



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5637

by Rep. David A. Welter

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act. Provides that, beginning on January 1, 2019, in addition to all other rates of tax imposed under the Acts, a tax of 12% is imposed on the selling price of D.O.T. Class C common fireworks. Provides that "D.O.T. Class C common fireworks" has the meaning ascribed to it in the Pyrotechnic Use Act. Provides that, beginning on January 1, 2019, each month the Department of Revenue shall pay into the Fire Prevention Fund 50% of the net revenue realized for the preceding month from the tax on the selling price of D.O.T. Class C common fireworks. Amends the Pyrotechnic Use Act. Provides that D.O.T. Class C common fireworks may only be purchased by individuals over the age of 18. Provides that a home rule municipality may prohibit the sale of D.O.T. Class C common fireworks. Provides that the provision prohibiting the sale and use of fireworks does not apply to D.O.T. Class C common fireworks. Provides that fireworks may only be discharged by individuals over the age of 18. Provides that fireworks shall not be discharged inside a motor vehicle and any violator is subject to a fine not to exceed \$100. Effective immediately.

LRB100 17545 HLH 32715 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning fireworks.

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

4 Section 5. The Use Tax Act is amended by changing Sections  
5 3-10 and 9 as follows:

6 (35 ILCS 105/3-10)

7 Sec. 3-10. Rate of tax. Unless otherwise provided in this  
8 Section, the tax imposed by this Act is at the rate of 6.25% of  
9 either the selling price or the fair market value, if any, of  
10 the tangible personal property. In all cases where property  
11 functionally used or consumed is the same as the property that  
12 was purchased at retail, then the tax is imposed on the selling  
13 price of the property. In all cases where property functionally  
14 used or consumed is a by-product or waste product that has been  
15 refined, manufactured, or produced from property purchased at  
16 retail, then the tax is imposed on the lower of the fair market  
17 value, if any, of the specific property so used in this State  
18 or on the selling price of the property purchased at retail.  
19 For purposes of this Section "fair market value" means the  
20 price at which property would change hands between a willing  
21 buyer and a willing seller, neither being under any compulsion  
22 to buy or sell and both having reasonable knowledge of the  
23 relevant facts. The fair market value shall be established by

1 Illinois sales by the taxpayer of the same property as that  
2 functionally used or consumed, or if there are no such sales by  
3 the taxpayer, then comparable sales or purchases of property of  
4 like kind and character in Illinois.

5 Beginning on July 1, 2000 and through December 31, 2000,  
6 with respect to motor fuel, as defined in Section 1.1 of the  
7 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
8 the Use Tax Act, the tax is imposed at the rate of 1.25%.

9 Beginning on August 6, 2010 through August 15, 2010, with  
10 respect to sales tax holiday items as defined in Section 3-6 of  
11 this Act, the tax is imposed at the rate of 1.25%.

12 With respect to gasohol, the tax imposed by this Act  
13 applies to (i) 70% of the proceeds of sales made on or after  
14 January 1, 1990, and before July 1, 2003, (ii) 80% of the  
15 proceeds of sales made on or after July 1, 2003 and on or  
16 before July 1, 2017, and (iii) 100% of the proceeds of sales  
17 made thereafter. If, at any time, however, the tax under this  
18 Act on sales of gasohol is imposed at the rate of 1.25%, then  
19 the tax imposed by this Act applies to 100% of the proceeds of  
20 sales of gasohol made during that time.

21 With respect to majority blended ethanol fuel, the tax  
22 imposed by this Act does not apply to the proceeds of sales  
23 made on or after July 1, 2003 and on or before December 31,  
24 2023 but applies to 100% of the proceeds of sales made  
25 thereafter.

26 With respect to biodiesel blends with no less than 1% and

1 no more than 10% biodiesel, the tax imposed by this Act applies  
2 to (i) 80% of the proceeds of sales made on or after July 1,  
3 2003 and on or before December 31, 2018 and (ii) 100% of the  
4 proceeds of sales made thereafter. If, at any time, however,  
5 the tax under this Act on sales of biodiesel blends with no  
6 less than 1% and no more than 10% biodiesel is imposed at the  
7 rate of 1.25%, then the tax imposed by this Act applies to 100%  
8 of the proceeds of sales of biodiesel blends with no less than  
9 1% and no more than 10% biodiesel made during that time.

10 With respect to 100% biodiesel and biodiesel blends with  
11 more than 10% but no more than 99% biodiesel, the tax imposed  
12 by this Act does not apply to the proceeds of sales made on or  
13 after July 1, 2003 and on or before December 31, 2023 but  
14 applies to 100% of the proceeds of sales made thereafter.

15 With respect to food for human consumption that is to be  
16 consumed off the premises where it is sold (other than  
17 alcoholic beverages, soft drinks, and food that has been  
18 prepared for immediate consumption) and prescription and  
19 nonprescription medicines, drugs, medical appliances, products  
20 classified as Class III medical devices by the United States  
21 Food and Drug Administration that are used for cancer treatment  
22 pursuant to a prescription, as well as any accessories and  
23 components related to those devices, modifications to a motor  
24 vehicle for the purpose of rendering it usable by a person with  
25 a disability, and insulin, urine testing materials, syringes,  
26 and needles used by diabetics, for human use, the tax is

1 imposed at the rate of 1%. For the purposes of this Section,  
2 until September 1, 2009: the term "soft drinks" means any  
3 complete, finished, ready-to-use, non-alcoholic drink, whether  
4 carbonated or not, including but not limited to soda water,  
5 cola, fruit juice, vegetable juice, carbonated water, and all  
6 other preparations commonly known as soft drinks of whatever  
7 kind or description that are contained in any closed or sealed  
8 bottle, can, carton, or container, regardless of size; but  
9 "soft drinks" does not include coffee, tea, non-carbonated  
10 water, infant formula, milk or milk products as defined in the  
11 Grade A Pasteurized Milk and Milk Products Act, or drinks  
12 containing 50% or more natural fruit or vegetable juice.

13 Notwithstanding any other provisions of this Act,  
14 beginning September 1, 2009, "soft drinks" means non-alcoholic  
15 beverages that contain natural or artificial sweeteners. "Soft  
16 drinks" do not include beverages that contain milk or milk  
17 products, soy, rice or similar milk substitutes, or greater  
18 than 50% of vegetable or fruit juice by volume.

19 Until August 1, 2009, and notwithstanding any other  
20 provisions of this Act, "food for human consumption that is to  
21 be consumed off the premises where it is sold" includes all  
22 food sold through a vending machine, except soft drinks and  
23 food products that are dispensed hot from a vending machine,  
24 regardless of the location of the vending machine. Beginning  
25 August 1, 2009, and notwithstanding any other provisions of  
26 this Act, "food for human consumption that is to be consumed

1 off the premises where it is sold" includes all food sold  
2 through a vending machine, except soft drinks, candy, and food  
3 products that are dispensed hot from a vending machine,  
4 regardless of the location of the vending machine.

5 Notwithstanding any other provisions of this Act,  
6 beginning September 1, 2009, "food for human consumption that  
7 is to be consumed off the premises where it is sold" does not  
8 include candy. For purposes of this Section, "candy" means a  
9 preparation of sugar, honey, or other natural or artificial  
10 sweeteners in combination with chocolate, fruits, nuts or other  
11 ingredients or flavorings in the form of bars, drops, or  
12 pieces. "Candy" does not include any preparation that contains  
13 flour or requires refrigeration.

14 Notwithstanding any other provisions of this Act,  
15 beginning September 1, 2009, "nonprescription medicines and  
16 drugs" does not include grooming and hygiene products. For  
17 purposes of this Section, "grooming and hygiene products"  
18 includes, but is not limited to, soaps and cleaning solutions,  
19 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
20 lotions and screens, unless those products are available by  
21 prescription only, regardless of whether the products meet the  
22 definition of "over-the-counter-drugs". For the purposes of  
23 this paragraph, "over-the-counter-drug" means a drug for human  
24 use that contains a label that identifies the product as a drug  
25 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
26 label includes:

1 (A) A "Drug Facts" panel; or

2 (B) A statement of the "active ingredient(s)" with a  
3 list of those ingredients contained in the compound,  
4 substance or preparation.

5 Beginning on the effective date of this amendatory Act of  
6 the 98th General Assembly, "prescription and nonprescription  
7 medicines and drugs" includes medical cannabis purchased from a  
8 registered dispensing organization under the Compassionate Use  
9 of Medical Cannabis Pilot Program Act.

10 If the property that is purchased at retail from a retailer  
11 is acquired outside Illinois and used outside Illinois before  
12 being brought to Illinois for use here and is taxable under  
13 this Act, the "selling price" on which the tax is computed  
14 shall be reduced by an amount that represents a reasonable  
15 allowance for depreciation for the period of prior out-of-state  
16 use.

17 Beginning on January 1, 2019, in addition to all other  
18 rates of tax imposed under this Act, a tax of 12% is imposed on  
19 the selling price of D.O.T. Class C common fireworks. "D.O.T.  
20 Class C common fireworks" has the meaning ascribed to it in the  
21 Pyrotechnic Use Act.

22 (Source: P.A. 99-143, eff. 7-27-15; 99-858, eff. 8-19-16;  
23 100-22, eff. 7-6-17.)

24 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

25 (Text of Section before amendment by P.A. 100-363)

1           Sec. 9. Except as to motor vehicles, watercraft, aircraft,  
2 and trailers that are required to be registered with an agency  
3 of this State, each retailer required or authorized to collect  
4 the tax imposed by this Act shall pay to the Department the  
5 amount of such tax (except as otherwise provided) at the time  
6 when he is required to file his return for the period during  
7 which such tax was collected, less a discount of 2.1% prior to  
8 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5  
9 per calendar year, whichever is greater, which is allowed to  
10 reimburse the retailer for expenses incurred in collecting the  
11 tax, keeping records, preparing and filing returns, remitting  
12 the tax and supplying data to the Department on request. In the  
13 case of retailers who report and pay the tax on a transaction  
14 by transaction basis, as provided in this Section, such  
15 discount shall be taken with each such tax remittance instead  
16 of when such retailer files his periodic return. The discount  
17 allowed under this Section is allowed only for returns that are  
18 filed in the manner required by this Act. The Department may  
19 disallow the discount for retailers whose certificate of  
20 registration is revoked at the time the return is filed, but  
21 only if the Department's decision to revoke the certificate of  
22 registration has become final. A retailer need not remit that  
23 part of any tax collected by him to the extent that he is  
24 required to remit and does remit the tax imposed by the  
25 Retailers' Occupation Tax Act, with respect to the sale of the  
26 same property.



1           Where such tangible personal property is sold under a  
2 conditional sales contract, or under any other form of sale  
3 wherein the payment of the principal sum, or a part thereof, is  
4 extended beyond the close of the period for which the return is  
5 filed, the retailer, in collecting the tax (except as to motor  
6 vehicles, watercraft, aircraft, and trailers that are required  
7 to be registered with an agency of this State), may collect for  
8 each tax return period, only the tax applicable to that part of  
9 the selling price actually received during such tax return  
10 period.

11           Except as provided in this Section, on or before the  
12 twentieth day of each calendar month, such retailer shall file  
13 a return for the preceding calendar month. Such return shall be  
14 filed on forms prescribed by the Department and shall furnish  
15 such information as the Department may reasonably require. On  
16 and after January 1, 2018, except for returns for motor  
17 vehicles, watercraft, aircraft, and trailers that are required  
18 to be registered with an agency of this State, with respect to  
19 retailers whose annual gross receipts average \$20,000 or more,  
20 all returns required to be filed pursuant to this Act shall be  
21 filed electronically. Retailers who demonstrate that they do  
22 not have access to the Internet or demonstrate hardship in  
23 filing electronically may petition the Department to waive the  
24 electronic filing requirement.

25           The Department may require returns to be filed on a  
26 quarterly basis. If so required, a return for each calendar

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

6 1. The name of the seller;

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

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

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

17 5. The amount of tax due;

18 5-5. The signature of the taxpayer; and

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

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

25 Beginning October 1, 1993, a taxpayer who has an average  
26 monthly tax liability of \$150,000 or more shall make all

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

24 Before August 1 of each year beginning in 1993, the  
25 Department shall notify all taxpayers required to make payments  
26 by electronic funds transfer. All taxpayers required to make

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

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

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

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

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

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

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

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

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

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



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

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

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

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

24 Notwithstanding any other provision in this Act concerning  
25 the time within which a retailer may file his return, in the  
26 case of any retailer who ceases to engage in a kind of business

1 which makes him responsible for filing returns under this Act,  
2 such retailer shall file a final return under this Act with the  
3 Department not more than one month after discontinuing such  
4 business.

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

1 with an inboard motor.

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

23 The transaction reporting return in the case of watercraft  
24 and aircraft must show the name and address of the seller; the  
25 name and address of the purchaser; the amount of the selling  
26 price including the amount allowed by the retailer for

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

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

25 With each such transaction reporting return, the retailer  
26 shall remit the proper amount of tax due (or shall submit

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

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

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

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

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

1 purchaser.

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

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

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

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

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

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

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

24 Beginning August 1, 2000, each month the Department shall  
25 pay into the State and Local Sales Tax Reform Fund 100% of the  
26 net revenue realized for the preceding month from the 1.25%



1 rate on the selling price of motor fuel and gasohol. Beginning  
2 September 1, 2010, each month the Department shall pay into the  
3 State and Local Sales Tax Reform Fund 100% of the net revenue  
4 realized for the preceding month from the 1.25% rate on the  
5 selling price of sales tax holiday items.

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

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

20 Beginning July 1, 2011, each month the Department shall pay  
21 into the Clean Air Act Permit Fund 80% of the net revenue  
22 realized for the preceding month from the 6.25% general rate on  
23 the selling price of sorbents used in Illinois in the process  
24 of sorbent injection as used to comply with the Environmental  
25 Protection Act or the federal Clean Air Act, but the total  
26 payment into the Clean Air Act Permit Fund under this Act and

1 the Retailers' Occupation Tax Act shall not exceed \$2,000,000  
2 in any fiscal year.

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

18 Beginning on January 1, 2019, each month the Department  
19 shall pay into the Fire Prevention Fund 50% of the net revenue  
20 realized for the preceding month from the 12% tax on the  
21 selling price of D.O.T. Class C common fireworks.

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

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

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

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

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

26 Fiscal Year Total Deposit

1	1993	\$0
2	1994	53,000,000
3	1995	58,000,000
4	1996	61,000,000
5	1997	64,000,000
6	1998	68,000,000
7	1999	71,000,000
8	2000	75,000,000
9	2001	80,000,000
10	2002	93,000,000
11	2003	99,000,000
12	2004	103,000,000
13	2005	108,000,000
14	2006	113,000,000
15	2007	119,000,000
16	2008	126,000,000
17	2009	132,000,000
18	2010	139,000,000
19	2011	146,000,000
20	2012	153,000,000
21	2013	161,000,000
22	2014	170,000,000
23	2015	179,000,000
24	2016	189,000,000
25	2017	199,000,000
26	2018	210,000,000

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

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

23                   Beginning July 20, 1993 and in each month of each fiscal  
24                   year thereafter, one-eighth of the amount requested in the  
25                   certificate of the Chairman of the Metropolitan Pier and  
26                   Exposition Authority for that fiscal year, less the amount

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

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

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



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

5 Subject to payment of amounts into the Build Illinois Fund,  
6 the McCormick Place Expansion Project Fund, the Illinois Tax  
7 Increment Fund, and the Energy Infrastructure Fund pursuant to  
8 the preceding paragraphs or in any amendments to this Section  
9 hereafter enacted, beginning on the first day of the first  
10 calendar month to occur on or after August 26, 2014 (the  
11 effective date of Public Act 98-1098), each month, from the  
12 collections made under Section 9 of the Use Tax Act, Section 9  
13 of the Service Use Tax Act, Section 9 of the Service Occupation  
14 Tax Act, and Section 3 of the Retailers' Occupation Tax Act,  
15 the Department shall pay into the Tax Compliance and  
16 Administration Fund, to be used, subject to appropriation, to  
17 fund additional auditors and compliance personnel at the  
18 Department of Revenue, an amount equal to 1/12 of 5% of 80% of  
19 the cash receipts collected during the preceding fiscal year by  
20 the Audit Bureau of the Department under the Use Tax Act, the  
21 Service Use Tax Act, the Service Occupation Tax Act, the  
22 Retailers' Occupation Tax Act, and associated local occupation  
23 and use taxes administered by the Department.

