



Sen. Patrick J. Joyce

Filed: 5/14/2026

10400SB3843sam001

LRB104 18877 HLH 37089 a

1 AMENDMENT TO SENATE BILL 3843

2 AMENDMENT NO. _____. Amend Senate Bill 3843 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Use Tax Act is amended by changing Section
5 2d as follows:

6 (35 ILCS 105/2d)

7 Sec. 2d. Marketplace facilitators and marketplace sellers.

8 (a) As used in this Section:

9 "Affiliate" means a person that, with respect to another
10 person: (i) has a direct or indirect ownership interest of
11 more than 5 percent in the other person; or (ii) is related to
12 the other person because a third person, or a group of third
13 persons who are affiliated with each other as defined in this
14 subsection, holds a direct or indirect ownership interest of
15 more than 5% in the related person.

16 "Bicycle" has the meaning given to that term in the

1 Illinois Vehicle Code.

2 "Delivery network company" means a person that maintains a
3 website, mobile application, or nondigital platform that is
4 used to facilitate delivery services that are performed or
5 otherwise conducted by a delivery network courier.

6 "Delivery network courier" means an individual who
7 provides delivery services through a delivery network company
8 by using a personal means of transportation, including, but
9 not limited to, a motor vehicle, bicycle, scooter, or other
10 similar mode of transportation, or by walking. "Delivery
11 network courier" does not include a common carrier or a motor
12 carrier.

13 "Delivery services" means the pickup and delivery of
14 tangible personal property by a delivery network courier from
15 a seller located in this State to a customer located in this
16 State, which may include the selection, collection, and
17 purchase of the tangible personal property in connection with
18 the delivery. "Delivery services" does not include a delivery
19 requiring more than 75 miles of travel from the seller to the
20 customer.

21 "Marketplace" means a physical or electronic place, forum,
22 platform, application, or other method by which a marketplace
23 seller sells or offers to sell items.

24 "Marketplace facilitator" means a person who, pursuant to
25 an agreement with an unrelated third-party marketplace seller,
26 directly or indirectly through one or more affiliates

1 facilitates a retail sale by an unrelated third party
2 marketplace seller by:

3 (1) listing or advertising for sale by the marketplace
4 seller in a marketplace, tangible personal property that
5 is subject to tax under this Act; and

6 (2) either directly or indirectly, through agreements
7 or arrangements with third parties, collecting payment
8 from the customer and transmitting that payment to the
9 marketplace seller regardless of whether the marketplace
10 facilitator receives compensation or other consideration
11 in exchange for its services.

12 "Marketplace seller" means a person that sells or offers
13 to sell tangible personal property through a marketplace
14 operated by an unrelated third-party marketplace facilitator.

15 "Motor vehicle" has the meaning given to that term in the
16 Illinois Vehicle Code.

17 "Qualified delivery network sale" means a sale that meets
18 all of the following requirements:

19 (1) the sale is made as part of a delivery service
20 facilitated by a delivery network company;

21 (2) the sale is sourced to this State under this Act;
22 and

23 (3) the tax imposed by this Act on the sale is reported
24 and remitted by the delivery network company.

25 (b) Beginning on January 1, 2020 and through December 31,
26 2025, a marketplace facilitator who meets either of the

1 following thresholds is considered the retailer for each sale
2 of tangible personal property made through its marketplace:

3 (1) the cumulative gross receipts from sales of
4 tangible personal property to purchasers in Illinois by
5 the marketplace facilitator and by marketplace sellers
6 selling through the marketplace are \$100,000 or more; or

7 (2) the marketplace facilitator and marketplace
8 sellers selling through the marketplace cumulatively enter
9 into 200 or more separate transactions for the sale of
10 tangible personal property to purchasers in Illinois.

11 A marketplace facilitator shall determine on a quarterly
12 basis, ending on the last day of March, June, September, and
13 December, whether the marketplace facilitator meets the
14 threshold of either paragraph (1) or (2) of this subsection
15 (b) for the preceding 12-month period. If the marketplace
16 facilitator meets the threshold of either paragraph (1) or (2)
17 for a 12-month period, the marketplace facilitator is
18 considered a retailer maintaining a place of business in this
19 State and is required to collect and remit the tax imposed
20 under this Act and file returns for one year. At the end of
21 that one-year period, the marketplace facilitator shall
22 determine whether the marketplace facilitator met the
23 threshold of either paragraph (1) or (2) during the preceding
24 12-month period. If the marketplace facilitator met the
25 threshold in either paragraph (1) or (2) for the preceding
26 12-month period, the marketplace facilitator is considered a

1 retailer maintaining a place of business in this State and is
2 required to collect and remit the tax imposed under this Act
3 and file returns for the subsequent year. If at the end of a
4 one-year period a marketplace facilitator that was required to
5 collect and remit the tax imposed under this Act determines
6 that the marketplace facilitator did not meet the threshold in
7 either paragraph (1) or (2) during the preceding 12-month
8 period, the marketplace facilitator shall subsequently
9 determine on a quarterly basis, ending on the last day of
10 March, June, September, and December, whether the marketplace
11 facilitator meets the threshold of either paragraph (1) or (2)
12 for the preceding 12-month period.

