the Department. All payments made to the Department of  
26 Revenue under this Act shall be deposited as follows:

27 (a) 50% shall be deposited in the Common School Fund;  
28 and

29 (b) 50% shall be deposited in the Illinois Gaming Law  
30 Enforcement Fund. Of the monies deposited in the Illinois  
31 Gaming Law Enforcement Fund under this Section, the General  
32 Assembly shall appropriate two-thirds to the Department of  
33 Revenue, Department of State Police and the Office of the  
34 Attorney General for State law enforcement purposes, and

1 one-third shall be appropriated to the Department of Revenue  
2 for the purpose of distribution in the form of grants to  
3 counties or municipalities for law enforcement purposes. The  
4 amounts of grants to counties or municipalities shall bear  
5 the same ratio as the number of licenses issued in counties  
6 or municipalities bears to the total number of licenses  
7 issued in the State. In computing the number of licenses  
8 issued in a county, licenses issued for locations within a  
9 municipality's boundaries shall be excluded.

10 The Department of Revenue shall license suppliers and  
11 manufacturers of pull tabs and jar games at an annual fee of  
12 \$5,000. Suppliers and manufacturers shall meet the  
13 requirements and qualifications established by rule by the  
14 Department. Licensed manufacturers shall sell pull tabs and  
15 jar games only to licensed suppliers. Licensed suppliers  
16 shall buy pull tabs and jar games only from licensed  
17 manufacturers and shall sell pull tabs and jar games only to  
18 licensed organizations. Licensed organizations shall buy pull  
19 tabs and jar games only from licensed suppliers.

20 The Department of Revenue shall adopt by rule minimum  
21 quality production standards for pull tabs and jar games. In  
22 determining such standards, the Department shall consider the  
23 standards adopted by the National Association of Gambling  
24 Regulatory Agencies and the National Association of  
25 Fundraising Ticket Manufacturers. Such standards shall  
26 include the name of the supplier which shall appear in plain  
27 view to the casual observer on the face side of each pull tab  
28 ticket and on each jar game ticket. The pull tab ticket  
29 shall contain the name of the game, the selling price of the  
30 ticket, the amount of the prize and the serial number of the  
31 ticket. The back side of a pull tab ticket shall contain a  
32 series of perforated tabs marked "open here". The logo of  
33 the manufacturer shall be clearly visible on each jar game  
34 ticket.

1           The Department of Revenue shall adopt rules necessary to  
2 provide for the proper accounting and control of activities  
3 under this Act, to ensure that the proper taxes are paid,  
4 that the proceeds from the activities under this Act are used  
5 lawfully, and to prevent illegal activity associated with the  
6 use of pull tabs and jar games.

7           The provisions of Section 2a of the Retailers' Occupation  
8 Tax Act pertaining to the furnishing of a bond or other  
9 security are incorporated by reference into this Act and are  
10 applicable to licensees under this Act as a precondition of  
11 obtaining a license under this Act. The provisions of  
12 Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 6, 6a,  
13 6b, 6c, 8, 9, 10, 11 and 12 of the Retailers' Occupation Tax  
14 Act, and Section 3-7 of the Uniform Penalty and Interest Act,  
15 which are not inconsistent with this Act shall apply, as far  
16 as practicable, to the subject matter of this Act to the same  
17 extent as if such provisions were included in this Act. For  
18 the purposes of this Act, references in such incorporated  
19 Sections of the Retailers' Occupation Tax Act to retailers,  
20 sellers or persons engaged in the business of selling  
21 tangible personal property means persons engaged in  
22 conducting pull tabs and jar games and references in such  
23 incorporated Sections of the Retailers' Occupation Tax Act to  
24 sales of tangible personal property mean the conducting of  
25 pull tabs and jar games and the making of charges for  
26 participating in such drawings.

27           (Source: P.A. 87-205; 87-895.)