24 Of the remainder of the moneys received by the Department  
25 pursuant to this Act, 75% thereof shall be paid into the State  
26 Treasury and 25% shall be reserved in a special account and

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

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

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

15 For greater simplicity of administration, manufacturers,  
16 importers and wholesalers whose products are sold at retail in  
17 Illinois by numerous retailers, and who wish to do so, may  
18 assume the responsibility for accounting and paying to the  
19 Department all tax accruing under this Act with respect to such  
20 sales, if the retailers who are affected do not make written  
21 objection to the Department to this arrangement.

22 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
23 99-933, eff. 1-27-17; 100-303, eff. 8-24-17.)

24 (Text of Section after amendment by P.A. 100-363)

25 Sec. 9. Except as to motor vehicles, watercraft, aircraft,

1 and trailers that are required to be registered with an agency  
2 of this State, each retailer required or authorized to collect  
3 the tax imposed by this Act shall pay to the Department the  
4 amount of such tax (except as otherwise provided) at the time  
5 when he is required to file his return for the period during  
6 which such tax was collected, less a discount of 2.1% prior to  
7 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5  
8 per calendar year, whichever is greater, which is allowed to  
9 reimburse the retailer for expenses incurred in collecting the  
10 tax, keeping records, preparing and filing returns, remitting  
11 the tax and supplying data to the Department on request. In the  
12 case of retailers who report and pay the tax on a transaction  
13 by transaction basis, as provided in this Section, such  
14 discount shall be taken with each such tax remittance instead  
15 of when such retailer files his periodic return. The discount  
16 allowed under this Section is allowed only for returns that are  
17 filed in the manner required by this Act. The Department may  
18 disallow the discount for retailers whose certificate of  
19 registration is revoked at the time the return is filed, but  
20 only if the Department's decision to revoke the certificate of  
21 registration has become final. A retailer need not remit that  
22 part of any tax collected by him to the extent that he is  
23 required to remit and does remit the tax imposed by the  
24 Retailers' Occupation Tax Act, with respect to the sale of the  
25 same property.

26 Where such tangible personal property is sold under a

1 conditional sales contract, or under any other form of sale  
2 wherein the payment of the principal sum, or a part thereof, is  
3 extended beyond the close of the period for which the return is  
4 filed, the retailer, in collecting the tax (except as to motor  
5 vehicles, watercraft, aircraft, and trailers that are required  
6 to be registered with an agency of this State), may collect for  
7 each tax return period, only the tax applicable to that part of  
8 the selling price actually received during such tax return  
9 period.

10 Except as provided in this Section, on or before the  
11 twentieth day of each calendar month, such retailer shall file  
12 a return for the preceding calendar month. Such return shall be  
13 filed on forms prescribed by the Department and shall furnish  
14 such information as the Department may reasonably require. On  
15 and after January 1, 2018, except for returns for motor  
16 vehicles, watercraft, aircraft, and trailers that are required  
17 to be registered with an agency of this State, with respect to  
18 retailers whose annual gross receipts average \$20,000 or more,  
19 all returns required to be filed pursuant to this Act shall be  
20 filed electronically. Retailers who demonstrate that they do  
21 not have access to the Internet or demonstrate hardship in  
22 filing electronically may petition the Department to waive the  
23 electronic filing requirement.

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

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

5 1. The name of the seller;

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

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

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

16 5. The amount of tax due;

17 5-5. The signature of the taxpayer; and

18 6. Such other reasonable information as the Department  
19 may require.

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

24 Beginning October 1, 1993, a taxpayer who has an average  
25 monthly tax liability of \$150,000 or more shall make all  
26 payments required by rules of the Department by electronic

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

23 Before August 1 of each year beginning in 1993, the  
24 Department shall notify all taxpayers required to make payments  
25 by electronic funds transfer. All taxpayers required to make  
26 payments by electronic funds transfer shall make those payments

1 for a minimum of one year beginning on October 1.

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

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

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

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

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



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

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

1 on other than a calendar monthly basis.

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

1 credit taken and that actually due, and the taxpayer shall be  
2 liable for penalties and interest on such difference.

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

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

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

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

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

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

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

22           The transaction reporting return in the case of watercraft  
23 and aircraft must show the name and address of the seller; the  
24 name and address of the purchaser; the amount of the selling  
25 price including the amount allowed by the retailer for  
26 traded-in property, if any; the amount allowed by the retailer

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

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

24 With each such transaction reporting return, the retailer  
25 shall remit the proper amount of tax due (or shall submit  
26 satisfactory evidence that the sale is not taxable if that is

1 the case), to the Department or its agents, whereupon the  
2 Department shall issue, in the purchaser's name, a tax receipt  
3 (or a certificate of exemption if the Department is satisfied  
4 that the particular sale is tax exempt) which such purchaser  
5 may submit to the agency with which, or State officer with  
6 whom, he must title or register the tangible personal property  
7 that is involved (if titling or registration is required) in  
8 support of such purchaser's application for an Illinois  
9 certificate or other evidence of title or registration to such  
10 tangible personal property.

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

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



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

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

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

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

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

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

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

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

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

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

1 September 1, 2010, each month the Department shall pay into the  
2 State and Local Sales Tax Reform Fund 100% of the net revenue  
3 realized for the preceding month from the 1.25% rate on the  
4 selling price of sales tax holiday items.

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

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

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

1 in any fiscal year.

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

17 Beginning on January 1, 2019, each month the Department  
18 shall pay into the Fire Prevention Fund 50% of the net revenue  
19 realized for the preceding month from the 12% tax on the  
20 selling price of D.O.T. Class C common fireworks.

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

26 Of the remainder of the moneys received by the Department

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

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

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

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

25	Fiscal Year	Total Deposit
26	1993	\$0



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

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

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

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

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

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

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

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

4 Subject to payment of amounts into the Build Illinois Fund,  
5 the McCormick Place Expansion Project Fund, the Illinois Tax  
6 Increment Fund, and the Energy Infrastructure Fund pursuant to  
7 the preceding paragraphs or in any amendments to this Section  
8 hereafter enacted, beginning on the first day of the first  
9 calendar month to occur on or after August 26, 2014 (the  
10 effective date of Public Act 98-1098), each month, from the  
11 collections made under Section 9 of the Use Tax Act, Section 9  
12 of the Service Use Tax Act, Section 9 of the Service Occupation  
13 Tax Act, and Section 3 of the Retailers' Occupation Tax Act,  
14 the Department shall pay into the Tax Compliance and  
15 Administration Fund, to be used, subject to appropriation, to  
16 fund additional auditors and compliance personnel at the  
17 Department of Revenue, an amount equal to 1/12 of 5% of 80% of  
18 the cash receipts collected during the preceding fiscal year by  
19 the Audit Bureau of the Department under the Use Tax Act, the  
20 Service Use Tax Act, the Service Occupation Tax Act, the  
21 Retailers' Occupation Tax Act, and associated local occupation  
22 and use taxes administered by the Department.

23 Subject to payments of amounts into the Build Illinois  
24 Fund, the McCormick Place Expansion Project Fund, the Illinois  
25 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax  
26 Compliance and Administration Fund as provided in this Section,

1 beginning on July 1, 2018 the Department shall pay each month  
2 into the Downstate Public Transportation Fund the moneys  
3 required to be so paid under Section 2-3 of the Downstate  
4 Public Transportation Act.

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

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

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

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

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

3 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
4 99-933, eff. 1-27-17; 100-303, eff. 8-24-17; 100-363, eff.  
5 7-1-18; revised 10-20-17.)

6 Section 10. The Service Use Tax Act is amended by changing  
7 Sections 3-10 and 9 as follows:

8 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

9 Sec. 3-10. Rate of tax. Unless otherwise provided in this  
10 Section, the tax imposed by this Act is at the rate of 6.25% of  
11 the selling price of tangible personal property transferred as  
12 an incident to the sale of service, but, for the purpose of  
13 computing this tax, in no event shall the selling price be less  
14 than the cost price of the property to the serviceman.

15 Beginning on July 1, 2000 and through December 31, 2000,  
16 with respect to motor fuel, as defined in Section 1.1 of the  
17 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
18 the Use Tax Act, the tax is imposed at the rate of 1.25%.

19 With respect to gasohol, as defined in the Use Tax Act, the  
20 tax imposed by this Act applies to (i) 70% of the selling price  
21 of property transferred as an incident to the sale of service  
22 on or after January 1, 1990, and before July 1, 2003, (ii) 80%  
23 of the selling price of property transferred as an incident to  
24 the sale of service on or after July 1, 2003 and on or before

1 July 1, 2017, and (iii) 100% of the selling price thereafter.  
2 If, at any time, however, the tax under this Act on sales of  
3 gasohol, as defined in the Use Tax Act, is imposed at the rate  
4 of 1.25%, then the tax imposed by this Act applies to 100% of  
5 the proceeds of sales of gasohol made during that time.

6 With respect to majority blended ethanol fuel, as defined  
7 in the Use Tax Act, the tax imposed by this Act does not apply  
8 to the selling price of property transferred as an incident to  
9 the sale of service on or after July 1, 2003 and on or before  
10 December 31, 2023 but applies to 100% of the selling price  
11 thereafter.

12 With respect to biodiesel blends, as defined in the Use Tax  
13 Act, with no less than 1% and no more than 10% biodiesel, the  
14 tax imposed by this Act applies to (i) 80% of the selling price  
15 of property transferred as an incident to the sale of service  
16 on or after July 1, 2003 and on or before December 31, 2018 and  
17 (ii) 100% of the proceeds of the selling price thereafter. If,  
18 at any time, however, the tax under this Act on sales of  
19 biodiesel blends, as defined in the Use Tax Act, with no less  
20 than 1% and no more than 10% biodiesel is imposed at the rate  
21 of 1.25%, then the tax imposed by this Act applies to 100% of  
22 the proceeds of sales of biodiesel blends with no less than 1%  
23 and no more than 10% biodiesel made during that time.

24 With respect to 100% biodiesel, as defined in the Use Tax  
25 Act, and biodiesel blends, as defined in the Use Tax Act, with  
26 more than 10% but no more than 99% biodiesel, the tax imposed

1 by this Act does not apply to the proceeds of the selling price  
2 of property transferred as an incident to the sale of service  
3 on or after July 1, 2003 and on or before December 31, 2023 but  
4 applies to 100% of the selling price thereafter.

5 At the election of any registered serviceman made for each  
6 fiscal year, sales of service in which the aggregate annual  
7 cost price of tangible personal property transferred as an  
8 incident to the sales of service is less than 35%, or 75% in  
9 the case of servicemen transferring prescription drugs or  
10 servicemen engaged in graphic arts production, of the aggregate  
11 annual total gross receipts from all sales of service, the tax  
12 imposed by this Act shall be based on the serviceman's cost  
13 price of the tangible personal property transferred as an  
14 incident to the sale of those services.

15 The tax shall be imposed at the rate of 1% on food prepared  
16 for immediate consumption and transferred incident to a sale of  
17 service subject to this Act or the Service Occupation Tax Act  
18 by an entity licensed under the Hospital Licensing Act, the  
19 Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD  
20 Act, the Specialized Mental Health Rehabilitation Act of 2013,  
21 or the Child Care Act of 1969. The tax shall also be imposed at  
22 the rate of 1% on food for human consumption that is to be  
23 consumed off the premises where it is sold (other than  
24 alcoholic beverages, soft drinks, and food that has been  
25 prepared for immediate consumption and is not otherwise  
26 included in this paragraph) and prescription and



1 nonprescription medicines, drugs, medical appliances, products  
2 classified as Class III medical devices by the United States  
3 Food and Drug Administration that are used for cancer treatment  
4 pursuant to a prescription, as well as any accessories and  
5 components related to those devices, modifications to a motor  
6 vehicle for the purpose of rendering it usable by a person with  
7 a disability, and insulin, urine testing materials, syringes,  
8 and needles used by diabetics, for human use. For the purposes  
9 of this Section, until September 1, 2009: the term "soft  
10 drinks" means any complete, finished, ready-to-use,  
11 non-alcoholic drink, whether carbonated or not, including but  
12 not limited to soda water, cola, fruit juice, vegetable juice,  
13 carbonated water, and all other preparations commonly known as  
14 soft drinks of whatever kind or description that are contained  
15 in any closed or sealed bottle, can, carton, or container,  
16 regardless of size; but "soft drinks" does not include coffee,  
17 tea, non-carbonated water, infant formula, milk or milk  
18 products as defined in the Grade A Pasteurized Milk and Milk  
19 Products Act, or drinks containing 50% or more natural fruit or  
20 vegetable juice.

21 Notwithstanding any other provisions of this Act,  
22 beginning September 1, 2009, "soft drinks" means non-alcoholic  
23 beverages that contain natural or artificial sweeteners. "Soft  
24 drinks" do not include beverages that contain milk or milk  
25 products, soy, rice or similar milk substitutes, or greater  
26 than 50% of vegetable or fruit juice by volume.

1           Until August 1, 2009, and notwithstanding any other  
2 provisions of this Act, "food for human consumption that is to  
3 be consumed off the premises where it is sold" includes all  
4 food sold through a vending machine, except soft drinks and  
5 food products that are dispensed hot from a vending machine,  
6 regardless of the location of the vending machine. Beginning  
7 August 1, 2009, and notwithstanding any other provisions of  
8 this Act, "food for human consumption that is to be consumed  
9 off the premises where it is sold" includes all food sold  
10 through a vending machine, except soft drinks, candy, and food  
11 products that are dispensed hot from a vending machine,  
12 regardless of the location of the vending machine.

13           Notwithstanding any other provisions of this Act,  
14 beginning September 1, 2009, "food for human consumption that  
15 is to be consumed off the premises where it is sold" does not  
16 include candy. For purposes of this Section, "candy" means a  
17 preparation of sugar, honey, or other natural or artificial  
18 sweeteners in combination with chocolate, fruits, nuts or other  
19 ingredients or flavorings in the form of bars, drops, or  
20 pieces. "Candy" does not include any preparation that contains  
21 flour or requires refrigeration.