13 (b-5) Beginning on January 1, 2026, a marketplace
14 facilitator whose cumulative gross receipts from sales of
15 tangible personal property to purchasers in Illinois by the
16 marketplace facilitator and by marketplace sellers selling
17 through the marketplace are \$100,000 or more is considered the
18 retailer for each sale of tangible personal property made
19 through its marketplace.

20 A marketplace facilitator shall determine on a quarterly
21 basis, ending on the last day of March, June, September, and
22 December, whether the marketplace facilitator meets the
23 threshold in this subsection (b-5) for the preceding 12-month
24 period. If the marketplace facilitator meets the threshold for
25 a 12-month period, the marketplace facilitator is considered a
26 retailer maintaining a place of business in this State and is

1 required to collect and remit the tax imposed under this Act
2 and file returns for one year. At the end of the one-year
3 period, the marketplace facilitator shall determine whether
4 the marketplace facilitator met the threshold during the
5 preceding 12-month period. If the marketplace facilitator met
6 the threshold for the preceding 12-month period, the
7 marketplace facilitator is considered a retailer maintaining a
8 place of business in this State and is required to collect and
9 remit the tax imposed under this Act and file returns for the
10 subsequent year. If at the end of a one-year period a
11 marketplace facilitator that was required to collect and remit
12 the tax imposed under this Act determines that the marketplace
13 facilitator did not meet the threshold during the preceding
14 12-month period, the marketplace facilitator shall
15 subsequently determine on a quarterly basis, ending on the
16 last day of March, June, September, and December, whether the
17 marketplace facilitator meets the threshold for the preceding
18 12-month period.

19 (c) Beginning on January 1, 2020 a marketplace facilitator
20 considered to be the retailer pursuant to subsection (b) or
21 (b-5) of this Section is considered the retailer with respect
22 to each sale made through its marketplace and is liable for
23 collecting and remitting the tax under this Act on all such
24 sales. The marketplace facilitator who is considered to be the
25 retailer under subsection (b) or (b-5) for sales made through
26 its marketplace has all the rights and duties, and is required

1 to comply with the same requirements and procedures, as all
2 other retailers maintaining a place of business in this State
3 who are registered or who are required to be registered to
4 collect and remit the tax imposed by this Act with respect to
5 such sales.

6 (d) A marketplace facilitator shall:

7 (1) certify to each marketplace seller that the
8 marketplace facilitator assumes the rights and duties of a
9 retailer under this Act with respect to sales made by the
10 marketplace seller through the marketplace; and

11 (2) collect taxes imposed by this Act as required by
12 Section 3-45 of this Act for sales made through the
13 marketplace.

14 (e) A marketplace seller shall retain books and records
15 for all sales made through a marketplace in accordance with
16 the requirements of Section 11.

17 (f) A marketplace seller shall furnish to the marketplace
18 facilitator information that is necessary for the marketplace
19 facilitator to correctly collect and remit taxes for a retail
20 sale. The information may include a certification that an item
21 being sold is taxable, not taxable, exempt from taxation, or
22 taxable at a specified rate. A marketplace seller shall be
23 held harmless for liability for the tax imposed under this Act
24 when a marketplace facilitator fails to correctly collect and
25 remit tax after having been provided with information by a
26 marketplace seller to correctly collect and remit taxes

1 imposed under this Act.

2 (g) If the marketplace facilitator demonstrates to the
3 satisfaction of the Department that its failure to correctly
4 collect and remit tax on a retail sale resulted from the
5 marketplace facilitator's good faith reliance on incorrect or
6 insufficient information provided by a marketplace seller, it
7 shall be relieved of liability for the tax on that retail sale.
8 In this case, a marketplace seller is liable for any resulting
9 tax due.

10 (h) (Blank).

11 (i) This Section does not affect the tax liability of a
12 purchaser under this Act.

13 (j) (Blank).

14 (k) A marketplace facilitator required to collect taxes
15 imposed under this Section and this Act on retail sales made
16 through its marketplace shall be liable to the Department for
17 such taxes, except when the marketplace facilitator is
18 relieved of the duty to remit such taxes by virtue of having
19 paid to the Department taxes imposed by the Retailers'
20 Occupation Tax Act upon his or her gross receipts from the same
21 transactions.

22 (l) If, for any reason, the Department is prohibited from
23 enforcing the marketplace facilitator's duty under this Act to
24 collect and remit taxes pursuant to this Section, the duty to
25 collect and remit such taxes reverts to the marketplace seller
26 that is a retailer maintaining a place of business in this

1 State pursuant to Section 2.

2 (m) Nothing in this Section affects the obligation of any
3 consumer to remit use tax for any taxable transaction for
4 which a certified service provider acting on behalf of a
5 remote retailer or a marketplace facilitator does not collect
6 and remit the appropriate tax.

7 (n) For purposes of this Act, with respect to a qualified
8 delivery network sale:

9 (1) The Department shall not assess tax under this Act
10 on both the seller and the delivery network company with
11 respect to the same qualified delivery network sale.