28           Section 60. The Bingo License and Tax Act is amended by  
29 changing Section 3 as follows:

30           (230 ILCS 25/3) (from Ch. 120, par. 1103)

31           Sec. 3. There shall be paid to the Department of Revenue,  
32 5% of the gross proceeds of any game of bingo conducted under

1 the provision of this Act. Such payments shall be made 4  
2 times per year, between the first and the 20th day of April,  
3 July, October and January. Payment must be by money order or  
4 certified check. Accompanying each payment shall be a  
5 report, on forms provided by the Department of Revenue,  
6 listing the number of games conducted, the gross income  
7 derived and such other information as the Department of  
8 Revenue may require. Failure to submit either the payment or  
9 the report within the specified time may result in suspension  
10 or revocation of the license. If any payment provided for in  
11 this Section exceeds the taxpayer's liabilities under this  
12 Act, as shown on an original return, the Department shall, if  
13 requested by the taxpayer, issue to the taxpayer a credit  
14 memorandum no later than 30 days after the date of payment.  
15 The credit evidenced by the credit memorandum may be assigned  
16 by the taxpayer to a similar taxpayer under this Act, in  
17 accordance with reasonable rules prescribed by the  
18 Department. If no such request is made, the taxpayer may  
19 credit the excess payment against tax liability subsequently  
20 to be remitted to the Department under this Act, in  
21 accordance with reasonable rules prescribed by the  
22 Department.

23 The provisions of Section 2a of the Retailers' Occupation  
24 Tax Act pertaining to the furnishing of a bond or other  
25 security are incorporated by reference into this Act and are  
26 applicable to licensees under this Act as a precondition of  
27 obtaining a license under this Act. The Department shall  
28 establish by rule the standards and criteria it will use in  
29 determining whether to require the furnishing of a bond or  
30 other security, the amount of such bond or other security,  
31 whether to require the furnishing of an additional bond or  
32 other security by a licensee, and the amount of such  
33 additional bond or other security. Such standards and  
34 criteria may include payment history, general financial



1 condition or other factors which may pose risks to insuring  
2 the payment to the Department of Revenue, of applicable  
3 taxes. Such rulemaking is subject to the provisions of the  
4 Illinois Administrative Procedure Act. The provisions of  
5 Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b,  
6 6c, 8, 9, 10, 11 and 12 of the Retailers' Occupation Tax Act  
7 which are not inconsistent with this Act, and Section 3-7 of  
8 the Uniform Penalty and Interest Act shall apply, as far as  
9 practicable, to the subject matter of this Act to the same  
10 extent as if such provisions were included in this Act. Tax  
11 returns filed pursuant to this Act shall not be confidential  
12 and shall be available for public inspection. For the  
13 purposes of this Act, references in such incorporated  
14 Sections of the Retailers' Occupation Tax Act to retailers,  
15 sellers or persons engaged in the business of selling  
16 tangible personal property means persons engaged in  
17 conducting bingo games, and references in such incorporated  
18 Sections of the Retailers' Occupation Tax Act to sales of  
19 tangible personal property mean the conducting of bingo games  
20 and the making of charges for playing such games.

21 One-half of all of the sums collected under this Section  
22 shall be deposited into the Mental Health Fund and 1/2 of all  
23 of the sums collected under this Section shall be deposited  
24 in the Common School Fund.

25 (Source: P.A. 87-205; 87-895.)

26 Section 65. The Charitable Games Act is amended by  
27 changing Section 9 as follows:

28 (230 ILCS 30/9) (from Ch. 120, par. 1129)

29 Sec. 9. There shall be paid to the Department of Revenue,  
30 3% of the gross proceeds of charitable games conducted under  
31 the provisions of this Act. Such payments shall be made  
32 within 30 days after the completion of the games. Payment

1 must be by money order or certified check. Accompanying each  
2 payment shall be a report, on forms provided by the  
3 Department of Revenue, listing the games conducted, the gross  
4 income derived and such other information as the Department  
5 of Revenue may require. Failure to submit either the payment  
6 or the report within the specified time may result in  
7 suspension or revocation of the license and may be used in  
8 future considerations for renewal of the license. If any  
9 payment provided for in this Section exceeds the taxpayer's  
10 liabilities under this Act, as shown on an original return,  
11 the Department shall, if requested by the distributor, issue  
12 to the taxpayer a credit memorandum no later than 30 days  
13 after the date of payment. The credit evidenced by the  
14 credit memorandum may be assigned by the taxpayer to a  
15 similar taxpayer under this Act, in accordance with  
16 reasonable rules prescribed by the Department. If no such  
17 request is made, the distributor may credit the excess  
18 payment against tax liability subsequently to be remitted to  
19 the Department under this Act, in accordance with reasonable  
20 rules prescribed by the Department.