22           Notwithstanding any other provisions of this Act,  
23 beginning September 1, 2009, "nonprescription medicines and  
24 drugs" does not include grooming and hygiene products. For  
25 purposes of this Section, "grooming and hygiene products"  
26 includes, but is not limited to, soaps and cleaning solutions,

1 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
2 lotions and screens, unless those products are available by  
3 prescription only, regardless of whether the products meet the  
4 definition of "over-the-counter-drugs". For the purposes of  
5 this paragraph, "over-the-counter-drug" means a drug for human  
6 use that contains a label that identifies the product as a drug  
7 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
8 label includes:

9 (A) A "Drug Facts" panel; or

10 (B) A statement of the "active ingredient(s)" with a  
11 list of those ingredients contained in the compound,  
12 substance or preparation.

13 Beginning on January 1, 2014 (the effective date of Public  
14 Act 98-122), "prescription and nonprescription medicines and  
15 drugs" includes medical cannabis purchased from a registered  
16 dispensing organization under the Compassionate Use of Medical  
17 Cannabis Pilot Program Act.

18 Beginning on January 1, 2019, in addition to all other  
19 rates of tax imposed under this Act, a tax of 12% is imposed on  
20 the selling price of D.O.T. Class C common fireworks. "D.O.T.  
21 Class C common fireworks" has the meaning ascribed to it in the  
22 Pyrotechnic Use Act.

23 If the property that is acquired from a serviceman is  
24 acquired outside Illinois and used outside Illinois before  
25 being brought to Illinois for use here and is taxable under  
26 this Act, the "selling price" on which the tax is computed

1 shall be reduced by an amount that represents a reasonable  
2 allowance for depreciation for the period of prior out-of-state  
3 use.

4 (Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15;  
5 99-642, eff. 7-28-16; 99-858, eff. 8-19-16; 100-22, eff.  
6 7-6-17.)

7 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

8 (Text of Section before amendment by P.A. 100-363)

9 Sec. 9. Each serviceman required or authorized to collect  
10 the tax herein imposed shall pay to the Department the amount  
11 of such tax (except as otherwise provided) at the time when he  
12 is required to file his return for the period during which such  
13 tax was collected, less a discount of 2.1% prior to January 1,  
14 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar  
15 year, whichever is greater, which is allowed to reimburse the  
16 serviceman for expenses incurred in collecting the tax, keeping  
17 records, preparing and filing returns, remitting the tax and  
18 supplying data to the Department on request. The discount  
19 allowed under this Section is allowed only for returns that are  
20 filed in the manner required by this Act. The Department may  
21 disallow the discount for servicemen whose certificate of  
22 registration is revoked at the time the return is filed, but  
23 only if the Department's decision to revoke the certificate of  
24 registration has become final. A serviceman need not remit that  
25 part of any tax collected by him to the extent that he is

1 required to pay and does pay the tax imposed by the Service  
2 Occupation Tax Act with respect to his sale of service  
3 involving the incidental transfer by him of the same property.

4 Except as provided hereinafter in this Section, on or  
5 before the twentieth day of each calendar month, such  
6 serviceman shall file a return for the preceding calendar month  
7 in accordance with reasonable Rules and Regulations to be  
8 promulgated by the Department. Such return shall be filed on a  
9 form prescribed by the Department and shall contain such  
10 information as the Department may reasonably require. On and  
11 after January 1, 2018, with respect to servicemen whose annual  
12 gross receipts average \$20,000 or more, all returns required to  
13 be filed pursuant to this Act shall be filed electronically.  
14 Servicemen who demonstrate that they do not have access to the  
15 Internet or demonstrate hardship in filing electronically may  
16 petition the Department to waive the electronic filing  
17 requirement.

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

- 25 1. The name of the seller;
- 26 2. The address of the principal place of business from

- 1           which he engages in business as a serviceman in this State;
- 2           3. The total amount of taxable receipts received by him
- 3           during the preceding calendar month, including receipts
- 4           from charge and time sales, but less all deductions allowed
- 5           by law;
- 6           4. The amount of credit provided in Section 2d of this
- 7           Act;
- 8           5. The amount of tax due;
- 9           5-5. The signature of the taxpayer; and
- 10          6. Such other reasonable information as the Department
- 11          may require.

12          If a taxpayer fails to sign a return within 30 days after

13          the proper notice and demand for signature by the Department,

14          the return shall be considered valid and any amount shown to be

15          due on the return shall be deemed assessed.

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

17          monthly tax liability of \$150,000 or more shall make all

18          payments required by rules of the Department by electronic

19          funds transfer. Beginning October 1, 1994, a taxpayer who has

20          an average monthly tax liability of \$100,000 or more shall make

21          all payments required by rules of the Department by electronic

22          funds transfer. Beginning October 1, 1995, a taxpayer who has

23          an average monthly tax liability of \$50,000 or more shall make

24          all payments required by rules of the Department by electronic

25          funds transfer. Beginning October 1, 2000, a taxpayer who has

26          an annual tax liability of \$200,000 or more shall make all

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

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

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

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

1           The Department shall adopt such rules as are necessary to  
2           effectuate a program of electronic funds transfer and the  
3           requirements of this Section.

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

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

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

24          Notwithstanding any other provision in this Act concerning  
25          the time within which a serviceman may file his return, in the  
26          case of any serviceman who ceases to engage in a kind of



1 business which makes him responsible for filing returns under  
2 this Act, such serviceman shall file a final return under this  
3 Act with the Department not more than 1 month after  
4 discontinuing such business.

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

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

1           If experience indicates such action to be practicable, the  
2 Department may prescribe and furnish a combination or joint  
3 return which will enable servicemen, who are required to file  
4 returns hereunder and also under the Service Occupation Tax  
5 Act, to furnish all the return information required by both  
6 Acts on the one form.

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

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

25           Beginning January 1, 1990, each month the Department shall  
26 pay into the State and Local Sales Tax Reform Fund 20% of the

1 net revenue realized for the preceding month from the 6.25%  
2 general rate on transfers of tangible personal property, other  
3 than tangible personal property which is purchased outside  
4 Illinois at retail from a retailer and which is titled or  
5 registered by an agency of this State's government.

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

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

17 Beginning July 1, 2013, each month the Department shall pay  
18 into the Underground Storage Tank Fund from the proceeds  
19 collected under this Act, the Use Tax Act, the Service  
20 Occupation Tax Act, and the Retailers' Occupation Tax Act an  
21 amount equal to the average monthly deficit in the Underground  
22 Storage Tank Fund during the prior year, as certified annually  
23 by the Illinois Environmental Protection Agency, but the total  
24 payment into the Underground Storage Tank Fund under this Act,  
25 the Use Tax Act, the Service Occupation Tax Act, and the  
26 Retailers' Occupation Tax Act shall not exceed \$18,000,000 in

1 any State fiscal year. As used in this paragraph, the "average  
2 monthly deficit" shall be equal to the difference between the  
3 average monthly claims for payment by the fund and the average  
4 monthly revenues deposited into the fund, excluding payments  
5 made pursuant to this paragraph.

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

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

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

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

24 Subject to payment of amounts into the Build Illinois Fund  
25 as provided in the preceding paragraph or in any amendment  
26 thereto hereafter enacted, the following specified monthly

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

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

1	2008	126,000,000
2	2009	132,000,000
3	2010	139,000,000
4	2011	146,000,000
5	2012	153,000,000
6	2013	161,000,000
7	2014	170,000,000
8	2015	179,000,000
9	2016	189,000,000
10	2017	199,000,000
11	2018	210,000,000
12	2019	221,000,000
13	2020	233,000,000
14	2021	246,000,000
15	2022	260,000,000
16	2023	275,000,000
17	2024	275,000,000
18	2025	275,000,000
19	2026	279,000,000
20	2027	292,000,000
21	2028	307,000,000
22	2029	322,000,000
23	2030	338,000,000
24	2031	350,000,000
25	2032	350,000,000
26	and	



1           each fiscal year  
2           thereafter that bonds  
3           are outstanding under  
4           Section 13.2 of the  
5           Metropolitan Pier and  
6           Exposition Authority Act,  
7       but not after fiscal year 2060.

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

21           Subject to payment of amounts into the Build Illinois Fund  
22      and the McCormick Place Expansion Project Fund pursuant to the  
23      preceding paragraphs or in any amendments thereto hereafter  
24      enacted, beginning July 1, 1993 and ending on September 30,  
25      2013, the Department shall each month pay into the Illinois Tax  
26      Increment Fund 0.27% of 80% of the net revenue realized for the

1 preceding month from the 6.25% general rate on the selling  
2 price of tangible personal property.

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

16 Subject to payment of amounts into the Build Illinois Fund,  
17 the McCormick Place Expansion Project Fund, the Illinois Tax  
18 Increment Fund, and the Energy Infrastructure Fund pursuant to  
19 the preceding paragraphs or in any amendments to this Section  
20 hereafter enacted, beginning on the first day of the first  
21 calendar month to occur on or after August 26, 2014 (the  
22 effective date of Public Act 98-1098) ~~this amendatory Act of~~  
23 ~~the 98th General Assembly~~, each month, from the collections  
24 made under Section 9 of the Use Tax Act, Section 9 of the  
25 Service Use Tax Act, Section 9 of the Service Occupation Tax  
26 Act, and Section 3 of the Retailers' Occupation Tax Act, the

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

10 Beginning on January 1, 2019, each month the Department  
11 shall pay into the Fire Prevention Fund 50% of the net revenue  
12 realized for the preceding month from the 12% tax on the  
13 selling price of D.O.T. Class C common fireworks.

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

21 As soon as possible after the first day of each month, upon  
22 certification of the Department of Revenue, the Comptroller  
23 shall order transferred and the Treasurer shall transfer from  
24 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
25 equal to 1.7% of 80% of the net revenue realized under this Act  
26 for the second preceding month. Beginning April 1, 2000, this

1 transfer is no longer required and shall not be made.

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

6 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
7 100-303, eff. 8-24-17; revised 1-22-18.)

8 (Text of Section after amendment by P.A. 100-363)

9 Sec. 9. Each serviceman required or authorized to collect  
10 the tax herein imposed shall pay to the Department the amount  
11 of such tax (except as otherwise provided) at the time when he  
12 is required to file his return for the period during which such  
13 tax was collected, less a discount of 2.1% prior to January 1,  
14 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar  
15 year, whichever is greater, which is allowed to reimburse the  
16 serviceman for expenses incurred in collecting the tax, keeping  
17 records, preparing and filing returns, remitting the tax and  
18 supplying data to the Department on request. The discount  
19 allowed under this Section is allowed only for returns that are  
20 filed in the manner required by this Act. The Department may  
21 disallow the discount for servicemen whose certificate of  
22 registration is revoked at the time the return is filed, but  
23 only if the Department's decision to revoke the certificate of  
24 registration has become final. A serviceman need not remit that  
25 part of any tax collected by him to the extent that he is

1 required to pay and does pay the tax imposed by the Service  
2 Occupation Tax Act with respect to his sale of service  
3 involving the incidental transfer by him of the same property.

4 Except as provided hereinafter in this Section, on or  
5 before the twentieth day of each calendar month, such  
6 serviceman shall file a return for the preceding calendar month  
7 in accordance with reasonable Rules and Regulations to be  
8 promulgated by the Department. Such return shall be filed on a  
9 form prescribed by the Department and shall contain such  
10 information as the Department may reasonably require. On and  
11 after January 1, 2018, with respect to servicemen whose annual  
12 gross receipts average \$20,000 or more, all returns required to  
13 be filed pursuant to this Act shall be filed electronically.  
14 Servicemen who demonstrate that they do not have access to the  
15 Internet or demonstrate hardship in filing electronically may  
16 petition the Department to waive the electronic filing  
17 requirement.

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

- 25 1. The name of the seller;
- 26 2. The address of the principal place of business from

- 1           which he engages in business as a serviceman in this State;
- 2           3. The total amount of taxable receipts received by him
- 3           during the preceding calendar month, including receipts
- 4           from charge and time sales, but less all deductions allowed
- 5           by law;
- 6           4. The amount of credit provided in Section 2d of this
- 7           Act;
- 8           5. The amount of tax due;
- 9           5-5. The signature of the taxpayer; and
- 10          6. Such other reasonable information as the Department
- 11          may require.

12          If a taxpayer fails to sign a return within 30 days after

13          the proper notice and demand for signature by the Department,

14          the return shall be considered valid and any amount shown to be

15          due on the return shall be deemed assessed.

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

17          monthly tax liability of \$150,000 or more shall make all

18          payments required by rules of the Department by electronic

19          funds transfer. Beginning October 1, 1994, a taxpayer who has

20          an average monthly tax liability of \$100,000 or more shall make

21          all payments required by rules of the Department by electronic

22          funds transfer. Beginning October 1, 1995, a taxpayer who has

23          an average monthly tax liability of \$50,000 or more shall make

24          all payments required by rules of the Department by electronic

25          funds transfer. Beginning October 1, 2000, a taxpayer who has

26          an annual tax liability of \$200,000 or more shall make all

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

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

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

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

1           The Department shall adopt such rules as are necessary to  
2           effectuate a program of electronic funds transfer and the  
3           requirements of this Section.

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

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

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

24          Notwithstanding any other provision in this Act concerning  
25          the time within which a serviceman may file his return, in the  
26          case of any serviceman who ceases to engage in a kind of



1 business which makes him responsible for filing returns under  
2 this Act, such serviceman shall file a final return under this  
3 Act with the Department not more than 1 month after  
4 discontinuing such business.

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

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

1           If experience indicates such action to be practicable, the  
2 Department may prescribe and furnish a combination or joint  
3 return which will enable servicemen, who are required to file  
4 returns hereunder and also under the Service Occupation Tax  
5 Act, to furnish all the return information required by both  
6 Acts on the one form.

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

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

25           Beginning January 1, 1990, each month the Department shall  
26 pay into the State and Local Sales Tax Reform Fund 20% of the

1 net revenue realized for the preceding month from the 6.25%  
2 general rate on transfers of tangible personal property, other  
3 than tangible personal property which is purchased outside  
4 Illinois at retail from a retailer and which is titled or  
5 registered by an agency of this State's government.

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

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

17 Beginning July 1, 2013, each month the Department shall pay  
18 into the Underground Storage Tank Fund from the proceeds  
19 collected under this Act, the Use Tax Act, the Service  
20 Occupation Tax Act, and the Retailers' Occupation Tax Act an  
21 amount equal to the average monthly deficit in the Underground  
22 Storage Tank Fund during the prior year, as certified annually  
23 by the Illinois Environmental Protection Agency, but the total  
24 payment into the Underground Storage Tank Fund under this Act,  
25 the Use Tax Act, the Service Occupation Tax Act, and the  
26 Retailers' Occupation Tax Act shall not exceed \$18,000,000 in

1 any State fiscal year. As used in this paragraph, the "average  
2 monthly deficit" shall be equal to the difference between the  
3 average monthly claims for payment by the fund and the average  
4 monthly revenues deposited into the fund, excluding payments  
5 made pursuant to this paragraph.

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

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

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

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

24 Subject to payment of amounts into the Build Illinois Fund  
25 as provided in the preceding paragraph or in any amendment  
26 thereto hereafter enacted, the following specified monthly

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

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

1	2008	126,000,000
2	2009	132,000,000
3	2010	139,000,000
4	2011	146,000,000
5	2012	153,000,000
6	2013	161,000,000
7	2014	170,000,000
8	2015	179,000,000
9	2016	189,000,000
10	2017	199,000,000
11	2018	210,000,000
12	2019	221,000,000
13	2020	233,000,000
14	2021	246,000,000
15	2022	260,000,000
16	2023	275,000,000
17	2024	275,000,000
18	2025	275,000,000
19	2026	279,000,000
20	2027	292,000,000
21	2028	307,000,000
22	2029	322,000,000
23	2030	338,000,000
24	2031	350,000,000
25	2032	350,000,000
26	and	



1           each fiscal year  
2           thereafter that bonds  
3           are outstanding under  
4           Section 13.2 of the  
5           Metropolitan Pier and  
6           Exposition Authority Act,  
7       but not after fiscal year 2060.