12 (2) The delivery network company may recover the tax
13 imposed under this Act that is paid to a seller on a
14 delivery network company sale if the delivery network
15 company collects and remits the tax from the purchaser and
16 the tax paid to the seller is separately stated on an
17 invoice or other corroborating documentation. A delivery
18 network company that is entitled to recover tax under this
19 paragraph may reduce taxable receipts by the taxable
20 amount of the delivery network company sale that is taxed
21 by the seller. If the recovery is taken, a refund of the
22 tax originally paid may not be requested from the seller.

23 (3) Nothing in this subsection (n) shall be construed
24 to relieve the customer of liability for tax imposed under
25 this Act on the transaction if the delivery network
26 company fails to collect and remit the tax.

1 (Source: P.A. 104-6, eff. 6-16-25.)

2 Section 10. The Service Use Tax Act is amended by changing
3 Section 2d as follows:

4 (35 ILCS 110/2d)

5 Sec. 2d. Marketplace facilitators and marketplace
6 servicemen.

7 (a) Definitions. For purposes of this Section:

8 "Affiliate" means a person that, with respect to another
9 person: (i) has a direct or indirect ownership interest of
10 more than 5% in the other person; or (ii) is related to the
11 other person because a third person, or group of third persons
12 who are affiliated with each other as defined in this
13 subsection, holds a direct or indirect ownership interest of
14 more than 5% in the related person.

15 "Bicycle" has the meaning given to that term in the
16 Illinois Vehicle Code.

17 "Delivery network company" means a person that maintains a
18 website, mobile application, or nondigital platform that is
19 used to facilitate delivery services that are performed or
20 otherwise conducted by a delivery network courier.

21 "Delivery network courier" means an individual who
22 provides delivery services through a delivery network company
23 by using a personal means of transportation, including, but
24 not limited to, a motor vehicle, bicycle, scooter, or other

1 similar mode of transportation, or by walking. "Delivery
2 network courier" does not include a common carrier or a motor
3 carrier.

4 "Delivery services" means the pickup and delivery of
5 tangible personal property by a delivery network courier from
6 a seller located in this State to a customer located in this
7 State, which may include the selection, collection, and
8 purchase of the tangible personal property in connection with
9 the delivery. "Delivery services" does not include a delivery
10 requiring more than 75 miles of travel from the seller to the
11 customer.

12 "Marketplace" means a physical or electronic place, forum,
13 platform, application, or other method by which a marketplace
14 serviceman makes or offers to make sales of service.

15 "Marketplace facilitator" means a person who, pursuant to
16 an agreement with an unrelated third-party marketplace
17 serviceman, directly or indirectly through one or more
18 affiliates facilitates sales of service by that unrelated
19 third-party marketplace serviceman through:

20 (1) listing or advertising for sale by the marketplace
21 serviceman in a marketplace, sales of service that are
22 subject to tax under this Act; and

23 (2) either directly or indirectly, through agreements
24 or arrangements with third parties, collecting payment
25 from the customer and transmitting that payment to the
26 marketplace serviceman regardless of whether the

1 marketplace facilitator receives compensation or other
2 consideration in exchange for its services.

3 "Marketplace serviceman" means a person that makes or
4 offers to make a sale of service through a marketplace
5 operated by an unrelated third-party marketplace facilitator.

6 "Motor vehicle" has the meaning given to that term in the
7 Illinois Vehicle Code.

8 "Qualified delivery network sale" means a sale that meets
9 all of the following requirements:

10 (1) the sale is made as part of a delivery service
11 facilitated by a delivery network company;

12 (2) the sale is sourced to this State under this Act;
13 and

14 (3) the tax imposed by this Act on the sale is reported
15 and remitted by the delivery network company.

16 (b) Beginning January 1, 2020 and through December 31,
17 2025, a marketplace facilitator who meets either of the
18 following thresholds is considered the serviceman for each
19 sale of service made through its marketplace:

20 (1) the cumulative gross receipts from sales of
21 service to purchasers in Illinois by the marketplace
22 facilitator and by marketplace servicemen selling through
23 the marketplace are \$100,000 or more; or

24 (2) the marketplace facilitator and marketplace
25 servicemen selling through the marketplace cumulatively
26 enter into 200 or more separate transactions for the sale

1 of service to purchasers in Illinois.

2 A marketplace facilitator shall determine on a quarterly
3 basis, ending on the last day of March, June, September, and
4 December, whether the marketplace facilitator meets the
5 threshold of either paragraph (1) or (2) of this subsection
6 (b) for the preceding 12-month period. If the marketplace
7 facilitator meets the threshold of either paragraph (1) or (2)
8 for a 12-month period, it is considered a serviceman
9 maintaining a place of business in this State and is required
10 to collect and remit the tax imposed under this Act and file
11 returns for one year. At the end of that one-year period, the
12 marketplace facilitator shall determine whether the
13 marketplace facilitator met the threshold of either paragraph
14 (1) or (2) during the preceding 12-month period. If the
15 marketplace facilitator met the threshold in either paragraph
16 (1) or (2) for the preceding 12-month period, it is considered
17 a serviceman maintaining a place of business in this State and
18 is required to collect and remit the tax imposed under this Act
19 and file returns for the subsequent year. If, at the end of a
20 one-year period, a marketplace facilitator that was required
21 to collect and remit the tax imposed under this Act determines
22 that it did not meet the threshold in either paragraph (1) or
23 (2) during the preceding 12-month period, the marketplace
24 facilitator shall subsequently determine on a quarterly basis,
25 ending on the last day of March, June, September, and
26 December, whether it meets the threshold of either paragraph

1 (1) or (2) for the preceding 12-month period.