21 The provisions of Section 2a of the Retailers' Occupation  
22 Tax Act pertaining to the furnishing of a bond or other  
23 security are incorporated by reference into this Act and are  
24 applicable to licensees under this Act as a precondition of  
25 obtaining a license under this Act. For purposes of this Act  
26 gross proceeds shall be defined as all chips, scrip or other  
27 form of play money purchased or any fee or donation for  
28 admission or entry into such games. The Department shall  
29 establish by rule the standards and criteria it will use in  
30 determining whether to require the furnishing of a bond or  
31 other security, the amount of such bond or other security,  
32 whether to require the furnishing of an additional bond or  
33 other security by a licensee, and the amount of such  
34 additional bond or other security. Such standards and

1 criteria may include payment history, general financial  
2 condition or other factors which may pose risks to insuring  
3 the payment to the Department of Revenue, of applicable  
4 taxes. Such rulemaking is subject to the provisions of the  
5 Illinois Administrative Procedure Act. The provisions of  
6 Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b,  
7 6c, 8, 9, 10, 11 and 12 of the Retailers' Occupation Tax Act,  
8 and Section 3-7 of the Uniform Penalty and Interest Act,  
9 which are not inconsistent with this Act shall apply, as far  
10 as practicable, to the subject matter of this Act to the same  
11 extent as if such provisions were included in this Act.  
12 Financial reports filed pursuant to this Act shall not be  
13 confidential and shall be available for public inspection.  
14 For the purposes of this Act, references in such incorporated  
15 Sections of the Retailers' Occupation Tax Act to retailers,  
16 sellers or persons engaged in the business of selling  
17 tangible personal property means persons engaged in  
18 conducting charitable games, and references in such  
19 incorporated Sections of the Retailers' Occupation Tax Act to  
20 sales of tangible personal property mean the conducting of  
21 charitable games and the making of charges for playing such  
22 games.

23 All of the sums collected under this Section shall be  
24 deposited into the Illinois Gaming Law Enforcement Fund of  
25 the State Treasury.

26 (Source: P.A. 87-205; 87-895.)

27 Section 70. The Liquor Control Act of 1934 is amended by  
28 changing Section 8-2 as follows:

29 (235 ILCS 5/8-2) (from Ch. 43, par. 159)

30 Sec. 8-2. It is the duty of each manufacturer with  
31 respect to alcoholic liquor produced or imported by such  
32 manufacturer, or purchased tax-free by such manufacturer from

1 another manufacturer or importing distributor, and of each  
2 importing distributor as to alcoholic liquor purchased by  
3 such importing distributor from foreign importers or from  
4 anyone from any point in the United States outside of this  
5 State or purchased tax-free from another manufacturer or  
6 importing distributor, to pay the tax imposed by Section 8-1  
7 to the Department of Revenue on or before the 15th day of the  
8 calendar month following the calendar month in which such  
9 alcoholic liquor is sold or used by such manufacturer or by  
10 such importing distributor other than in an authorized  
11 tax-free manner.

12 Each manufacturer and each importing distributor shall,  
13 on or before the 15th day of each calendar month, file with  
14 the Department of Revenue, on forms prescribed and furnished  
15 by the Department, a report in writing in such form as may be  
16 required by the Department in order to compute, and assure  
17 the accuracy of, the tax due on all taxable sales and uses of  
18 alcoholic liquor occurring during the preceding month.  
19 Payment of the tax in the amount disclosed by the report  
20 shall accompany the report.

21 If any payment provided for in this Section exceeds the  
22 taxpayer's liabilities under this Act, as shown on an  
23 original return, the Department shall, if requested by the  
24 taxpayer, issue to the taxpayer a credit memorandum no later  
25 than 30 days after the date of payment. The credit evidenced  
26 by the credit memorandum may be assigned by the taxpayer to a  
27 similar taxpayer under this Act, in accordance with  
28 reasonable rules prescribed by the Department. If no such  
29 request is made, the taxpayer may credit the excess payment  
30 against tax liability subsequently to be remitted to the  
31 Department under this Act, in accordance with reasonable  
32 rules prescribed by the Department.