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

21           Subject to payment of amounts into the Build Illinois Fund  
22      and the McCormick Place Expansion Project Fund pursuant to the  
23      preceding paragraphs or in any amendments thereto hereafter  
24      enacted, beginning July 1, 1993 and ending on September 30,  
25      2013, the Department shall each month pay into the Illinois Tax  
26      Increment Fund 0.27% of 80% of the net revenue realized for the

1 preceding month from the 6.25% general rate on the selling  
2 price of tangible personal property.

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

16 Subject to payment of amounts into the Build Illinois Fund,  
17 the McCormick Place Expansion Project Fund, the Illinois Tax  
18 Increment Fund, and the Energy Infrastructure Fund pursuant to  
19 the preceding paragraphs or in any amendments to this Section  
20 hereafter enacted, beginning on the first day of the first  
21 calendar month to occur on or after August 26, 2014 (the  
22 effective date of Public Act 98-1098) ~~this amendatory Act of~~  
23 ~~the 98th General Assembly~~, each month, from the collections  
24 made under Section 9 of the Use Tax Act, Section 9 of the  
25 Service Use Tax Act, Section 9 of the Service Occupation Tax  
26 Act, and Section 3 of the Retailers' Occupation Tax Act, the

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

10 Subject to payments of amounts into the Build Illinois  
11 Fund, the McCormick Place Expansion Project Fund, the Illinois  
12 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax  
13 Compliance and Administration Fund as provided in this Section,  
14 beginning on July 1, 2018 the Department shall pay each month  
15 into the Downstate Public Transportation Fund the moneys  
16 required to be so paid under Section 2-3 of the Downstate  
17 Public Transportation Act.

18 Beginning on January 1, 2019, each month the Department  
19 shall pay into the Fire Prevention Fund 50% of the net revenue  
20 realized for the preceding month from the 12% tax on the  
21 selling price of D.O.T. Class C common fireworks.

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

1 General Revenue Fund in accordance with Section 8a of the State  
2 Finance Act.

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

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

14 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
15 100-303, eff. 8-24-17; 100-363, eff. 7-1-18; revised 1-22-18.)

16 Section 15. The Service Occupation Tax Act is amended by  
17 changing Sections 3-10 and 9 as follows:

18 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

19 Sec. 3-10. Rate of tax. Unless otherwise provided in this  
20 Section, the tax imposed by this Act is at the rate of 6.25% of  
21 the "selling price", as defined in Section 2 of the Service Use  
22 Tax Act, of the tangible personal property. For the purpose of  
23 computing this tax, in no event shall the "selling price" be  
24 less than the cost price to the serviceman of the tangible

1 personal property transferred. The selling price of each item  
2 of tangible personal property transferred as an incident of a  
3 sale of service may be shown as a distinct and separate item on  
4 the serviceman's billing to the service customer. If the  
5 selling price is not so shown, the selling price of the  
6 tangible personal property is deemed to be 50% of the  
7 serviceman's entire billing to the service customer. When,  
8 however, a serviceman contracts to design, develop, and produce  
9 special order machinery or equipment, the tax imposed by this  
10 Act shall be based on the serviceman's cost price of the  
11 tangible personal property transferred incident to the  
12 completion of the contract.

13 Beginning on July 1, 2000 and through December 31, 2000,  
14 with respect to motor fuel, as defined in Section 1.1 of the  
15 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
16 the Use Tax Act, the tax is imposed at the rate of 1.25%.

17 With respect to gasohol, as defined in the Use Tax Act, the  
18 tax imposed by this Act shall apply to (i) 70% of the cost  
19 price of property transferred as an incident to the sale of  
20 service on or after January 1, 1990, and before July 1, 2003,  
21 (ii) 80% of the selling price of property transferred as an  
22 incident to the sale of service on or after July 1, 2003 and on  
23 or before July 1, 2017, and (iii) 100% of the cost price  
24 thereafter. If, at any time, however, the tax under this Act on  
25 sales of gasohol, as defined in the Use Tax Act, is imposed at  
26 the rate of 1.25%, then the tax imposed by this Act applies to

1 100% of the proceeds of sales of gasohol made during that time.

2 With respect to majority blended ethanol fuel, as defined  
3 in the Use Tax Act, the tax imposed by this Act does not apply  
4 to the selling price of property transferred as an incident to  
5 the sale of service on or after July 1, 2003 and on or before  
6 December 31, 2023 but applies to 100% of the selling price  
7 thereafter.

8 With respect to biodiesel blends, as defined in the Use Tax  
9 Act, with no less than 1% and no more than 10% biodiesel, the  
10 tax imposed by this Act applies to (i) 80% of the selling price  
11 of property transferred as an incident to the sale of service  
12 on or after July 1, 2003 and on or before December 31, 2018 and  
13 (ii) 100% of the proceeds of the selling price thereafter. If,  
14 at any time, however, the tax under this Act on sales of  
15 biodiesel blends, as defined in the Use Tax Act, with no less  
16 than 1% and no more than 10% biodiesel is imposed at the rate  
17 of 1.25%, then the tax imposed by this Act applies to 100% of  
18 the proceeds of sales of biodiesel blends with no less than 1%  
19 and no more than 10% biodiesel made during that time.

20 With respect to 100% biodiesel, as defined in the Use Tax  
21 Act, and biodiesel blends, as defined in the Use Tax Act, with  
22 more than 10% but no more than 99% biodiesel material, the tax  
23 imposed by this Act does not apply to the proceeds of the  
24 selling price of property transferred as an incident to the  
25 sale of service on or after July 1, 2003 and on or before  
26 December 31, 2023 but applies to 100% of the selling price

1 thereafter.

2 At the election of any registered serviceman made for each  
3 fiscal year, sales of service in which the aggregate annual  
4 cost price of tangible personal property transferred as an  
5 incident to the sales of service is less than 35%, or 75% in  
6 the case of servicemen transferring prescription drugs or  
7 servicemen engaged in graphic arts production, of the aggregate  
8 annual total gross receipts from all sales of service, the tax  
9 imposed by this Act shall be based on the serviceman's cost  
10 price of the tangible personal property transferred incident to  
11 the sale of those services.

12 The tax shall be imposed at the rate of 1% on food prepared  
13 for immediate consumption and transferred incident to a sale of  
14 service subject to this Act or the Service Occupation Tax Act  
15 by an entity licensed under the Hospital Licensing Act, the  
16 Nursing Home Care Act, the ID/DD Community Care Act, the MC/DD  
17 Act, the Specialized Mental Health Rehabilitation Act of 2013,  
18 or the Child Care Act of 1969. The tax shall also be imposed at  
19 the rate of 1% on food for human consumption that is to be  
20 consumed off the premises where it is sold (other than  
21 alcoholic beverages, soft drinks, and food that has been  
22 prepared for immediate consumption and is not otherwise  
23 included in this paragraph) and prescription and  
24 nonprescription medicines, drugs, medical appliances, products  
25 classified as Class III medical devices by the United States  
26 Food and Drug Administration that are used for cancer treatment

1 pursuant to a prescription, as well as any accessories and  
2 components related to those devices, modifications to a motor  
3 vehicle for the purpose of rendering it usable by a person with  
4 a disability, and insulin, urine testing materials, syringes,  
5 and needles used by diabetics, for human use. For the purposes  
6 of this Section, until September 1, 2009: the term "soft  
7 drinks" means any complete, finished, ready-to-use,  
8 non-alcoholic drink, whether carbonated or not, including but  
9 not limited to soda water, cola, fruit juice, vegetable juice,  
10 carbonated water, and all other preparations commonly known as  
11 soft drinks of whatever kind or description that are contained  
12 in any closed or sealed can, carton, or container, regardless  
13 of size; but "soft drinks" does not include coffee, tea,  
14 non-carbonated water, infant formula, milk or milk products as  
15 defined in the Grade A Pasteurized Milk and Milk Products Act,  
16 or drinks containing 50% or more natural fruit or vegetable  
17 juice.

18 Notwithstanding any other provisions of this Act,  
19 beginning September 1, 2009, "soft drinks" means non-alcoholic  
20 beverages that contain natural or artificial sweeteners. "Soft  
21 drinks" do not include beverages that contain milk or milk  
22 products, soy, rice or similar milk substitutes, or greater  
23 than 50% of vegetable or fruit juice by volume.

24 Until August 1, 2009, and notwithstanding any other  
25 provisions of this Act, "food for human consumption that is to  
26 be consumed off the premises where it is sold" includes all



1 food sold through a vending machine, except soft drinks and  
2 food products that are dispensed hot from a vending machine,  
3 regardless of the location of the vending machine. Beginning  
4 August 1, 2009, and notwithstanding any other provisions of  
5 this Act, "food for human consumption that is to be consumed  
6 off the premises where it is sold" includes all food sold  
7 through a vending machine, except soft drinks, candy, and food  
8 products that are dispensed hot from a vending machine,  
9 regardless of the location of the vending machine.

10 Notwithstanding any other provisions of this Act,  
11 beginning September 1, 2009, "food for human consumption that  
12 is to be consumed off the premises where it is sold" does not  
13 include candy. For purposes of this Section, "candy" means a  
14 preparation of sugar, honey, or other natural or artificial  
15 sweeteners in combination with chocolate, fruits, nuts or other  
16 ingredients or flavorings in the form of bars, drops, or  
17 pieces. "Candy" does not include any preparation that contains  
18 flour or requires refrigeration.

19 Notwithstanding any other provisions of this Act,  
20 beginning September 1, 2009, "nonprescription medicines and  
21 drugs" does not include grooming and hygiene products. For  
22 purposes of this Section, "grooming and hygiene products"  
23 includes, but is not limited to, soaps and cleaning solutions,  
24 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
25 lotions and screens, unless those products are available by  
26 prescription only, regardless of whether the products meet the

1 definition of "over-the-counter-drugs". For the purposes of  
2 this paragraph, "over-the-counter-drug" means a drug for human  
3 use that contains a label that identifies the product as a drug  
4 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
5 label includes:

6 (A) A "Drug Facts" panel; or

7 (B) A statement of the "active ingredient(s)" with a  
8 list of those ingredients contained in the compound,  
9 substance or preparation.

10 Beginning on January 1, 2014 (the effective date of Public  
11 Act 98-122), "prescription and nonprescription medicines and  
12 drugs" includes medical cannabis purchased from a registered  
13 dispensing organization under the Compassionate Use of Medical  
14 Cannabis Pilot Program Act.

15 Beginning on January 1, 2019, in addition to all other  
16 rates of tax imposed under this Act, a tax of 12% is imposed on  
17 the selling price of D.O.T. Class C common fireworks. "D.O.T.  
18 Class C common fireworks" has the meaning ascribed to it in the  
19 Pyrotechnic Use Act.

20 (Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15;  
21 99-642, eff. 7-28-16; 99-858, eff. 8-19-16; 100-22, eff.  
22 7-6-17.)

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

24 (Text of Section before amendment by P.A. 100-363)

25 Sec. 9. Each serviceman required or authorized to collect

1 the tax herein imposed shall pay to the Department the amount  
2 of such tax at the time when he is required to file his return  
3 for the period during which such tax was collectible, less a  
4 discount of 2.1% prior to January 1, 1990, and 1.75% on and  
5 after January 1, 1990, or \$5 per calendar year, whichever is  
6 greater, which is allowed to reimburse the serviceman for  
7 expenses incurred in collecting the tax, keeping records,  
8 preparing and filing returns, remitting the tax and supplying  
9 data to the Department on request. The discount allowed under  
10 this Section is allowed only for returns that are filed in the  
11 manner required by this Act. The Department may disallow the  
12 discount for servicemen whose certificate of registration is  
13 revoked at the time the return is filed, but only if the  
14 Department's decision to revoke the certificate of  
15 registration has become final.

16 Where such tangible personal property is sold under a  
17 conditional sales contract, or under any other form of sale  
18 wherein the payment of the principal sum, or a part thereof, is  
19 extended beyond the close of the period for which the return is  
20 filed, the serviceman, in collecting the tax may collect, for  
21 each tax return period, only the tax applicable to the part of  
22 the selling price actually received during such tax return  
23 period.

24 Except as provided hereinafter in this Section, on or  
25 before the twentieth day of each calendar month, such  
26 serviceman shall file a return for the preceding calendar month

1 in accordance with reasonable rules and regulations to be  
2 promulgated by the Department of Revenue. Such return shall be  
3 filed on a form prescribed by the Department and shall contain  
4 such information as the Department may reasonably require. On  
5 and after January 1, 2018, with respect to servicemen whose  
6 annual gross receipts average \$20,000 or more, all returns  
7 required to be filed pursuant to this Act shall be filed  
8 electronically. Servicemen who demonstrate that they do not  
9 have access to the Internet or demonstrate hardship in filing  
10 electronically may petition the Department to waive the  
11 electronic filing requirement.

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

19 1. The name of the seller;

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

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

26 4. The amount of credit provided in Section 2d of this

1 Act;

2 5. The amount of tax due;

3 5-5. The signature of the taxpayer; and

4 6. Such other reasonable information as the Department  
5 may require.

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

10 Prior to October 1, 2003, and on and after September 1,  
11 2004 a serviceman may accept a Manufacturer's Purchase Credit  
12 certification from a purchaser in satisfaction of Service Use  
13 Tax as provided in Section 3-70 of the Service Use Tax Act if  
14 the purchaser provides the appropriate documentation as  
15 required by Section 3-70 of the Service Use Tax Act. A  
16 Manufacturer's Purchase Credit certification, accepted prior  
17 to October 1, 2003 or on or after September 1, 2004 by a  
18 serviceman as provided in Section 3-70 of the Service Use Tax  
19 Act, may be used by that serviceman to satisfy Service  
20 Occupation Tax liability in the amount claimed in the  
21 certification, not to exceed 6.25% of the receipts subject to  
22 tax from a qualifying purchase. A Manufacturer's Purchase  
23 Credit reported on any original or amended return filed under  
24 this Act after October 20, 2003 for reporting periods prior to  
25 September 1, 2004 shall be disallowed. Manufacturer's Purchase  
26 Credit reported on annual returns due on or after January 1,

1 2005 will be disallowed for periods prior to September 1, 2004.  
2 No Manufacturer's Purchase Credit may be used after September  
3 30, 2003 through August 31, 2004 to satisfy any tax liability  
4 imposed under this Act, including any audit liability.

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

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

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

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

1 Act with the Department not more than 1 month after  
2 discontinuing such business.

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

1 funds transfer.

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

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

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

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

17 Where a serviceman collects the tax with respect to the  
18 selling price of tangible personal property which he sells and  
19 the purchaser thereafter returns such tangible personal  
20 property and the serviceman refunds the selling price thereof  
21 to the purchaser, such serviceman shall also refund, to the  
22 purchaser, the tax so collected from the purchaser. When filing  
23 his return for the period in which he refunds such tax to the  
24 purchaser, the serviceman may deduct the amount of the tax so  
25 refunded by him to the purchaser from any other Service  
26 Occupation Tax, Service Use Tax, Retailers' Occupation Tax or



1 Use Tax which such serviceman may be required to pay or remit  
2 to the Department, as shown by such return, provided that the  
3 amount of the tax to be deducted shall previously have been  
4 remitted to the Department by such serviceman. If the  
5 serviceman shall not previously have remitted the amount of  
6 such tax to the Department, he shall be entitled to no  
7 deduction hereunder upon refunding such tax to the purchaser.