2 (b-5) Beginning on January 1, 2026, a marketplace
3 facilitator whose cumulative gross receipts from sales of
4 service to purchasers in Illinois by the marketplace
5 facilitator and by marketplace servicemen selling through the
6 marketplace are \$100,000 or more is engaged in the business of
7 making sales of service in Illinois for purposes of this Act
8 for each sale of service made through the marketplace.

9 A marketplace facilitator shall determine on a quarterly
10 basis, ending on the last day of March, June, September, and
11 December, whether the marketplace facilitator meets the
12 threshold in this subsection (b-5) for the preceding 12-month
13 period. If the marketplace facilitator meets the threshold for
14 a 12-month period, the marketplace facilitator is considered a
15 serviceman maintaining a place of business in this State and
16 is required to collect and remit the tax imposed under this Act
17 and file returns for one year. At the end of the one-year
18 period, the marketplace facilitator shall determine whether
19 the marketplace facilitator met the threshold during the
20 preceding 12-month period. If the marketplace facilitator met
21 the threshold for the preceding 12-month period, the
22 marketplace facilitator is considered a serviceman maintaining
23 a place of business in this State and is required to collect
24 and remit the tax imposed under this Act and file returns for
25 the subsequent year. If at the end of a one-year period a
26 marketplace facilitator that was required to collect and remit

1 the tax imposed under this Act determines that the marketplace
2 facilitator did not meet the threshold during the preceding
3 12-month period, the marketplace facilitator shall
4 subsequently determine on a quarterly basis, ending on the
5 last day of March, June, September, and December, whether it
6 meets the threshold for the preceding 12-month period.

7 (c) A marketplace facilitator considered to be the
8 serviceman pursuant to subsection (b) or, beginning January 1,
9 2026, subsection (b-5) of this Section is considered the
10 serviceman for each sale of service made through its
11 marketplace and is liable for collecting and remitting the tax
12 under this Act on all such sales. The marketplace facilitator
13 has all the rights and duties, and is required to comply with
14 the same requirements and procedures, as all other servicemen
15 maintaining a place of business in this State who are
16 registered or who are required to be registered to collect and
17 remit the tax imposed by this Act with respect to such sales.

18 (d) A marketplace facilitator shall:

19 (1) certify to each marketplace serviceman that the
20 marketplace facilitator assumes the rights and duties of a
21 serviceman under this Act with respect to sales of service
22 made by the marketplace serviceman through the
23 marketplace; and

24 (2) collect taxes imposed by this Act as required by
25 Section 3-40 of this Act for sales of service made through
26 the marketplace.

1 (e) A marketplace serviceman shall retain books and
2 records for all sales of service made through a marketplace in
3 accordance with the requirements of Section 11.

4 (f) A marketplace serviceman shall furnish to the
5 marketplace facilitator information that is necessary for the
6 marketplace facilitator to correctly collect and remit taxes
7 for a sale of service. Such information includes the cost
8 price of any item transferred incident to a sale of service
9 under this Act when the cost price of an item exceeds 50% of
10 the entire billing to the service customer of a sale of service
11 made through the marketplace. The information may include a
12 certification that an item transferred incident to a sale of
13 service under this Act is taxable, not taxable, exempt from
14 taxation, or taxable at a specified rate. A marketplace
15 serviceman shall be held harmless for liability for the tax
16 imposed under this Act when a marketplace facilitator fails to
17 correctly collect and remit tax after having been provided
18 with information by a marketplace serviceman to correctly
19 collect and remit taxes imposed under this Act.

20 (g) If the marketplace facilitator demonstrates to the
21 satisfaction of the Department that its failure to correctly
22 collect and remit tax on a sale of service resulted from the
23 marketplace facilitator's good faith reliance on incorrect or
24 insufficient information provided by a marketplace serviceman,
25 it shall be relieved of liability for the tax on that sale of
26 service. In this case, a marketplace serviceman is liable for

1 any resulting tax due.

2 (h) (Blank).

3 (i) This Section does not affect the tax liability of a
4 purchaser under this Act.

5 (j) (Blank).

6 (k) A marketplace facilitator required to collect taxes
7 imposed under this Section and this Act on sales of service
8 made through its marketplace shall be liable to the Department
9 for such taxes, except when the marketplace facilitator is
10 relieved of the duty to remit such taxes by virtue of having
11 paid to the Department taxes imposed by the Service Occupation
12 Tax Act from the same transactions.

13 (l) If, for any reason, the Department is prohibited from
14 enforcing the marketplace facilitator's duty under this Act to
15 collect and remit taxes pursuant to this Section, the duty to
16 collect and remit such taxes reverts to the marketplace
17 serviceman that is a serviceman maintaining a place of
18 business in this State pursuant to Section 2.

19 (m) Nothing in this Section affects the obligation of any
20 consumer to remit service use tax for any taxable transaction
21 for which a certified service provider acting on behalf of a
22 serviceman maintaining a place of business in this State or a
23 marketplace facilitator does not collect and remit the
24 appropriate tax.