33 The Department may, if it deems it necessary in order to  
34 insure the payment of the tax imposed by this Article,

1 require returns to be made more frequently than and covering  
2 periods of less than a month. Such return shall contain such  
3 further information as the Department may reasonably require.

4 It shall be presumed that all alcoholic liquors acquired  
5 or made by any importing distributor or manufacturer have  
6 been sold or used by him in this State and are the basis for  
7 the tax imposed by this Article unless proven, to the  
8 satisfaction of the Department, that such alcoholic liquors  
9 are (1) still in the possession of such importing distributor  
10 or manufacturer, or (2) prior to the termination of  
11 possession have been lost by theft or through unintentional  
12 destruction, or (3) that such alcoholic liquors are otherwise  
13 exempt from taxation under this Act.

14 The Department may require any foreign importer to file  
15 monthly information returns, by the 15th day of the month  
16 following the month which any such return covers, if the  
17 Department determines this to be necessary to the proper  
18 performance of the Department's functions and duties under  
19 this Act. Such return shall contain such information as the  
20 Department may reasonably require.

21 Every manufacturer and importing distributor shall also  
22 file, with the Department, a bond in an amount not less than  
23 \$1,000 and not to exceed \$100,000 on a form to be approved  
24 by, and with a surety or sureties satisfactory to, the  
25 Department. Such bond shall be conditioned upon the  
26 manufacturer or importing distributor paying to the  
27 Department all monies becoming due from such manufacturer or  
28 importing distributor under this Article. The Department  
29 shall fix the penalty of such bond in each case, taking into  
30 consideration the amount of alcoholic liquor expected to be  
31 sold and used by such manufacturer or importing distributor,  
32 and the penalty fixed by the Department shall be sufficient,  
33 in the Department's opinion, to protect the State of Illinois  
34 against failure to pay any amount due under this Article, but

1 the amount of the penalty fixed by the Department shall not  
2 exceed twice the amount of tax liability of a monthly return,  
3 nor shall the amount of such penalty be less than \$1,000. The  
4 Department shall notify the Commission of the Department's  
5 approval or disapproval of any such manufacturer's or  
6 importing distributor's bond, or of the termination or  
7 cancellation of any such bond, or of the Department's  
8 direction to a manufacturer or importing distributor that he  
9 must file additional bond in order to comply with this  
10 Section. The Commission shall not issue a license to any  
11 applicant for a manufacturer's or importing distributor's  
12 license unless the Commission has received a notification  
13 from the Department showing that such applicant has filed a  
14 satisfactory bond with the Department hereunder and that such  
15 bond has been approved by the Department. Failure by any  
16 licensed manufacturer or importing distributor to keep a  
17 satisfactory bond in effect with the Department or to furnish  
18 additional bond to the Department, when required hereunder by  
19 the Department to do so, shall be grounds for the revocation  
20 or suspension of such manufacturer's or importing  
21 distributor's license by the Commission. If a manufacturer or  
22 importing distributor fails to pay any amount due under this  
23 Article, his bond with the Department shall be deemed  
24 forfeited, and the Department may institute a suit in its own  
25 name on such bond.

26 After notice and opportunity for a hearing the State  
27 Commission may revoke or suspend the license of any  
28 manufacturer or importing distributor who fails to comply  
29 with the provisions of this Section. Notice of such hearing  
30 and the time and place thereof shall be in writing and shall  
31 contain a statement of the charges against the licensee. Such  
32 notice may be given by United States registered or certified  
33 mail with return receipt requested, addressed to the person  
34 concerned at his last known address and shall be given not

1 less than 7 days prior to the date fixed for the hearing. An  
2 order revoking or suspending a license under the provisions  
3 of this Section may be reviewed in the manner provided in  
4 Section 7-10 of this Act. No new license shall be granted to  
5 a person whose license has been revoked for a violation of  
6 this Section or, in case of suspension, shall such suspension  
7 be terminated until he has paid to the Department all taxes  
8 and penalties which he owes the State under the provisions of  
9 this Act.