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

15 Where the serviceman has more than one business registered  
16 with the Department under separate registrations hereunder,  
17 such serviceman shall file separate returns for each registered  
18 business.

19 Beginning January 1, 1990, each month the Department shall  
20 pay into the Local Government Tax Fund the revenue realized for  
21 the preceding month from the 1% tax on sales of food for human  
22 consumption which is to be consumed off the premises where it  
23 is sold (other than alcoholic beverages, soft drinks and food  
24 which has been prepared for immediate consumption) and  
25 prescription and nonprescription medicines, drugs, medical  
26 appliances, products classified as Class III medical devices by

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

6 Beginning January 1, 1990, each month the Department shall  
7 pay into the County and Mass Transit District Fund 4% of the  
8 revenue realized for the preceding month from the 6.25% general  
9 rate.

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

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

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

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

1 been taxed at a rate of 1% prior to September 1, 2009 but that  
2 are now taxed at 6.25%.

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

18 Beginning July 1, 2015, of the remainder of the moneys  
19 received by the Department under the Use Tax Act, the Service  
20 Use Tax Act, this Act, and the Retailers' Occupation Tax Act,  
21 each month the Department shall deposit \$500,000 into the State  
22 Crime Laboratory Fund.

23 Of the remainder of the moneys received by the Department  
24 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
25 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
26 and after July 1, 1989, 3.8% thereof shall be paid into the

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

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

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

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

	Fiscal Year	Total Deposit
22		
23	1993	\$0
24	1994	53,000,000
25	1995	58,000,000

1	1996	61,000,000
2	1997	64,000,000
3	1998	68,000,000
4	1999	71,000,000
5	2000	75,000,000
6	2001	80,000,000
7	2002	93,000,000
8	2003	99,000,000
9	2004	103,000,000
10	2005	108,000,000
11	2006	113,000,000
12	2007	119,000,000
13	2008	126,000,000
14	2009	132,000,000
15	2010	139,000,000
16	2011	146,000,000
17	2012	153,000,000
18	2013	161,000,000
19	2014	170,000,000
20	2015	179,000,000
21	2016	189,000,000
22	2017	199,000,000
23	2018	210,000,000
24	2019	221,000,000
25	2020	233,000,000
26	2021	246,000,000

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

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

20                   Beginning July 20, 1993 and in each month of each fiscal  
21                   year thereafter, one-eighth of the amount requested in the  
22                   certificate of the Chairman of the Metropolitan Pier and  
23                   Exposition Authority for that fiscal year, less the amount  
24                   deposited into the McCormick Place Expansion Project Fund by  
25                   the State Treasurer in the respective month under subsection  
26                   (g) of Section 13 of the Metropolitan Pier and Exposition



1 Authority Act, plus cumulative deficiencies in the deposits  
2 required under this Section for previous months and years,  
3 shall be deposited into the McCormick Place Expansion Project  
4 Fund, until the full amount requested for the fiscal year, but  
5 not in excess of the amount specified above as "Total Deposit",  
6 has been deposited.

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

15 Subject to payment of amounts into the Build Illinois Fund  
16 and the McCormick Place Expansion Project Fund pursuant to the  
17 preceding paragraphs or in any amendments thereto hereafter  
18 enacted, beginning with the receipt of the first report of  
19 taxes paid by an eligible business and continuing for a 25-year  
20 period, the Department shall each month pay into the Energy  
21 Infrastructure Fund 80% of the net revenue realized from the  
22 6.25% general rate on the selling price of Illinois-mined coal  
23 that was sold to an eligible business. For purposes of this  
24 paragraph, the term "eligible business" means a new electric  
25 generating facility certified pursuant to Section 605-332 of  
26 the Department of Commerce and Economic Opportunity Law of the

1 Civil Administrative Code of Illinois.

2 Subject to payment of amounts into the Build Illinois Fund,  
3 the McCormick Place Expansion Project Fund, the Illinois Tax  
4 Increment Fund, and the Energy Infrastructure Fund pursuant to  
5 the preceding paragraphs or in any amendments to this Section  
6 hereafter enacted, beginning on the first day of the first  
7 calendar month to occur on or after August 26, 2014 (the  
8 effective date of Public Act 98-1098) ~~this amendatory Act of~~  
9 ~~the 98th General Assembly~~, each month, from the collections  
10 made under Section 9 of the Use Tax Act, Section 9 of the  
11 Service Use Tax Act, Section 9 of the Service Occupation Tax  
12 Act, and Section 3 of the Retailers' Occupation Tax Act, the  
13 Department shall pay into the Tax Compliance and Administration  
14 Fund, to be used, subject to appropriation, to fund additional  
15 auditors and compliance personnel at the Department of Revenue,  
16 an amount equal to 1/12 of 5% of 80% of the cash receipts  
17 collected during the preceding fiscal year by the Audit Bureau  
18 of the Department under the Use Tax Act, the Service Use Tax  
19 Act, the Service Occupation Tax Act, the Retailers' Occupation  
20 Tax Act, and associated local occupation and use taxes  
21 administered by the Department.

22 Beginning on January 1, 2019, each month the Department  
23 shall pay into the Fire Prevention Fund 50% of the net revenue  
24 realized for the preceding month from the 12% tax on the  
25 selling price of D.O.T. Class C common fireworks.

26 Of the remainder of the moneys received by the Department

1 pursuant to this Act, 75% shall be paid into the General  
2 Revenue Fund of the State Treasury and 25% shall be reserved in  
3 a special account and used only for the transfer to the Common  
4 School Fund as part of the monthly transfer from the General  
5 Revenue Fund in accordance with Section 8a of the State Finance  
6 Act.

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

1 helpful in determining the accuracy of the monthly, quarterly  
2 or annual returns filed by such taxpayer as hereinbefore  
3 provided for in this Section.

4 If the annual information return required by this Section  
5 is not filed when and as required, the taxpayer shall be liable  
6 as follows:

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

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

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

25 The foregoing portion of this Section concerning the filing  
26 of an annual information return shall not apply to a serviceman

1 who is not required to file an income tax return with the  
2 United States Government.

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

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

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

22 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
23 100-303, eff. 8-24-17; revised 10-31-17)

24 (Text of Section after amendment by P.A. 100-363)

25 Sec. 9. Each serviceman required or authorized to collect

1 the tax herein imposed shall pay to the Department the amount  
2 of such tax at the time when he is required to file his return  
3 for the period during which such tax was collectible, less a  
4 discount of 2.1% prior to January 1, 1990, and 1.75% on and  
5 after January 1, 1990, or \$5 per calendar year, whichever is  
6 greater, which is allowed to reimburse the serviceman for  
7 expenses incurred in collecting the tax, keeping records,  
8 preparing and filing returns, remitting the tax and supplying  
9 data to the Department on request. The discount allowed under  
10 this Section is allowed only for returns that are filed in the  
11 manner required by this Act. The Department may disallow the  
12 discount for servicemen whose certificate of registration is  
13 revoked at the time the return is filed, but only if the  
14 Department's decision to revoke the certificate of  
15 registration has become final.

16 Where such tangible personal property is sold under a  
17 conditional sales contract, or under any other form of sale  
18 wherein the payment of the principal sum, or a part thereof, is  
19 extended beyond the close of the period for which the return is  
20 filed, the serviceman, in collecting the tax may collect, for  
21 each tax return period, only the tax applicable to the part of  
22 the selling price actually received during such tax return  
23 period.

24 Except as provided hereinafter in this Section, on or  
25 before the twentieth day of each calendar month, such  
26 serviceman shall file a return for the preceding calendar month

1 in accordance with reasonable rules and regulations to be  
2 promulgated by the Department of Revenue. Such return shall be  
3 filed on a form prescribed by the Department and shall contain  
4 such information as the Department may reasonably require. On  
5 and after January 1, 2018, with respect to servicemen whose  
6 annual gross receipts average \$20,000 or more, all returns  
7 required to be filed pursuant to this Act shall be filed  
8 electronically. Servicemen who demonstrate that they do not  
9 have access to the Internet or demonstrate hardship in filing  
10 electronically may petition the Department to waive the  
11 electronic filing requirement.

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

19 1. The name of the seller;

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

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

26 4. The amount of credit provided in Section 2d of this

1 Act;

2 5. The amount of tax due;

3 5-5. The signature of the taxpayer; and

4 6. Such other reasonable information as the Department  
5 may require.

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

10 Prior to October 1, 2003, and on and after September 1,  
11 2004 a serviceman may accept a Manufacturer's Purchase Credit  
12 certification from a purchaser in satisfaction of Service Use  
13 Tax as provided in Section 3-70 of the Service Use Tax Act if  
14 the purchaser provides the appropriate documentation as  
15 required by Section 3-70 of the Service Use Tax Act. A  
16 Manufacturer's Purchase Credit certification, accepted prior  
17 to October 1, 2003 or on or after September 1, 2004 by a  
18 serviceman as provided in Section 3-70 of the Service Use Tax  
19 Act, may be used by that serviceman to satisfy Service  
20 Occupation Tax liability in the amount claimed in the  
21 certification, not to exceed 6.25% of the receipts subject to  
22 tax from a qualifying purchase. A Manufacturer's Purchase  
23 Credit reported on any original or amended return filed under  
24 this Act after October 20, 2003 for reporting periods prior to  
25 September 1, 2004 shall be disallowed. Manufacturer's Purchase  
26 Credit reported on annual returns due on or after January 1,



1 2005 will be disallowed for periods prior to September 1, 2004.  
2 No Manufacturer's Purchase Credit may be used after September  
3 30, 2003 through August 31, 2004 to satisfy any tax liability  
4 imposed under this Act, including any audit liability.

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

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

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

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

1 Act with the Department not more than 1 month after  
2 discontinuing such business.

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

1 funds transfer.

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

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

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

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

17 Where a serviceman collects the tax with respect to the  
18 selling price of tangible personal property which he sells and  
19 the purchaser thereafter returns such tangible personal  
20 property and the serviceman refunds the selling price thereof  
21 to the purchaser, such serviceman shall also refund, to the  
22 purchaser, the tax so collected from the purchaser. When filing  
23 his return for the period in which he refunds such tax to the  
24 purchaser, the serviceman may deduct the amount of the tax so  
25 refunded by him to the purchaser from any other Service  
26 Occupation Tax, Service Use Tax, Retailers' Occupation Tax or

1 Use Tax which such serviceman may be required to pay or remit  
2 to the Department, as shown by such return, provided that the  
3 amount of the tax to be deducted shall previously have been  
4 remitted to the Department by such serviceman. If the  
5 serviceman shall not previously have remitted the amount of  
6 such tax to the Department, he shall be entitled to no  
7 deduction hereunder upon refunding such tax to the purchaser.

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

15 Where the serviceman has more than one business registered  
16 with the Department under separate registrations hereunder,  
17 such serviceman shall file separate returns for each registered  
18 business.

19 Beginning January 1, 1990, each month the Department shall  
20 pay into the Local Government Tax Fund the revenue realized for  
21 the preceding month from the 1% tax on sales of food for human  
22 consumption which is to be consumed off the premises where it  
23 is sold (other than alcoholic beverages, soft drinks and food  
24 which has been prepared for immediate consumption) and  
25 prescription and nonprescription medicines, drugs, medical  
26 appliances, products classified as Class III medical devices by

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

6 Beginning January 1, 1990, each month the Department shall  
7 pay into the County and Mass Transit District Fund 4% of the  
8 revenue realized for the preceding month from the 6.25% general  
9 rate.

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

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

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

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

1 been taxed at a rate of 1% prior to September 1, 2009 but that  
2 are now taxed at 6.25%.

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

18 Beginning July 1, 2015, of the remainder of the moneys  
19 received by the Department under the Use Tax Act, the Service  
20 Use Tax Act, this Act, and the Retailers' Occupation Tax Act,  
21 each month the Department shall deposit \$500,000 into the State  
22 Crime Laboratory Fund.

23 Of the remainder of the moneys received by the Department  
24 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
25 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
26 and after July 1, 1989, 3.8% thereof shall be paid into the

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

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



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

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

	Fiscal Year	Total Deposit
22		
23	1993	\$0
24	1994	53,000,000
25	1995	58,000,000

1	1996	61,000,000
2	1997	64,000,000
3	1998	68,000,000
4	1999	71,000,000
5	2000	75,000,000
6	2001	80,000,000
7	2002	93,000,000
8	2003	99,000,000
9	2004	103,000,000
10	2005	108,000,000
11	2006	113,000,000
12	2007	119,000,000
13	2008	126,000,000
14	2009	132,000,000
15	2010	139,000,000
16	2011	146,000,000
17	2012	153,000,000
18	2013	161,000,000
19	2014	170,000,000
20	2015	179,000,000
21	2016	189,000,000
22	2017	199,000,000
23	2018	210,000,000
24	2019	221,000,000
25	2020	233,000,000
26	2021	246,000,000

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

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

20                   Beginning July 20, 1993 and in each month of each fiscal  
21                   year thereafter, one-eighth of the amount requested in the  
22                   certificate of the Chairman of the Metropolitan Pier and  
23                   Exposition Authority for that fiscal year, less the amount  
24                   deposited into the McCormick Place Expansion Project Fund by  
25                   the State Treasurer in the respective month under subsection  
26                   (g) of Section 13 of the Metropolitan Pier and Exposition

1 Authority Act, plus cumulative deficiencies in the deposits  
2 required under this Section for previous months and years,  
3 shall be deposited into the McCormick Place Expansion Project  
4 Fund, until the full amount requested for the fiscal year, but  
5 not in excess of the amount specified above as "Total Deposit",  
6 has been deposited.

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

15 Subject to payment of amounts into the Build Illinois Fund  
16 and the McCormick Place Expansion Project Fund pursuant to the  
17 preceding paragraphs or in any amendments thereto hereafter  
18 enacted, beginning with the receipt of the first report of  
19 taxes paid by an eligible business and continuing for a 25-year  
20 period, the Department shall each month pay into the Energy  
21 Infrastructure Fund 80% of the net revenue realized from the  
22 6.25% general rate on the selling price of Illinois-mined coal  
23 that was sold to an eligible business. For purposes of this  
24 paragraph, the term "eligible business" means a new electric  
25 generating facility certified pursuant to Section 605-332 of  
26 the Department of Commerce and Economic Opportunity Law of the

1 Civil Administrative Code of Illinois.

2 Subject to payment of amounts into the Build Illinois Fund,  
3 the McCormick Place Expansion Project Fund, the Illinois Tax  
4 Increment Fund, and the Energy Infrastructure Fund pursuant to  
5 the preceding paragraphs or in any amendments to this Section  
6 hereafter enacted, beginning on the first day of the first  
7 calendar month to occur on or after August 26, 2014 (the  
8 effective date of Public Act 98-1098) ~~this amendatory Act of~~  
9 ~~the 98th General Assembly~~, each month, from the collections  
10 made under Section 9 of the Use Tax Act, Section 9 of the  
11 Service Use Tax Act, Section 9 of the Service Occupation Tax  
12 Act, and Section 3 of the Retailers' Occupation Tax Act, the  
13 Department shall pay into the Tax Compliance and Administration  
14 Fund, to be used, subject to appropriation, to fund additional  
15 auditors and compliance personnel at the Department of Revenue,  
16 an amount equal to 1/12 of 5% of 80% of the cash receipts  
17 collected during the preceding fiscal year by the Audit Bureau  
18 of the Department under the Use Tax Act, the Service Use Tax  
19 Act, the Service Occupation Tax Act, the Retailers' Occupation  
20 Tax Act, and associated local occupation and use taxes  
21 administered by the Department.