25 (n) For purposes of this Act with respect to a qualified
26 delivery network sale:

1 (1) The delivery network company shall be deemed to be
2 purchasing the tangible personal property from the
3 marketplace seller for resale to the customer incident to
4 a sale of service, and the transfer of tangible personal
5 property by the marketplace seller to the delivery network
6 company shall be treated as a sale for resale and not as a
7 taxable transfer to the user.

8 (2) The transfer of the tangible personal property by
9 the delivery network company to the customer in connection
10 with the delivery services shall be treated as the taxable
11 transfer incident to a sale of service that is subject to
12 tax under this Act.

13 (3) The delivery network company shall be considered
14 the serviceman's vendor for purposes of this Act with
15 respect to the qualified delivery network sale and shall
16 be liable for collecting and remitting the tax imposed
17 under this Act on the user with respect to that
18 transaction. Notwithstanding this paragraph, a delivery
19 network company shall not, by virtue of being treated as
20 the retailer, serviceman, or user's vendor under this Act,
21 be deemed a retail licensee for the sale or resale of items
22 subject to subsection (b) of 27 U.S.C. 205, 27 CFR part 6,
23 or any corresponding State law.

24 (4) The Department shall not assess tax under this Act
25 on both the marketplace seller and the delivery network
26 company with respect to the same qualified delivery

1 network sale.

2 (5) No tax shall be imposed under this Act on the
3 transfer of tangible personal property from the
4 marketplace seller to the delivery network company if the
5 delivery network company provides to the marketplace
6 seller documentation, in the form and manner prescribed by
7 the Department, certifying that the purchase is made for
8 resale to the customer in a qualified delivery network
9 sale.

10 (6) The Department shall, by rule, prescribe the form
11 of the resale documentation described in paragraph (5),
12 which may include the use of a blanket resale certificate
13 covering multiple qualified delivery network sales between
14 the same parties.

15 (7) Nothing in this subsection shall be construed to
16 relieve the customer of liability for tax imposed under
17 this Act on the transaction if the delivery network
18 company fails to collect and remit the tax.

19 (Source: P.A. 104-6, eff. 6-16-25.)

20 Section 15. The Service Occupation Tax Act is amended by
21 changing Section 3 as follows:

22 (35 ILCS 115/3) (from Ch. 120, par. 439.103)

23 Sec. 3. Tax imposed.

24 (a) A tax is imposed upon all persons engaged in the

1 business of making sales of service (referred to as
2 "servicemen") on all tangible personal property transferred,
3 including, on and after January 1, 2025, transferred by lease,
4 as an incident of a sale of service, including computer
5 software, and including photographs, negatives, and positives
6 that are the product of photoprocessing, but not including
7 products of photoprocessing produced for use in motion
8 pictures for public commercial exhibition. Beginning January
9 1, 2001, prepaid telephone calling arrangements shall be
10 considered tangible personal property subject to the tax
11 imposed under this Act regardless of the form in which those
12 arrangements may be embodied, transmitted, or fixed by any
13 method now known or hereafter developed. Sales of (1)
14 electricity delivered to customers by wire; (2) natural or
15 artificial gas that is delivered to customers through pipes,
16 pipelines, or mains; and (3) water that is delivered to
17 customers through pipes, pipelines, or mains are not subject
18 to tax under this Act. The provisions of this amendatory Act of
19 the 98th General Assembly are declaratory of existing law as
20 to the meaning and scope of this Act.

21 (b) Beginning on January 1, 2026, a serviceman maintaining
22 a place of business in this State that makes sales of service
23 to Illinois customers from a location or locations outside of
24 Illinois is engaged in the business of making sales of service
25 in Illinois for the purposes of this Act. A qualifying
26 serviceman under this subsection (b) is liable for all

1 applicable State and locally imposed service occupation taxes
2 administered by the Department on all tangible personal
3 property transferred as an incident of a sale of service made
4 by the serviceman to Illinois customers from locations outside
5 of Illinois.

6 (c) A serviceman maintaining a place of business in this
7 State that is required to collect taxes imposed under the
8 Service Use Tax Act on sales of service made to Illinois
9 purchasers shall be liable to the Department for such taxes,
10 except when the serviceman maintaining a place of business in
11 this State is relieved of the duty to remit such taxes by
12 virtue of having paid to the Department taxes imposed by this
13 Act in accordance with this Section upon such sales.

14 (d) Beginning January 1, 2026, a marketplace facilitator
15 whose cumulative gross receipts from sales of service to
16 purchasers in Illinois by the marketplace facilitator and by
17 marketplace servicemen selling through the marketplace are
18 \$100,000 or more is engaged in the business of making sales of
19 service in Illinois for purposes of this Act for each sale of
20 service made through its marketplace.

21 A marketplace facilitator who meets the threshold of this
22 subsection (d) is required to remit the applicable State
23 service occupation taxes under this Act and local service
24 occupation taxes administered by the Department on all taxable
25 transfers of tangible personal property made incident to sales
26 of service by the marketplace facilitator or facilitated for

1 marketplace servicemen to customers in this State. A
2 marketplace facilitator transferring or facilitating the
3 transfer of tangible personal property incident to a sale of
4 service to customers in this State is subject to all
5 applicable procedures and requirements of this Act.

