

SB3543



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3543

Introduced 2/5/2026, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

35 ILCS 405/13

from Ch. 120, par. 405A-13

Amends the Illinois Estate and Generation-Skipping Transfer Tax Act. Provides that interest shall be paid upon any refund resulting from the overpayment of tax under the Act at the rate set forth under the Uniform Penalty and Interest Act if the overpayment is not refunded within the later of 30 days after the last date prescribed for the filing of a return under the Act or 30 days after the date of the overpayment.

LRB104 17188 HLH 30607 b

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The Illinois Estate and Generation-Skipping
5 Transfer Tax Act is amended by changing Section 13 as follows:

6 (35 ILCS 405/13) (from Ch. 120, par. 405A-13)

7 Sec. 13. Collection by county treasurers; tax collection
8 distribution fund.

9 (a) Collection by county treasurers. Each county treasurer
10 shall transmit to the State Treasurer all taxes, interest or
11 penalties paid to the county treasurer under this Act and in
12 the county treasurer's possession as of the last day of the
13 previous month, together with a report under oath identifying
14 the taxpayer for or by whom an amount was paid. Those amounts
15 and the report shall be transmitted to and received by the
16 State Treasurer by the 10th day of each month. At the same
17 time, a copy of the report shall be furnished to the Attorney
18 General. The report shall be in a form and contain the
19 particulars as the State Treasurer may prescribe. The State
20 Treasurer shall give the county treasurer a receipt for the
21 amount transmitted to the State Treasurer. Except as provided
22 in subsection (a-5) of this Section, if any county treasurer
23 fails to pay to the State Treasurer all amounts that may be due

1 and payable under this Act as required by this Section, the
2 county treasurer shall pay to the State Treasurer, as a
3 penalty, a sum of money equal to the interest on the amounts
4 not paid at the rate of 1% per month from the time those
5 amounts are due by the county treasurer until those amounts
6 are paid. The sureties upon the official bond of the county
7 treasurer shall be security for the payment of the penalty.
8 The penalty under this Section may be recovered in a civil
9 action against the county treasurer and his or her sureties,
10 in the name of the People of the State of Illinois, in the
11 circuit court within the county wherein the county treasurer
12 is resident; and the penalty, when recovered, shall be paid
13 into the State treasury. The civil action to recover the
14 penalty shall be brought by the State treasurer within 10 days
15 after the failure of the county treasurer to pay to the State
16 Treasurer any amounts collected by the county treasurer within
17 the time required by this Act. Failure to bring the action
18 within that time shall not prevent the bringing of the action
19 thereafter. It is the duty of the State Treasurer to make
20 necessary and proper investigation to determine what amounts
21 should be paid under this Act.

22 (a-5) The State Treasurer may waive penalties imposed by
23 subsection (a) of this Section on a case-by-case basis if the
24 State Treasurer finds that imposing penalties would be
25 unreasonable or unnecessarily burdensome because the delay in
26 payment was due to an incident caused by the operation of an

1 extraordinary force, including, but not limited to, the
2 occurrence of a natural disaster, that cannot be foreseen,
3 that cannot be avoided by the exercise of due care, and for
4 which no person can be held liable.

5 (b) (Blank).

6 (c) On and after July 1, 2012, 94% of the amounts collected
7 from the taxes, interest, and penalties collected under this
8 Act shall be deposited into the General Revenue Fund and 6% of
9 those amounts shall be deposited into the Estate Tax Refund
10 Fund, a special fund created in the State treasury.

11 Moneys in the Estate Tax Refund Fund shall be expended
12 exclusively for the purpose of paying refunds resulting from
13 overpayment of tax liability under this Act, except that,
14 whenever the State Treasurer determines that any such moneys
15 in the Fund exceed the amount required for the purpose of
16 paying refunds resulting from overpayment of tax liability
17 under this Act, the State Treasurer may transfer any such
18 excess amounts from the Estate Tax Refund Fund to the General
19 Revenue Fund.

20 The Treasurer shall order payment of refunds resulting
21 from overpayment of tax liability under this Act from the
22 Estate Tax Refund Fund only to the extent that amounts have
23 been deposited and retained in the Fund.

24 Notwithstanding any other provision of law, interest shall
25 be paid upon any refund resulting from the overpayment of tax
26 under this Act at the rate set forth under subsection (a) of

1 Section 3-2 of the Uniform Penalty and Interest Act if the
2 overpayment is not refunded within the later of 30 days after
3 the last date prescribed for the filing of a return under this
4 Act or 30 days after the date of the overpayment.

5 Public Act 97-732 shall constitute an irrevocable and
6 continuing appropriation from the Estate Tax Refund Fund for
7 the purpose of paying refunds upon the order of the Treasurer
8 in accordance with the provisions of this Act and for the
9 purpose of paying refunds under this Act.

10 (Source: P.A. 102-278, eff. 8-6-21.)