22 Subject to payments of amounts into the Build Illinois  
23 Fund, the McCormick Place Expansion Project Fund, the Illinois  
24 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax  
25 Compliance and Administration Fund as provided in this Section,  
26 beginning on July 1, 2018 the Department shall pay each month

1 into the Downstate Public Transportation Fund the moneys  
2 required to be so paid under Section 2-3 of the Downstate  
3 Public Transportation Act.

4 Beginning on January 1, 2019, each month the Department  
5 shall pay into the Fire Prevention Fund 50% of the net revenue  
6 realized for the preceding month from the 12% tax on the  
7 selling price of D.O.T. Class C common fireworks.

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

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

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

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

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

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

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

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

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

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

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

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



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

4 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
5 100-303, eff. 8-24-17; 100-363, eff. 7-1-18; revised  
6 10-31-17.)

7 Section 20. The Retailers' Occupation Tax Act is amended by  
8 changing Sections 2-10 and 3 as follows:

9 (35 ILCS 120/2-10)

10 Sec. 2-10. Rate of tax. Unless otherwise provided in this  
11 Section, the tax imposed by this Act is at the rate of 6.25% of  
12 gross receipts from sales of tangible personal property made in  
13 the course of business.

14 Beginning on July 1, 2000 and through December 31, 2000,  
15 with respect to motor fuel, as defined in Section 1.1 of the  
16 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
17 the Use Tax Act, the tax is imposed at the rate of 1.25%.

18 Beginning on August 6, 2010 through August 15, 2010, with  
19 respect to sales tax holiday items as defined in Section 2-8 of  
20 this Act, the tax is imposed at the rate of 1.25%.

21 Within 14 days after the effective date of this amendatory  
22 Act of the 91st General Assembly, each retailer of motor fuel  
23 and gasohol shall cause the following notice to be posted in a  
24 prominently visible place on each retail dispensing device that

1 is used to dispense motor fuel or gasohol in the State of  
2 Illinois: "As of July 1, 2000, the State of Illinois has  
3 eliminated the State's share of sales tax on motor fuel and  
4 gasohol through December 31, 2000. The price on this pump  
5 should reflect the elimination of the tax." The notice shall be  
6 printed in bold print on a sign that is no smaller than 4  
7 inches by 8 inches. The sign shall be clearly visible to  
8 customers. Any retailer who fails to post or maintain a  
9 required sign through December 31, 2000 is guilty of a petty  
10 offense for which the fine shall be \$500 per day per each  
11 retail premises where a violation occurs.

12 With respect to gasohol, as defined in the Use Tax Act, the  
13 tax imposed by this Act applies to (i) 70% of the proceeds of  
14 sales made on or after January 1, 1990, and before July 1,  
15 2003, (ii) 80% of the proceeds of sales made on or after July  
16 1, 2003 and on or before July 1, 2017, and (iii) 100% of the  
17 proceeds of sales made thereafter. If, at any time, however,  
18 the tax under this Act on sales of gasohol, as defined in the  
19 Use Tax Act, is imposed at the rate of 1.25%, then the tax  
20 imposed by this Act applies to 100% of the proceeds of sales of  
21 gasohol made during that time.

22 With respect to majority blended ethanol fuel, as defined  
23 in the Use Tax Act, the tax imposed by this Act does not apply  
24 to the proceeds of sales made on or after July 1, 2003 and on or  
25 before December 31, 2023 but applies to 100% of the proceeds of  
26 sales made thereafter.

1           With respect to biodiesel blends, as defined in the Use Tax  
2 Act, with no less than 1% and no more than 10% biodiesel, the  
3 tax imposed by this Act applies to (i) 80% of the proceeds of  
4 sales made on or after July 1, 2003 and on or before December  
5 31, 2018 and (ii) 100% of the proceeds of sales made  
6 thereafter. If, at any time, however, the tax under this Act on  
7 sales of biodiesel blends, as defined in the Use Tax Act, with  
8 no less than 1% and no more than 10% biodiesel is imposed at  
9 the rate of 1.25%, then the tax imposed by this Act applies to  
10 100% of the proceeds of sales of biodiesel blends with no less  
11 than 1% and no more than 10% biodiesel made during that time.

12           With respect to 100% biodiesel, as defined in the Use Tax  
13 Act, and biodiesel blends, as defined in the Use Tax Act, with  
14 more than 10% but no more than 99% biodiesel, the tax imposed  
15 by this Act does not apply to the proceeds of sales made on or  
16 after July 1, 2003 and on or before December 31, 2023 but  
17 applies to 100% of the proceeds of sales made thereafter.

18           With respect to food for human consumption that is to be  
19 consumed off the premises where it is sold (other than  
20 alcoholic beverages, soft drinks, and food that has been  
21 prepared for immediate consumption) and prescription and  
22 nonprescription medicines, drugs, medical appliances, products  
23 classified as Class III medical devices by the United States  
24 Food and Drug Administration that are used for cancer treatment  
25 pursuant to a prescription, as well as any accessories and  
26 components related to those devices, modifications to a motor

1 vehicle for the purpose of rendering it usable by a person with  
2 a disability, and insulin, urine testing materials, syringes,  
3 and needles used by diabetics, for human use, the tax is  
4 imposed at the rate of 1%. For the purposes of this Section,  
5 until September 1, 2009: the term "soft drinks" means any  
6 complete, finished, ready-to-use, non-alcoholic drink, whether  
7 carbonated or not, including but not limited to soda water,  
8 cola, fruit juice, vegetable juice, carbonated water, and all  
9 other preparations commonly known as soft drinks of whatever  
10 kind or description that are contained in any closed or sealed  
11 bottle, can, carton, or container, regardless of size; but  
12 "soft drinks" does not include coffee, tea, non-carbonated  
13 water, infant formula, milk or milk products as defined in the  
14 Grade A Pasteurized Milk and Milk Products Act, or drinks  
15 containing 50% or more natural fruit or vegetable juice.

16 Notwithstanding any other provisions of this Act,  
17 beginning September 1, 2009, "soft drinks" means non-alcoholic  
18 beverages that contain natural or artificial sweeteners. "Soft  
19 drinks" do not include beverages that contain milk or milk  
20 products, soy, rice or similar milk substitutes, or greater  
21 than 50% of vegetable or fruit juice by volume.

22 Until August 1, 2009, and notwithstanding any other  
23 provisions of this Act, "food for human consumption that is to  
24 be consumed off the premises where it is sold" includes all  
25 food sold through a vending machine, except soft drinks and  
26 food products that are dispensed hot from a vending machine,

1 regardless of the location of the vending machine. Beginning  
2 August 1, 2009, and notwithstanding any other provisions of  
3 this Act, "food for human consumption that is to be consumed  
4 off the premises where it is sold" includes all food sold  
5 through a vending machine, except soft drinks, candy, and food  
6 products that are dispensed hot from a vending machine,  
7 regardless of the location of the vending machine.

8 Notwithstanding any other provisions of this Act,  
9 beginning September 1, 2009, "food for human consumption that  
10 is to be consumed off the premises where it is sold" does not  
11 include candy. For purposes of this Section, "candy" means a  
12 preparation of sugar, honey, or other natural or artificial  
13 sweeteners in combination with chocolate, fruits, nuts or other  
14 ingredients or flavorings in the form of bars, drops, or  
15 pieces. "Candy" does not include any preparation that contains  
16 flour or requires refrigeration.

17 Notwithstanding any other provisions of this Act,  
18 beginning September 1, 2009, "nonprescription medicines and  
19 drugs" does not include grooming and hygiene products. For  
20 purposes of this Section, "grooming and hygiene products"  
21 includes, but is not limited to, soaps and cleaning solutions,  
22 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
23 lotions and screens, unless those products are available by  
24 prescription only, regardless of whether the products meet the  
25 definition of "over-the-counter-drugs". For the purposes of  
26 this paragraph, "over-the-counter-drug" means a drug for human

1 use that contains a label that identifies the product as a drug  
2 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
3 label includes:

4 (A) A "Drug Facts" panel; or

5 (B) A statement of the "active ingredient(s)" with a  
6 list of those ingredients contained in the compound,  
7 substance or preparation.

8 Beginning on the effective date of this amendatory Act of  
9 the 98th General Assembly, "prescription and nonprescription  
10 medicines and drugs" includes medical cannabis purchased from a  
11 registered dispensing organization under the Compassionate Use  
12 of Medical Cannabis Pilot Program Act.

13 Beginning on January 1, 2019, in addition to all other  
14 rates of tax imposed under this Act, a tax of 12% is imposed on  
15 the selling price of D.O.T. Class C common fireworks. "D.O.T.  
16 Class C common fireworks" has the meaning ascribed to it in the  
17 Pyrotechnic Use Act.

18 (Source: P.A. 99-143, eff. 7-27-15; 99-858, eff. 8-19-16;  
19 100-22, eff. 7-6-17.)

20 (35 ILCS 120/3) (from Ch. 120, par. 442)

21 (Text of Section before amendment by P.A. 100-363)

22 Sec. 3. Except as provided in this Section, on or before  
23 the twentieth day of each calendar month, every person engaged  
24 in the business of selling tangible personal property at retail  
25 in this State during the preceding calendar month shall file a

1 return with the Department, stating:

2 1. The name of the seller;

3 2. His residence address and the address of his  
4 principal place of business and the address of the  
5 principal place of business (if that is a different  
6 address) from which he engages in the business of selling  
7 tangible personal property at retail in this State;

8 3. Total amount of receipts received by him during the  
9 preceding calendar month or quarter, as the case may be,  
10 from sales of tangible personal property, and from services  
11 furnished, by him during such preceding calendar month or  
12 quarter;

13 4. Total amount received by him during the preceding  
14 calendar month or quarter on charge and time sales of  
15 tangible personal property, and from services furnished,  
16 by him prior to the month or quarter for which the return  
17 is filed;

18 5. Deductions allowed by law;

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

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

24 8. The amount of tax due;

25 9. The signature of the taxpayer; and

26 10. Such other reasonable information as the

1 Department may require.

2 On and after January 1, 2018, except for returns for motor  
3 vehicles, watercraft, aircraft, and trailers that are required  
4 to be registered with an agency of this State, with respect to  
5 retailers whose annual gross receipts average \$20,000 or more,  
6 all returns required to be filed pursuant to this Act shall be  
7 filed electronically. Retailers who demonstrate that they do  
8 not have access to the Internet or demonstrate hardship in  
9 filing electronically may petition the Department to waive the  
10 electronic filing requirement.

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

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

18 Prior to October 1, 2003, and on and after September 1,  
19 2004 a retailer may accept a Manufacturer's Purchase Credit  
20 certification from a purchaser in satisfaction of Use Tax as  
21 provided in Section 3-85 of the Use Tax Act if the purchaser  
22 provides the appropriate documentation as required by Section  
23 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit  
24 certification, accepted by a retailer prior to October 1, 2003  
25 and on and after September 1, 2004 as provided in Section 3-85  
26 of the Use Tax Act, may be used by that retailer to satisfy



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

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

20 1. The name of the seller;

21 2. The address of the principal place of business from  
22 which he engages in the business of selling tangible  
23 personal property at retail in this State;

24 3. The total amount of taxable receipts received by him  
25 during the preceding calendar month from sales of tangible  
26 personal property by him during such preceding calendar

1 month, including receipts from charge and time sales, but  
2 less all deductions allowed by law;

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

5 5. The amount of tax due; and

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

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

22 Beginning on October 1, 2003, every distributor, importing  
23 distributor, and manufacturer of alcoholic liquor as defined in  
24 the Liquor Control Act of 1934, shall file a statement with the  
25 Department of Revenue, no later than the 10th day of the month  
26 for the preceding month during which transactions occurred, by

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

24 If a total amount of less than \$1 is payable, refundable or  
25 creditable, such amount shall be disregarded if it is less than  
26 50 cents and shall be increased to \$1 if it is 50 cents or more.

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

26           Before August 1 of each year beginning in 1993, the

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

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

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

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

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

22 If the retailer is otherwise required to file a monthly  
23 return and if the retailer's average monthly tax liability to  
24 the Department does not exceed \$200, the Department may  
25 authorize his returns to be filed on a quarter annual basis,  
26 with the return for January, February and March of a given year

1 being due by April 20 of such year; with the return for April,  
2 May and June of a given year being due by July 20 of such year;  
3 with the return for July, August and September of a given year  
4 being due by October 20 of such year, and with the return for  
5 October, November and December of a given year being due by  
6 January 20 of the following year.

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

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

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

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

1 shall file separate returns for each such registered business.

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

25 Any retailer who sells only motor vehicles, watercraft,  
26 aircraft, or trailers that are required to be registered with

1 an agency of this State, so that all retailers' occupation tax  
2 liability is required to be reported, and is reported, on such  
3 transaction reporting returns and who is not otherwise required  
4 to file monthly or quarterly returns, need not file monthly or  
5 quarterly returns. However, those retailers shall be required  
6 to file returns on an annual basis.

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



1 require.

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

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

1 agency or State officer determine that this procedure will  
2 expedite the processing of applications for title or  
3 registration.

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

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

25 If the user who would otherwise pay tax to the retailer  
26 wants the transaction reporting return filed and the payment of

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

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

25 Where the seller is a corporation, the return filed on  
26 behalf of such corporation shall be signed by the president,

1 vice-president, secretary or treasurer or by the properly  
2 accredited agent of such corporation.

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

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

1 registration has become final.

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

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

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

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

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



1 quarter monthly payments as specified above, any taxpayer who  
2 is required by Section 2d of this Act to collect and remit  
3 prepaid taxes and has collected prepaid taxes which average in  
4 excess of \$25,000 per month during the preceding 2 complete  
5 calendar quarters, shall file a return with the Department as  
6 required by Section 2f and shall make payments to the  
7 Department on or before the 7th, 15th, 22nd and last day of the  
8 month during which such liability is incurred. If the month  
9 during which such tax liability is incurred began prior to  
10 September 1, 1985 (the effective date of Public Act 84-221),  
11 each payment shall be in an amount not less than 22.5% of the  
12 taxpayer's actual liability under Section 2d. If the month  
13 during which such tax liability is incurred begins on or after  
14 January 1, 1986, each payment shall be in an amount equal to  
15 22.5% of the taxpayer's actual liability for the month or 27.5%  
16 of the taxpayer's liability for the same calendar month of the  
17 preceding calendar year. If the month during which such tax  
18 liability is incurred begins on or after January 1, 1987, each  
19 payment shall be in an amount equal to 22.5% of the taxpayer's  
20 actual liability for the month or 26.25% of the taxpayer's  
21 liability for the same calendar month of the preceding year.  
22 The amount of such quarter monthly payments shall be credited  
23 against the final tax liability of the taxpayer's return for  
24 that month filed under this Section or Section 2f, as the case  
25 may be. Once applicable, the requirement of the making of  
26 quarter monthly payments to the Department pursuant to this

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

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

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

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

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

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

14 Beginning January 1, 1990, each month the Department shall  
15 pay into the Local Government Tax Fund, a special fund in the  
16 State treasury which is hereby created, the net revenue  
17 realized for the preceding month from the 1% tax on sales of  
18 food for human consumption which is to be consumed off the  
19 premises where it is sold (other than alcoholic beverages, soft  
20 drinks and food which has been prepared for immediate  
21 consumption) and prescription and nonprescription medicines,  
22 drugs, medical appliances, products classified as Class III  
23 medical devices by the United States Food and Drug  
24 Administration that are used for cancer treatment pursuant to a  
25 prescription, as well as any accessories and components related  
26 to those devices, and insulin, urine testing materials,

1 syringes and needles used by diabetics.