6 The marketplace facilitator shall determine on a quarterly
7 basis, ending on the last day of March, June, September, and
8 December, whether the marketplace facilitator meets the
9 threshold of this subsection (d) for the preceding 12-month
10 period. If the marketplace facilitator meets the threshold for
11 a 12-month period, the marketplace facilitator is considered a
12 serviceman maintaining a place of business in this State and
13 is required to remit the tax imposed under this Act and all
14 service occupation tax imposed by local taxing jurisdictions
15 in Illinois, provided such local taxes are administered by the
16 Department, and to file all applicable returns for one year.
17 At the end of the one-year period, the marketplace facilitator
18 shall determine whether the marketplace facilitator met the
19 threshold for the preceding 12-month period. If the
20 marketplace facilitator met the threshold for the preceding
21 12-month period, the marketplace facilitator is considered a
22 serviceman maintaining a place of business in this State and
23 is required to remit all applicable State and local service
24 occupation taxes and file returns for the subsequent year. If
25 at the end of a one-year period a marketplace facilitator that
26 was required to remit the tax imposed under this Act

1 determines that the marketplace facilitator did not meet the
2 threshold during the preceding 12-month period, the
3 marketplace facilitator shall subsequently determine on a
4 quarterly basis, ending on the last day of March, June,
5 September, and December, whether he or she meets the threshold
6 for the preceding 12-month period.

7 (e) A marketplace facilitator shall be entitled to any
8 credits, deductions, or adjustments to the sales price
9 otherwise provided to the marketplace serviceman, in addition
10 to any such adjustments provided directly to the marketplace
11 facilitator. This Section pertains to, but is not limited to,
12 adjustments such as discounts, coupons, and rebates. In
13 addition, a marketplace facilitator shall be entitled to the
14 vendors' discount provided in Section 9 of the Service
15 Occupation Tax Act on all marketplace sales of service, and
16 the marketplace serviceman shall not include sales of service
17 made through a marketplace facilitator when computing any
18 vendors' discount on remaining sales of service. Marketplace
19 facilitators shall report and remit the applicable State and
20 local service occupation taxes on sales of service facilitated
21 for marketplace servicemen separately from any service
22 occupation or service use tax collected on taxable sales of
23 service made directly by the marketplace facilitator or its
24 affiliates.

25 The marketplace facilitator is liable for the remittance
26 of all applicable State service occupation taxes under this

1 Act and local service occupation taxes administered by the
2 Department on sales of service through the marketplace and is
3 subject to audit on all such sales of service. The Department
4 shall not audit marketplace servicemen for their marketplace
5 sales of service where a marketplace facilitator remitted the
6 applicable State and local service occupation taxes unless the
7 marketplace facilitator seeks relief as a result of incorrect
8 information provided to the marketplace facilitator by a
9 marketplace serviceman as set forth in this Section. The
10 marketplace facilitator shall not be held liable for tax on
11 any sales of service made by a marketplace serviceman that
12 take place outside of the marketplace and which are not a part
13 of any agreement between a marketplace facilitator and a
14 marketplace serviceman. In addition, marketplace facilitators
15 shall not be held liable to State and local governments of
16 Illinois for having charged and remitted an incorrect amount
17 of State and local service occupation tax if, at the time of
18 the sale of service, the tax is computed based on erroneous
19 data provided by the State in database files on tax rates,
20 boundaries, or taxing jurisdictions or incorrect information
21 provided to the marketplace facilitator by the marketplace
22 serviceman, including the marketplace serviceman's cost ratio
23 and registration status.

24 (f) A marketplace facilitator shall:

25 (1) certify to each marketplace serviceman that the
26 marketplace facilitator assumes the rights and duties of a

1 serviceman under this Act with respect to sales of service
2 made by the marketplace serviceman through the
3 marketplace; and

4 (2) remit taxes imposed by this Act as required by
5 this Act for sales of service made through the
6 marketplace.

7 (g) A marketplace serviceman shall retain books and
8 records for all sales of service made through a marketplace in
9 accordance with the requirements of Section 11 of this Act.

10 (h) A marketplace serviceman shall furnish to the
11 marketplace facilitator information that is necessary for the
12 marketplace facilitator to correctly remit taxes for a sale of
13 service. Such information includes the cost price of any item
14 transferred incident to a sale of service under this Act when
15 the cost price of an item exceeds 50% of the total invoice
16 price of a sale of service made through the marketplace. The
17 information may include a certification that an item
18 transferred incident to a sale of service under this Act is
19 taxable, not taxable, exempt from taxation, or taxable at a
20 specified rate. A marketplace serviceman shall be held
21 harmless for liability for the tax imposed under this Act when
22 a marketplace facilitator fails to correctly collect and remit
23 tax after having been provided with information by a
24 marketplace serviceman to correctly collect and remit taxes
25 imposed under this Act.

26 (i) If the marketplace facilitator demonstrates to the

1 satisfaction of the Department that its failure to correctly
2 collect and remit tax on a sale of service resulted from the
3 marketplace facilitator's good faith reliance on incorrect or
4 insufficient information provided by a marketplace serviceman,
5 it shall be relieved of liability for the tax on that sale of
6 service and the marketplace serviceman shall be liable for any
7 resulting tax due.