10 Every manufacturer or importing distributor who has, as  
11 verified by the Department, continuously complied with the  
12 conditions of the bond under this Act for a period of 2 years  
13 shall be considered to be a prior continuous compliance  
14 taxpayer. In determining the consecutive period of time for  
15 qualification as a prior continuous compliance taxpayer, any  
16 consecutive period of time of qualifying compliance  
17 immediately prior to the effective date of this amendatory  
18 Act of 1987 shall be credited to any manufacturer or  
19 importing distributor.

20 Every prior continuous compliance taxpayer shall be  
21 exempt from the bond requirements of this Act until the  
22 Department has determined the taxpayer to be delinquent in  
23 the filing of any return or deficient in the payment of any  
24 tax under this Act. Any taxpayer who fails to pay an  
25 admitted or established liability under this Act may also be  
26 required to post bond or other acceptable security with the  
27 Department guaranteeing the payment of such admitted or  
28 established liability.

29 The Department shall discharge any surety and shall  
30 release and return any bond or security deposit assigned,  
31 pledged or otherwise provided to it by a taxpayer under this  
32 Section within 30 days after: (1) such taxpayer becomes a  
33 prior continuous compliance taxpayer; or (2) such taxpayer  
34 has ceased to collect receipts on which he is required to

1 remit tax to the Department, has filed a final tax return,  
2 and has paid to the Department an amount sufficient to  
3 discharge his remaining tax liability as determined by the  
4 Department under this Act.

5 (Source: P.A. 86-654.)

6 Section 75. The Environmental Protection Act is amended  
7 by changing Section 55.10 as follows:

8 (415 ILCS 5/55.10) (from Ch. 111 1/2, par. 1055.10)

9 Sec. 55.10. Tax returns by retailer. Each retailer of  
10 tires maintaining a place of business in this State shall  
11 make a return to the Department of Revenue on a quarter  
12 annual basis, with the return for January, February and March  
13 of a given year being due by April 30 of that year; with the  
14 return for April, May and June of a given year being due by  
15 July 31 of that year; with the return for July, August and  
16 September of a given year being due by October 31 of that  
17 year; and with the return for October, November and December  
18 of a given year being due by January 31 of the following  
19 year.

20 Each return made to the Department of Revenue shall  
21 state:

- 22 (1) the name of the retailer;
- 23 (2) the address of the retailer's principal place  
24 of business, and the address of the principal place of  
25 business (if that is a different address) from which the  
26 retailer engages in the business of making retail sales  
27 of tires;
- 28 (3) total number of tires sold at retail for the  
29 preceding calendar quarter;
- 30 (4) the amount of tax due; and
- 31 (5) such other reasonable information as the  
32 Department of Revenue may require.



1           Notwithstanding any other provision of this Act  
2 concerning the time within which a retailer may file his  
3 return, in the case of any retailer who ceases to engage in  
4 the retail sale of tires, the retailer shall file a final  
5 return under this Act with the Department of Revenue not more  
6 than one month after discontinuing that business.

7           If any payment provided for in this Section exceeds the  
8 retailer's liabilities under this Act, as shown on an  
9 original return, the Department shall, if requested by the  
10 retailer, issue to the retailer a credit memorandum no later  
11 than 30 days after the date of payment. The credit evidenced  
12 by the credit memorandum may be assigned by the retailer to a  
13 similar retailer under this Act, in accordance with  
14 reasonable rules prescribed by the Department. If no such  
15 request is made, the retailer may credit the excess payment  
16 against tax liability subsequently to be remitted to the  
17 Department under this Act, in accordance with reasonable  
18 rules prescribed by the Department.

19           (Source: P.A. 87-727.)