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

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

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

19 Beginning August 1, 2000, each month the Department shall  
20 pay into the Local Government Tax Fund 80% of the net revenue  
21 realized for the preceding month from the 1.25% rate on the  
22 selling price of motor fuel and gasohol. Beginning September 1,  
23 2010, each month the Department shall pay into the Local  
24 Government Tax Fund 80% of the net revenue realized for the  
25 preceding month from the 1.25% rate on the selling price of  
26 sales tax holiday items.

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

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

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

1 to the difference between the average monthly claims for  
2 payment by the fund and the average monthly revenues deposited  
3 into the fund, excluding payments made pursuant to this  
4 paragraph.

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

10 Beginning on January 1, 2019, each month the Department  
11 shall pay into the Fire Prevention Fund 50% of the net revenue  
12 realized for the preceding month from the 12% tax on the  
13 selling price of D.O.T. Class C common fireworks.

14 Of the remainder of the moneys received by the Department  
15 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
16 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
17 and after July 1, 1989, 3.8% thereof shall be paid into the  
18 Build Illinois Fund; provided, however, that if in any fiscal  
19 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
20 may be, of the moneys received by the Department and required  
21 to be paid into the Build Illinois Fund pursuant to this Act,  
22 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax  
23 Act, and Section 9 of the Service Occupation Tax Act, such Acts  
24 being hereinafter called the "Tax Acts" and such aggregate of  
25 2.2% or 3.8%, as the case may be, of moneys being hereinafter  
26 called the "Tax Act Amount", and (2) the amount transferred to

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

8	Fiscal Year	Annual Specified Amount
9	1986	\$54,800,000
10	1987	\$76,650,000
11	1988	\$80,480,000
12	1989	\$88,510,000
13	1990	\$115,330,000
14	1991	\$145,470,000
15	1992	\$182,730,000
16	1993	\$206,520,000;

17 and means the Certified Annual Debt Service Requirement (as  
18 defined in Section 13 of the Build Illinois Bond Act) or the  
19 Tax Act Amount, whichever is greater, for fiscal year 1994 and  
20 each fiscal year thereafter; and further provided, that if on  
21 the last business day of any month the sum of (1) the Tax Act  
22 Amount required to be deposited into the Build Illinois Bond  
23 Account in the Build Illinois Fund during such month and (2)  
24 the amount transferred to the Build Illinois Fund from the  
25 State and Local Sales Tax Reform Fund shall have been less than  
26 1/12 of the Annual Specified Amount, an amount equal to the



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

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

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

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

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

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

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

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

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

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

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

7 Subject to payment of amounts into the Build Illinois Fund,  
8 the McCormick Place Expansion Project Fund, the Illinois Tax  
9 Increment Fund, and the Energy Infrastructure Fund pursuant to  
10 the preceding paragraphs or in any amendments to this Section  
11 hereafter enacted, beginning on the first day of the first  
12 calendar month to occur on or after August 26, 2014 (the  
13 effective date of Public Act 98-1098), each month, from the  
14 collections made under Section 9 of the Use Tax Act, Section 9  
15 of the Service Use Tax Act, Section 9 of the Service Occupation  
16 Tax Act, and Section 3 of the Retailers' Occupation Tax Act,  
17 the Department shall pay into the Tax Compliance and  
18 Administration Fund, to be used, subject to appropriation, to  
19 fund additional auditors and compliance personnel at the  
20 Department of Revenue, an amount equal to 1/12 of 5% of 80% of  
21 the cash receipts collected during the preceding fiscal year by  
22 the Audit Bureau of the Department under the Use Tax Act, the  
23 Service Use Tax Act, the Service Occupation Tax Act, the  
24 Retailers' Occupation Tax Act, and associated local occupation  
25 and use taxes administered by the Department.

26 Of the remainder of the moneys received by the Department

1 pursuant to this Act, 75% thereof shall be paid into the State  
2 Treasury and 25% shall be reserved in a special account and  
3 used only for the transfer to the Common School Fund as part of  
4 the monthly transfer from the General Revenue Fund in  
5 accordance with Section 8a of the State Finance Act.

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

1 or annual returns filed by such retailer as provided for in  
2 this Section.

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

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

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

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

24 The provisions of this Section concerning the filing of an  
25 annual information return do not apply to a retailer who is not  
26 required to file an income tax return with the United States



1 Government.

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

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

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

20 Any person who promotes, organizes, provides retail  
21 selling space for concessionaires or other types of sellers at  
22 the Illinois State Fair, DuQuoin State Fair, county fairs,  
23 local fairs, art shows, flea markets and similar exhibitions or  
24 events, including any transient merchant as defined by Section  
25 2 of the Transient Merchant Act of 1987, is required to file a  
26 report with the Department providing the name of the merchant's

1 business, the name of the person or persons engaged in  
2 merchant's business, the permanent address and Illinois  
3 Retailers Occupation Tax Registration Number of the merchant,  
4 the dates and location of the event and other reasonable  
5 information that the Department may require. The report must be  
6 filed not later than the 20th day of the month next following  
7 the month during which the event with retail sales was held.  
8 Any person who fails to file a report required by this Section  
9 commits a business offense and is subject to a fine not to  
10 exceed \$250.

11 Any person engaged in the business of selling tangible  
12 personal property at retail as a concessionaire or other type  
13 of seller at the Illinois State Fair, county fairs, art shows,  
14 flea markets and similar exhibitions or events, or any  
15 transient merchants, as defined by Section 2 of the Transient  
16 Merchant Act of 1987, may be required to make a daily report of  
17 the amount of such sales to the Department and to make a daily  
18 payment of the full amount of tax due. The Department shall  
19 impose this requirement when it finds that there is a  
20 significant risk of loss of revenue to the State at such an  
21 exhibition or event. Such a finding shall be based on evidence  
22 that a substantial number of concessionaires or other sellers  
23 who are not residents of Illinois will be engaging in the  
24 business of selling tangible personal property at retail at the  
25 exhibition or event, or other evidence of a significant risk of  
26 loss of revenue to the State. The Department shall notify

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

5 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
6 99-933, eff. 1-27-17; 100-303, eff. 8-24-17.)

7 (Text of Section after amendment by P.A. 100-363)

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

13 1. The name of the seller;

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

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

24 4. Total amount received by him during the preceding  
25 calendar month or quarter on charge and time sales of

1           tangible personal property, and from services furnished,  
2           by him prior to the month or quarter for which the return  
3           is filed;

4           5. Deductions allowed by law;

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

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

10          8. The amount of tax due;

11          9. The signature of the taxpayer; and

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

14          On and after January 1, 2018, except for returns for motor  
15          vehicles, watercraft, aircraft, and trailers that are required  
16          to be registered with an agency of this State, with respect to  
17          retailers whose annual gross receipts average \$20,000 or more,  
18          all returns required to be filed pursuant to this Act shall be  
19          filed electronically. Retailers who demonstrate that they do  
20          not have access to the Internet or demonstrate hardship in  
21          filing electronically may petition the Department to waive the  
22          electronic filing requirement.

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

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

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

25           The Department may require returns to be filed on a  
26 quarterly basis. If so required, a return for each calendar

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

6 1. The name of the seller;

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

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

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

17 5. The amount of tax due; and

18 6. Such other reasonable information as the Department  
19 may require.

20 Beginning on October 1, 2003, any person who is not a  
21 licensed distributor, importing distributor, or manufacturer,  
22 as defined in the Liquor Control Act of 1934, but is engaged in  
23 the business of selling, at retail, alcoholic liquor shall file  
24 a statement with the Department of Revenue, in a format and at  
25 a time prescribed by the Department, showing the total amount  
26 paid for alcoholic liquor purchased during the preceding month

1 and such other information as is reasonably required by the  
2 Department. The Department may adopt rules to require that this  
3 statement be filed in an electronic or telephonic format. Such  
4 rules may provide for exceptions from the filing requirements  
5 of this paragraph. For the purposes of this paragraph, the term  
6 "alcoholic liquor" shall have the meaning prescribed in the  
7 Liquor Control Act of 1934.

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

1 notify the retailer as to the method by which the distributor,  
2 importing distributor, or manufacturer will provide the sales  
3 information. If the retailer is unable to receive the sales  
4 information by electronic means, the distributor, importing  
5 distributor, or manufacturer shall furnish the sales  
6 information by personal delivery or by mail. For purposes of  
7 this paragraph, the term "electronic means" includes, but is  
8 not limited to, the use of a secure Internet website, e-mail,  
9 or facsimile.

10 If a total amount of less than \$1 is payable, refundable or  
11 creditable, such amount shall be disregarded if it is less than  
12 50 cents and shall be increased to \$1 if it is 50 cents or more.

13 Beginning October 1, 1993, a taxpayer who has an average  
14 monthly tax liability of \$150,000 or more shall make all  
15 payments required by rules of the Department by electronic  
16 funds transfer. Beginning October 1, 1994, a taxpayer who has  
17 an average monthly tax liability of \$100,000 or more shall make  
18 all payments required by rules of the Department by electronic  
19 funds transfer. Beginning October 1, 1995, a taxpayer who has  
20 an average monthly tax liability of \$50,000 or more shall make  
21 all payments required by rules of the Department by electronic  
22 funds transfer. Beginning October 1, 2000, a taxpayer who has  
23 an annual tax liability of \$200,000 or more shall make all  
24 payments required by rules of the Department by electronic  
25 funds transfer. The term "annual tax liability" shall be the  
26 sum of the taxpayer's liabilities under this Act, and under all



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

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

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

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

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

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

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

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

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

1 returns.

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

9 Where the same person has more than one business registered  
10 with the Department under separate registrations under this  
11 Act, such person may not file each return that is due as a  
12 single return covering all such registered businesses, but  
13 shall file separate returns for each such registered business.

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

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

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

19 The transaction reporting return, in the case of motor  
20 vehicles or trailers that are required to be registered with an  
21 agency of this State, shall be the same document as the Uniform  
22 Invoice referred to in Section 5-402 of The Illinois Vehicle  
23 Code and must show the name and address of the seller; the name  
24 and address of the purchaser; the amount of the selling price  
25 including the amount allowed by the retailer for traded-in  
26 property, if any; the amount allowed by the retailer for the

1 traded-in tangible personal property, if any, to the extent to  
2 which Section 1 of this Act allows an exemption for the value  
3 of traded-in property; the balance payable after deducting such  
4 trade-in allowance from the total selling price; the amount of  
5 tax due from the retailer with respect to such transaction; the  
6 amount of tax collected from the purchaser by the retailer on  
7 such transaction (or satisfactory evidence that such tax is not  
8 due in that particular instance, if that is claimed to be the  
9 fact); the place and date of the sale; a sufficient  
10 identification of the property sold; such other information as  
11 is required in Section 5-402 of The Illinois Vehicle Code, and  
12 such other information as the Department may reasonably  
13 require.

14 The transaction reporting return in the case of watercraft  
15 or aircraft must show the name and address of the seller; the  
16 name and address of the purchaser; the amount of the selling  
17 price including the amount allowed by the retailer for  
18 traded-in property, if any; the amount allowed by the retailer  
19 for the traded-in tangible personal property, if any, to the  
20 extent to which Section 1 of this Act allows an exemption for  
21 the value of traded-in property; the balance payable after  
22 deducting such trade-in allowance from the total selling price;  
23 the amount of tax due from the retailer with respect to such  
24 transaction; the amount of tax collected from the purchaser by  
25 the retailer on such transaction (or satisfactory evidence that  
26 such tax is not due in that particular instance, if that is

1 claimed to be the fact); the place and date of the sale, a  
2 sufficient identification of the property sold, and such other  
3 information as the Department may reasonably require.

4 Such transaction reporting return shall be filed not later  
5 than 20 days after the day of delivery of the item that is  
6 being sold, but may be filed by the retailer at any time sooner  
7 than that if he chooses to do so. The transaction reporting  
8 return and tax remittance or proof of exemption from the  
9 Illinois use tax may be transmitted to the Department by way of  
10 the State agency with which, or State officer with whom the  
11 tangible personal property must be titled or registered (if  
12 titling or registration is required) if the Department and such  
13 agency or State officer determine that this procedure will  
14 expedite the processing of applications for title or  
15 registration.

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

1 Illinois certificate or other evidence of title or registration  
2 to such tangible personal property.

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

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

1 same amount and in the same form in which it would be remitted  
2 if the tax had been remitted to the Department by the retailer.

3 Refunds made by the seller during the preceding return  
4 period to purchasers, on account of tangible personal property  
5 returned to the seller, shall be allowed as a deduction under  
6 subdivision 5 of his monthly or quarterly return, as the case  
7 may be, in case the seller had theretofore included the  
8 receipts from the sale of such tangible personal property in a  
9 return filed by him and had paid the tax imposed by this Act  
10 with respect to such receipts.

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

15 Where the seller is a limited liability company, the return  
16 filed on behalf of the limited liability company shall be  
17 signed by a manager, member, or properly accredited agent of  
18 the limited liability company.

19 Except as provided in this Section, the retailer filing the  
20 return under this Section shall, at the time of filing such  
21 return, pay to the Department the amount of tax imposed by this  
22 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%  
23 on and after January 1, 1990, or \$5 per calendar year,  
24 whichever is greater, which is allowed to reimburse the  
25 retailer for the expenses incurred in keeping records,  
26 preparing and filing returns, remitting the tax and supplying



1 data to the Department on request. Any prepayment made pursuant  
2 to Section 2d of this Act shall be included in the amount on  
3 which such 2.1% or 1.75% discount is computed. In the case of  
4 retailers who report and pay the tax on a transaction by  
5 transaction basis, as provided in this Section, such discount  
6 shall be taken with each such tax remittance instead of when  
7 such retailer files his periodic return. The discount allowed  
8 under this Section is allowed only for returns that are filed  
9 in the manner required by this Act. The Department may disallow  
10 the discount for retailers whose certificate of registration is  
11 revoked at the time the return is filed, but only if the  
12 Department's decision to revoke the certificate of  
13 registration has become final.