8 (j) A marketplace facilitator is subject to audit on all
9 marketplace sales of service for which it is considered to be
10 the serviceman, but shall not be liable for tax or subject to
11 audit on sales of service made by marketplace servicemen
12 outside of the marketplace.

13 (k) A marketplace facilitator required to collect taxes
14 imposed under the Service Use Tax Act on marketplace sales of
15 service made to Illinois purchasers shall be liable to the
16 Department for such taxes, except when the marketplace
17 facilitator is relieved of the duty to remit such taxes by
18 virtue of having paid to the Department taxes imposed by this
19 Act in accordance with this Section from such sales of
20 service.

21 (l) Nothing in this Section shall allow the Department to
22 collect service occupation taxes from both the marketplace
23 facilitator and marketplace serviceman on the same
24 transaction.

25 (m) If, for any reason, the Department is prohibited from
26 enforcing the marketplace facilitator's duty under this Act to

1 remit taxes pursuant to this Section, the duty to remit such
2 taxes remains with the marketplace serviceman.

3 (n) Notwithstanding any provision of law, with respect to
4 a qualified delivery network sale made on or after the
5 effective date of this amendatory Act of the 104th General
6 Assembly:

7 (1) The delivery network company shall be deemed to be
8 purchasing the tangible personal property from the
9 marketplace seller for resale incident to a sale of
10 service to the customer, and the transfer of tangible
11 personal property by the marketplace seller to the
12 delivery network company shall be treated as a sale for
13 resale and not as a taxable transfer incident to a sale of
14 service.

15 (2) The transfer of the tangible personal property by
16 the delivery network company to the customer in connection
17 with the delivery services shall be treated as the taxable
18 transfer of tangible personal property incident to a sale
19 of service that is subject to tax under this Act if the
20 transaction is otherwise taxable.

21 (3) The delivery network company shall be considered
22 the serviceman with respect to the qualified delivery
23 network sale and shall be liable for payment of the tax
24 imposed under this Act and all applicable locally imposed
25 service occupation taxes administered by the Department on
26 that transaction. Notwithstanding the provisions of this

1 subsection, a delivery network company shall not, by
2 virtue of being treated as the retailer, serviceman, or
3 user's vendor under this Act, be deemed a retail licensee
4 for the sale or resale of items subject to subsection (b)
5 of 27 U.S.C. 205, 27 CFR part 6, or any corresponding State
6 law.

7 (4) The Department shall not assess tax under this Act
8 on both the marketplace seller and the delivery network
9 company with respect to the same qualified delivery
10 network sale.

11 (5) No tax shall be imposed under this Act on the
12 transfer of tangible personal property from the
13 marketplace seller to the delivery network company if the
14 delivery network company provides to the marketplace
15 seller documentation, in the form and manner prescribed by
16 the Department, certifying that the purchase is made for
17 resale to the customer in a qualified delivery network
18 sale.

19 (6) The Department shall, by rule, prescribe the form
20 of the resale documentation described in paragraph (5),
21 which may include the use of a blanket resale certificate
22 covering multiple qualified delivery network sales between
23 the same parties.

24 (7) Nothing in this subsection shall be construed to
25 relieve the customer of liability for tax imposed under
26 this Act on the transaction if the delivery network

1 company fails to collect and remit the tax.

2 As used in this subsection (n):

3 "Bicycle" has the meaning given to that term in the
4 Illinois Vehicle Code.

5 "Delivery network company" means a person that maintains a
6 website, mobile application, or nondigital platform that is
7 used to facilitate delivery services that are performed or
8 otherwise conducted by a delivery network courier.

9 "Delivery network courier" means an individual who
10 provides delivery services through a delivery network company
11 by using a personal means of transportation, including, but
12 not limited to, a motor vehicle, bicycle, scooter, or other
13 similar mode of transportation, or by walking. "Delivery
14 network courier" does not include a common carrier or a motor
15 carrier.

16 "Delivery services" means the pickup and delivery of
17 tangible personal property by a delivery network courier from
18 a seller located in this State to a customer located in this
19 State, which may include the selection, collection, and
20 purchase of the tangible personal property in connection with
21 the delivery. "Delivery services" does not include a delivery
22 requiring more than 75 miles of travel from the seller to the
23 customer.

24 "Motor vehicle" has the meaning given to that term in the
25 Illinois Vehicle Code.

26 "Qualified delivery network sale" means a sale that meets

1 all of the following requirements:

2 (1) the sale is made as part of a delivery service
3 facilitated by a delivery network company;

4 (2) the sale is sourced to this State under this Act;
5 and

6 (3) the tax imposed by this Act on the sale is reported
7 and remitted by the delivery network company.

8 (o) The imposition of the tax under this Act on tangible
9 personal property transferred by lease by persons engaged in
10 the business of making sales of service applies to leases in
11 effect, entered into, or renewed on or after January 1, 2025.
12 In the case of leases, except as otherwise provided in this
13 Act, the serviceman who is a lessor must remit for each tax
14 return period only the tax applicable to that part of the
15 selling price actually received during such tax return period.
16 (Source: P.A. 103-592, eff. 1-1-25; 104-6, eff. 6-16-25.)