20           Section 80. The Environmental Impact Fee Law is amended  
21 by changing Section 315 as follows:

22           (415 ILCS 125/315)

23           (Section scheduled to be repealed on January 1, 2003)

24           Sec. 315. Fee on receivers of fuel for sale or use;  
25 collection and reporting. A person that is required to pay  
26 the fee imposed by this Law shall pay the fee to the  
27 Department by return showing all fuel purchased, acquired, or  
28 received and sold, distributed or used during the preceding  
29 calendar month, including losses of fuel as the result of  
30 evaporation or shrinkage due to temperature variations.  
31 Losses of fuel as the result of evaporation or shrinkage due  
32 to temperature variations may not exceed one percent of the

1 total gallons in storage at the beginning of the month, plus  
2 the receipts of gallonage during the month, minus the  
3 gallonage remaining in storage at the end of the month. Any  
4 loss reported that is in excess of this amount shall be  
5 subject to the fee imposed by Section 310 of this Law.

6 The return shall be prescribed by the Department and  
7 shall be filed between the 1st and 20th days of each calendar  
8 month. The Department may, in its discretion, combine the  
9 return filed under this Law with the return filed under  
10 Section 2b of the Motor Fuel Tax Law. If the return is  
11 timely filed, the receiver may take a discount of 2% to  
12 reimburse himself for the expenses incurred in keeping  
13 records, preparing and filing returns, collecting and  
14 remitting the fee, and supplying data to the Department on  
15 request. However, the 2% discount applies only to the amount  
16 of the fee payment that accompanies a return that is timely  
17 filed in accordance with this Section.

18 If any payment provided for in this Section exceeds the  
19 taxpayer's liabilities under this Law, as shown on an  
20 original return, the Department shall, if requested by the  
21 taxpayer, issue to the taxpayer a credit memorandum no later  
22 than 30 days after the date of payment. The credit evidenced  
23 by the credit memorandum may be assigned by the taxpayer to a  
24 similar taxpayer under this Law, in accordance with  
25 reasonable rules prescribed by the Department. If no such  
26 request is made, the taxpayer may credit the excess payment  
27 against tax liability subsequently to be remitted to the  
28 Department under this Law, in accordance with reasonable  
29 rules prescribed by the Department. If the Department  
30 subsequently determines that all or any part of the credit  
31 taken was not actually due to the taxpayer, the taxpayer's 2%  
32 discount shall be reduced by 2% of the difference between the  
33 credit taken and that actually due, and that taxpayer shall  
34 be liable for penalties and interest on the difference.

1 (Source: P.A. 91-173, eff. 1-1-00.)

2 Section 85. The Drycleaner Environmental Response Trust  
3 Fund Act is amended by changing Section 65 as follows:

4 (415 ILCS 135/65)

5 (Section scheduled to be repealed on January 1, 2010)

6 Sec. 65. Drycleaning solvent tax.

7 (a) On and after January 1, 1998, a tax is imposed upon  
8 the use of drycleaning solvent by a person engaged in the  
9 business of operating a drycleaning facility in this State at  
10 the rate of \$3.50 per gallon of perchloroethylene or other  
11 chlorinated drycleaning solvents used in drycleaning  
12 operations and \$0.35 per gallon of petroleum-based  
13 drycleaning solvent. The Council shall determine by rule  
14 which products are chlorine-based solvents and which  
15 products are petroleum-based solvents. All drycleaning  
16 solvents shall be considered chlorinated solvents unless the  
17 Council determines that the solvents are petroleum-based  
18 drycleaning solvents subject to the lower tax.

19 (b) The tax imposed by this Act shall be collected from  
20 the purchaser at the time of sale by a seller of drycleaning  
21 solvents maintaining a place of business in this State and  
22 shall be remitted to the Department of Revenue under the  
23 provisions of this Act.

24 (c) The tax imposed by this Act that is not collected by  
25 a seller of drycleaning solvents shall be paid directly to  
26 the Department of Revenue by the purchaser or end user who is  
27 subject to the tax imposed by this Act.

28 (d) No tax shall be imposed upon the use of drycleaning  
29 solvent if the drycleaning solvent will not be used in a  
30 drycleaning facility or if a floor stock tax has been imposed  
31 and paid on the drycleaning solvent. Prior to the purchase  
32 of the solvent, the purchaser shall provide a written and

1 signed certificate to the drycleaning solvent seller stating:

2 (1) the name and address of the purchaser;

3 (2) the purchaser's signature and date of signing;

4 and

5 (3) one of the following:

6 (A) that the drycleaning solvent will not be  
7 used in a drycleaning facility; or

8 (B) that a floor stock tax has been imposed  
9 and paid on the drycleaning solvent.