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

1 Occupation Tax Act, and the Service Use Tax Act, excluding any  
2 liability for prepaid sales tax to be remitted in accordance  
3 with Section 2d of this Act, was \$20,000 or more during the  
4 preceding 4 complete calendar quarters, he shall file a return  
5 with the Department each month by the 20th day of the month  
6 next following the month during which such tax liability is  
7 incurred and shall make payment to the Department on or before  
8 the 7th, 15th, 22nd and last day of the month during which such  
9 liability is incurred. If the month during which such tax  
10 liability is incurred began prior to January 1, 1985, each  
11 payment shall be in an amount equal to 1/4 of the taxpayer's  
12 actual liability for the month or an amount set by the  
13 Department not to exceed 1/4 of the average monthly liability  
14 of the taxpayer to the Department for the preceding 4 complete  
15 calendar quarters (excluding the month of highest liability and  
16 the month of lowest liability in such 4 quarter period). If the  
17 month during which such tax liability is incurred begins on or  
18 after January 1, 1985 and prior to January 1, 1987, each  
19 payment shall be in an amount equal to 22.5% of the taxpayer's  
20 actual liability for the month or 27.5% of the taxpayer's  
21 liability for the same calendar month of the preceding year. If  
22 the month during which such tax liability is incurred begins on  
23 or after January 1, 1987 and prior to January 1, 1988, each  
24 payment shall be in an amount equal to 22.5% of the taxpayer's  
25 actual liability for the month or 26.25% of the taxpayer's  
26 liability for the same calendar month of the preceding year. If

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

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

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

11 The provisions of this paragraph apply before October 1,  
12 2001. Without regard to whether a taxpayer is required to make  
13 quarter monthly payments as specified above, any taxpayer who  
14 is required by Section 2d of this Act to collect and remit  
15 prepaid taxes and has collected prepaid taxes which average in  
16 excess of \$25,000 per month during the preceding 2 complete  
17 calendar quarters, shall file a return with the Department as  
18 required by Section 2f and shall make payments to the  
19 Department on or before the 7th, 15th, 22nd and last day of the  
20 month during which such liability is incurred. If the month  
21 during which such tax liability is incurred began prior to  
22 September 1, 1985 (the effective date of Public Act 84-221),  
23 each payment shall be in an amount not less than 22.5% of the  
24 taxpayer's actual liability under Section 2d. If the month  
25 during which such tax liability is incurred begins on or after  
26 January 1, 1986, each payment shall be in an amount equal to

1 22.5% of the taxpayer's actual liability for the month or 27.5%  
2 of the taxpayer's liability for the same calendar month of the  
3 preceding calendar year. If the month during which such tax  
4 liability is incurred begins on or after January 1, 1987, each  
5 payment shall be in an amount equal to 22.5% of the taxpayer's  
6 actual liability for the month or 26.25% of the taxpayer's  
7 liability for the same calendar month of the preceding year.  
8 The amount of such quarter monthly payments shall be credited  
9 against the final tax liability of the taxpayer's return for  
10 that month filed under this Section or Section 2f, as the case  
11 may be. Once applicable, the requirement of the making of  
12 quarter monthly payments to the Department pursuant to this  
13 paragraph shall continue until such taxpayer's average monthly  
14 prepaid tax collections during the preceding 2 complete  
15 calendar quarters is \$25,000 or less. If any such quarter  
16 monthly payment is not paid at the time or in the amount  
17 required, the taxpayer shall be liable for penalties and  
18 interest on such difference, except insofar as the taxpayer has  
19 previously made payments for that month in excess of the  
20 minimum payments previously due.

21 The provisions of this paragraph apply on and after October  
22 1, 2001. Without regard to whether a taxpayer is required to  
23 make quarter monthly payments as specified above, any taxpayer  
24 who is required by Section 2d of this Act to collect and remit  
25 prepaid taxes and has collected prepaid taxes that average in  
26 excess of \$20,000 per month during the preceding 4 complete

1 calendar quarters shall file a return with the Department as  
2 required by Section 2f and shall make payments to the  
3 Department on or before the 7th, 15th, 22nd and last day of the  
4 month during which the liability is incurred. Each payment  
5 shall be in an amount equal to 22.5% of the taxpayer's actual  
6 liability for the month or 25% of the taxpayer's liability for  
7 the same calendar month of the preceding year. The amount of  
8 the quarter monthly payments shall be credited against the  
9 final tax liability of the taxpayer's return for that month  
10 filed under this Section or Section 2f, as the case may be.  
11 Once applicable, the requirement of the making of quarter  
12 monthly payments to the Department pursuant to this paragraph  
13 shall continue until the taxpayer's average monthly prepaid tax  
14 collections during the preceding 4 complete calendar quarters  
15 (excluding the month of highest liability and the month of  
16 lowest liability) is less than \$19,000 or until such taxpayer's  
17 average monthly liability to the Department as computed for  
18 each calendar quarter of the 4 preceding complete calendar  
19 quarters is less than \$20,000. If any such quarter monthly  
20 payment is not paid at the time or in the amount required, the  
21 taxpayer shall be liable for penalties and interest on such  
22 difference, except insofar as the taxpayer has previously made  
23 payments for that month in excess of the minimum payments  
24 previously due.

25 If any payment provided for in this Section exceeds the  
26 taxpayer's liabilities under this Act, the Use Tax Act, the

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

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

26 Beginning January 1, 1990, each month the Department shall



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

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

19 Beginning August 1, 2000, each month the Department shall  
20 pay into the County and Mass Transit District Fund 20% of the  
21 net revenue realized for the preceding month from the 1.25%  
22 rate on the selling price of motor fuel and gasohol. Beginning  
23 September 1, 2010, each month the Department shall pay into the  
24 County and Mass Transit District Fund 20% of the net revenue  
25 realized for the preceding month from the 1.25% rate on the  
26 selling price of sales tax holiday items.

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

5           Beginning August 1, 2000, each month the Department shall  
6 pay into the Local Government Tax Fund 80% of the net revenue  
7 realized for the preceding month from the 1.25% rate on the  
8 selling price of motor fuel and gasohol. Beginning September 1,  
9 2010, each month the Department shall pay into the Local  
10 Government Tax Fund 80% of the net revenue realized for the  
11 preceding month from the 1.25% rate on the selling price of  
12 sales tax holiday items.

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

20           Beginning July 1, 2011, each month the Department shall pay  
21 into the Clean Air Act Permit Fund 80% of the net revenue  
22 realized for the preceding month from the 6.25% general rate on  
23 the selling price of sorbents used in Illinois in the process  
24 of sorbent injection as used to comply with the Environmental  
25 Protection Act or the federal Clean Air Act, but the total  
26 payment into the Clean Air Act Permit Fund under this Act and

1 the Use Tax Act shall not exceed \$2,000,000 in any fiscal year.

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

17 Beginning July 1, 2015, of the remainder of the moneys  
18 received by the Department under the Use Tax Act, the Service  
19 Use Tax Act, the Service Occupation Tax Act, and this Act, each  
20 month the Department shall deposit \$500,000 into the State  
21 Crime Laboratory Fund.

22 Beginning on January 1, 2019, each month the Department  
23 shall pay into the Fire Prevention Fund 50% of the net revenue  
24 realized for the preceding month from the 12% tax on the  
25 selling price of D.O.T. Class C common fireworks.

26 Of the remainder of the moneys received by the Department

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

20	Fiscal Year	Annual Specified Amount
21	1986	\$54,800,000
22	1987	\$76,650,000
23	1988	\$80,480,000
24	1989	\$88,510,000
25	1990	\$115,330,000
26	1991	\$145,470,000

1                   1992                                   \$182,730,000

2                   1993                                   \$206,520,000;

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

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

26 Subject to payment of amounts into the Build Illinois Fund

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

12	Fiscal Year	Total
		Deposit
13	1993	\$0
14	1994	53,000,000
15	1995	58,000,000
16	1996	61,000,000
17	1997	64,000,000
18	1998	68,000,000
19	1999	71,000,000
20	2000	75,000,000
21	2001	80,000,000
22	2002	93,000,000
23	2003	99,000,000
24	2004	103,000,000
25	2005	108,000,000

1	2006	113,000,000
2	2007	119,000,000
3	2008	126,000,000
4	2009	132,000,000
5	2010	139,000,000
6	2011	146,000,000
7	2012	153,000,000
8	2013	161,000,000
9	2014	170,000,000
10	2015	179,000,000
11	2016	189,000,000
12	2017	199,000,000
13	2018	210,000,000
14	2019	221,000,000
15	2020	233,000,000
16	2021	246,000,000
17	2022	260,000,000
18	2023	275,000,000
19	2024	275,000,000
20	2025	275,000,000
21	2026	279,000,000
22	2027	292,000,000
23	2028	307,000,000
24	2029	322,000,000
25	2030	338,000,000
26	2031	350,000,000



1                                   2032                                   350,000,000  
2                                   and  
3                                   each fiscal year  
4                                   thereafter that bonds  
5                                   are outstanding under  
6                                   Section 13.2 of the  
7                                   Metropolitan Pier and  
8                                   Exposition Authority Act,  
9                                   but not after fiscal year 2060.

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

23                   Subject to payment of amounts into the Build Illinois Fund  
24                   and the McCormick Place Expansion Project Fund pursuant to the  
25                   preceding paragraphs or in any amendments thereto hereafter  
26                   enacted, beginning July 1, 1993 and ending on September 30,

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

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

18 Subject to payment of amounts into the Build Illinois Fund,  
19 the McCormick Place Expansion Project Fund, the Illinois Tax  
20 Increment Fund, and the Energy Infrastructure Fund pursuant to  
21 the preceding paragraphs or in any amendments to this Section  
22 hereafter enacted, beginning on the first day of the first  
23 calendar month to occur on or after August 26, 2014 (the  
24 effective date of Public Act 98-1098), each month, from the  
25 collections made under Section 9 of the Use Tax Act, Section 9  
26 of the Service Use Tax Act, Section 9 of the Service Occupation

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

11 Subject to payments of amounts into the Build Illinois  
12 Fund, the McCormick Place Expansion Project Fund, the Illinois  
13 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax  
14 Compliance and Administration Fund as provided in this Section,  
15 beginning on July 1, 2018 the Department shall pay each month  
16 into the Downstate Public Transportation Fund the moneys  
17 required to be so paid under Section 2-3 of the Downstate  
18 Public Transportation Act.

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

25 The Department may, upon separate written notice to a  
26 taxpayer, require the taxpayer to prepare and file with the

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

22 If the annual information return required by this Section  
23 is not filed when and as required, the taxpayer shall be liable  
24 as follows:

- 25 (i) Until January 1, 1994, the taxpayer shall be liable  
26 for a penalty equal to 1/6 of 1% of the tax due from such

1 taxpayer under this Act during the period to be covered by  
2 the annual return for each month or fraction of a month  
3 until such return is filed as required, the penalty to be  
4 assessed and collected in the same manner as any other  
5 penalty provided for in this Act.

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

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

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

21 As soon as possible after the first day of each month, upon  
22 certification of the Department of Revenue, the Comptroller  
23 shall order transferred and the Treasurer shall transfer from  
24 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
25 equal to 1.7% of 80% of the net revenue realized under this Act  
26 for the second preceding month. Beginning April 1, 2000, this

1 transfer is no longer required and shall not be made.

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

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

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

1 Any person who fails to file a report required by this Section  
2 commits a business offense and is subject to a fine not to  
3 exceed \$250.

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

24 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
25 99-933, eff. 1-27-17; 100-303, eff. 8-24-17; 100-363, eff.  
26 7-1-18; revised 10-27-17.)

1 Section 25. The Pyrotechnic Use Act is amended by changing  
2 Sections 2 and 2.2 and by adding Section 3.5 as follows:

3 (425 ILCS 35/2) (from Ch. 127 1/2, par. 128)

4 Sec. 2. Possession, sale, and use of fireworks. Except for  
5 D.O.T. Class C common fireworks and as otherwise ~~as hereinafter~~  
6 provided in this Act, it shall be unlawful for any person,  
7 firm, co-partnership, or corporation to knowingly possess,  
8 offer for sale, expose for sale, sell at retail, or use or  
9 explode any display fireworks, flame effects, or consumer  
10 fireworks; provided that city councils in cities, the president  
11 and board of trustees in villages and incorporated towns, and  
12 outside the corporate limits of cities, villages and  
13 incorporated towns, the county board, shall have power to adopt  
14 reasonable rules and regulations for the granting of permits  
15 for pyrotechnic and consumer displays. D.O.T. Class C common  
16 fireworks may only be purchased by individuals over the age of  
17 18. Notwithstanding the provisions of this Section, a home rule  
18 municipality may prohibit the sale of D.O.T. Class C common  
19 fireworks within its corporate boundaries.

20 "D.O.T. Class C common fireworks" means all articles of  
21 fireworks as are now or hereafter classified as D.O.T. Class C  
22 common fireworks in the regulations of the United States  
23 Department of Transportation for transportation of explosive  
24 and other dangerous articles.



1 (Source: P.A. 93-263, eff. 7-22-03; 94-658, eff. 1-1-06.)

2 (425 ILCS 35/2.2)

3 Sec. 2.2. Private use. ~~Consumer displays.~~ Fireworks may  
4 only be discharged by individuals over the age of 18.

5 ~~Each consumer display shall be handled by a competent~~  
6 ~~individual who has received training from a consumer fireworks~~  
7 ~~training class approved by the Office of the State Fire~~  
8 ~~Marshal. Applications for consumer display permits shall be~~  
9 ~~made in writing at least 15 days in advance of the date of the~~  
10 ~~display, unless agreed to otherwise by the local jurisdiction~~  
11 ~~issuing the permit and the fire chief of the jurisdiction in~~  
12 ~~which the display will occur. After a permit has been granted,~~  
13 ~~sales, possession, use, and distribution of consumer fireworks~~  
14 ~~for display shall be lawful for that purpose only. No permit~~  
15 ~~granted hereunder shall be transferable.~~

16 ~~Permits may be granted hereunder to any adult individual~~  
17 ~~applying for a permit who provides proof that he or she has~~  
18 ~~received the requisite training. The local jurisdiction~~  
19 ~~issuing the permit is authorized to conduct a criminal~~  
20 ~~background check of the applicant as a condition of issuing a~~  
21 ~~permit.~~

22 ~~A permit shall be issued only after inspection of the~~  
23 ~~display site by the fire chief providing fire protection~~  
24 ~~coverage to the area of display, or his or her designee, to~~  
25 ~~determine that the display is in full compliance with the rules~~

1 ~~adopted by the State Fire Marshal. Nothing in this Section~~  
2 ~~shall prohibit the issuer of a permit from adopting more~~  
3 ~~stringent rules.~~

4 (Source: P.A. 94-658, eff. 1-1-06.)

5 (425 ILCS 35/3.5 new)

6 Sec. 3.5. No fireworks shall be discharged, ignited, or  
7 exploded inside a motor vehicle. A violation of this Section is  
8 subject to a fine not to exceed \$100. As used in this Section,  
9 "motor vehicle" has the meaning provided in Section 18c-1104 of  
10 the Illinois Vehicle Code.

11 Section 95. No acceleration or delay. Where this Act makes  
12 changes in a statute that is represented in this Act by text  
13 that is not yet or no longer in effect (for example, a Section  
14 represented by multiple versions), the use of that text does  
15 not accelerate or delay the taking effect of (i) the changes  
16 made by this Act or (ii) provisions derived from any other  
17 Public Act.

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

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Statutes amended in order of appearance

- 35 ILCS 105/3-10
- 35 ILCS 105/9 from Ch. 120, par. 439.9
- 35 ILCS 110/3-10 from Ch. 120, par. 439.33-10
- 35 ILCS 110/9 from Ch. 120, par. 439.39
- 35 ILCS 115/3-10 from Ch. 120, par. 439.103-10
- 35 ILCS 115/9 from Ch. 120, par. 439.109
- 35 ILCS 120/2-10
- 35 ILCS 120/3 from Ch. 120, par. 442
- 425 ILCS 35/2 from Ch. 127 1/2, par. 128
- 425 ILCS 35/2.2
- 425 ILCS 35/3.5 new