10 A person who provides a false certification under this  
11 subsection shall be liable for a civil penalty not to exceed  
12 \$500 for a first violation and a civil penalty not to exceed  
13 \$5,000 for a second or subsequent violation.

14 (e) On January 1, 1998, there is imposed on each  
15 operator of a drycleaning facility a tax on drycleaning  
16 solvent held by the operator on that date for use in a  
17 drycleaning facility. The tax imposed shall be the tax that  
18 would have been imposed under subsection (a) if the  
19 drycleaning solvent held by the operator on that date had  
20 been purchased by the operator during the first year of this  
21 Act.

22 (f) On or before the 25th day of the 1st month following  
23 the end of the calendar quarter, a seller of drycleaning  
24 solvents who has collected a tax pursuant to this Section  
25 during the previous calendar quarter, or a purchaser or end  
26 user of drycleaning solvents required under subsection (c) to  
27 submit the tax directly to the Department, shall file a  
28 return with the Department of Revenue. The return shall be  
29 filed on a form prescribed by the Department of Revenue and  
30 shall contain information that the Department of Revenue  
31 reasonably requires. Each seller of drycleaning solvent  
32 maintaining a place of business in this State who is required  
33 or authorized to collect the tax imposed by this Act shall  
34 pay to the Department the amount of the tax at the time when

1 he or she is required to file his or her return for the  
2 period during which the tax was collected. Purchasers or end  
3 users remitting the tax directly to the Department under  
4 subsection (c) shall file a return with the Department of  
5 Revenue and pay the tax so incurred by the purchaser or end  
6 user during the preceding calendar quarter.

7 If any payment provided for in this Section exceeds the  
8 taxpayer's liabilities under this Act, as shown on an  
9 original return, the Department shall, if requested by the  
10 taxpayer, issue to the taxpayer a credit memorandum no later  
11 than 30 days after the date of payment. The credit evidenced  
12 by the credit memorandum may be assigned by the taxpayer to a  
13 similar taxpayer under this Act, in accordance with  
14 reasonable rules prescribed by the Department. If no such  
15 request is made, the taxpayer may credit the excess payment  
16 against tax liability subsequently to be remitted to the  
17 Department under this Act, in accordance with reasonable  
18 rules prescribed by the Department.

19 (g) The tax on drycleaning solvents used in drycleaning  
20 facilities and the floor stock tax shall be administered by  
21 Department of Revenue under rules adopted by that Department.

22 (h) On and after January 1, 1998, no person shall  
23 knowingly sell or transfer drycleaning solvent to an operator  
24 of a drycleaning facility that is not licensed by the Council  
25 under Section 60. A person who violates this subsection is  
26 liable for a civil penalty not to exceed \$500 for a first  
27 violation and a civil penalty not to exceed \$5,000 for a  
28 second or subsequent violation.

29 (i) The Department of Revenue may adopt rules as  
30 necessary to implement this Section.

31 (Source: P.A. 90-502, eff. 8-19-97.)

32 Section 95. No acceleration or delay. Where this Act  
33 makes changes in a statute that is represented in this Act by

1 text that is not yet or no longer in effect (for example, a  
2 Section represented by multiple versions), the use of that  
3 text does not accelerate or delay the taking effect of (i)  
4 the changes made by this Act or (ii) provisions derived from  
5 any other Public Act.

6 Section 99. Effective date. This Act takes effect on  
7 January 1, 2002.

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35 ILCS 135/3 from Ch. 120, par. 453.33  
35 ILCS 143/10-30  
35 ILCS 145/6 from Ch. 120, par. 481b.36  
35 ILCS 505/2b from Ch. 120, par. 418b  
35 ILCS 505/6 from Ch. 120, par. 422  
35 ILCS 505/6a from Ch. 120, par. 422a  
35 ILCS 615/2a.2 from Ch. 120, par. 467.17a.2  
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