17 Section 20. The Retailers' Occupation Tax Act is amended
18 by changing Section 2 as follows:

19 (35 ILCS 120/2)

20 Sec. 2. Tax imposed.

21 (a) A tax is imposed upon persons engaged in the business
22 of selling at retail, which, on and after January 1, 2025,
23 includes leasing, tangible personal property, including
24 computer software, and including photographs, negatives, and

1 positives that are the product of photoprocessing, but not
2 including products of photoprocessing produced for use in
3 motion pictures for public commercial exhibition. Beginning
4 January 1, 2001, prepaid telephone calling arrangements shall
5 be considered tangible personal property subject to the tax
6 imposed under this Act regardless of the form in which those
7 arrangements may be embodied, transmitted, or fixed by any
8 method now known or hereafter developed.

9 The imposition of the tax under this Act on persons
10 engaged in the business of leasing tangible personal property
11 applies to leases in effect, entered into, or renewed on or
12 after January 1, 2025. In the case of leases, except as
13 otherwise provided in this Act, the lessor must remit, for
14 each tax return period, only the tax applicable to that part of
15 the selling price actually received during such tax return
16 period.

17 The inclusion of leases in the tax imposed under this Act
18 by Public Act 103-592 does not, however, extend to motor
19 vehicles, watercraft, aircraft, and semitrailers, as defined
20 in Section 1-187 of the Illinois Vehicle Code, that are
21 required to be registered with an agency of this State. The
22 taxation of these items shall continue in effect as prior to
23 the effective date of the changes made to this Section by
24 Public Act 103-592 (i.e., dealers owe retailers' occupation
25 tax, lessors owe use tax, and lessees are not subject to
26 retailers' occupation or use tax).

1 Sales of (1) electricity delivered to customers by wire;
2 (2) natural or artificial gas that is delivered to customers
3 through pipes, pipelines, or mains; and (3) water that is
4 delivered to customers through pipes, pipelines, or mains are
5 not subject to tax under this Act. The provisions of Public Act
6 98-583 are declaratory of existing law as to the meaning and
7 scope of this Act.

8 (b) Beginning on January 1, 2021 and through December 31,
9 2025, a remote retailer is engaged in the occupation of
10 selling at retail in Illinois for purposes of this Act, if:

11 (1) the cumulative gross receipts from sales of
12 tangible personal property to purchasers in Illinois are
13 \$100,000 or more; or

14 (2) the retailer enters into 200 or more separate
15 transactions for the sale of tangible personal property to
16 purchasers in Illinois.

17 Remote retailers that meet or exceed the threshold in
18 either paragraph (1) or (2) above shall be liable for all
19 applicable State retailers' and locally imposed retailers'
20 occupation taxes administered by the Department on all retail
21 sales to Illinois purchasers.

22 The remote retailer shall determine on a quarterly basis,
23 ending on the last day of March, June, September, and
24 December, whether it meets the threshold of either paragraph
25 (1) or (2) of this subsection for the preceding 12-month
26 period. If the retailer meets the threshold of either

1 paragraph (1) or (2) for a 12-month period, he or she is
2 considered a retailer maintaining a place of business in this
3 State and is required to collect and remit the tax imposed
4 under this Act and all retailers' occupation tax imposed by
5 local taxing jurisdictions in Illinois, provided such local
6 taxes are administered by the Department, and to file all
7 applicable returns for one year. At the end of that one-year
8 period, the retailer shall determine whether the retailer met
9 the threshold of either paragraph (1) or (2) for the preceding
10 12-month period. If the retailer met the threshold in either
11 paragraph (1) or (2) for the preceding 12-month period, it is
12 considered a retailer maintaining a place of business in this
13 State and is required to collect and remit all applicable
14 State and local retailers' occupation taxes and file returns
15 for the subsequent year. If, at the end of a one-year period, a
16 retailer that was required to collect and remit the tax
17 imposed under this Act determines that it did not meet the
18 threshold in either paragraph (1) or (2) during the preceding
19 12-month period, then the retailer shall subsequently
20 determine on a quarterly basis, ending on the last day of
21 March, June, September, and December, whether the retailer met
22 the threshold of either paragraph (1) or (2) for the preceding
23 12-month period.

24 (b-1) Beginning on January 1, 2026, a remote retailer is
25 engaged in the occupation of selling at retail in Illinois for
26 purposes of this Act if the remote retailer's cumulative gross

1 receipts from sales of tangible personal property to
2 purchasers in Illinois are \$100,000 or more.

3 Remote retailers that meet or exceed the threshold in this
4 subsection (b-1) shall be liable for all applicable State and
5 locally imposed retailers' occupation taxes administered by
6 the Department on all retail sales to Illinois purchasers.

7 The remote retailer shall determine on a quarterly basis,
8 ending on the last day of March, June, September, and
9 December, whether the remote retailer meets the threshold of
10 this subsection (b-1) for the preceding 12-month period. If
11 the remote retailer meets the threshold for a 12-month period,
12 the remote retailer is considered to be engaged in the
13 occupation of selling at retail in Illinois and is required to
14 remit the tax imposed under this Act and all retailers'
15 occupation tax imposed by local taxing jurisdictions in
16 Illinois, provided such local taxes are administered by the
17 Department, and to file all applicable returns for one year.
18 At the end of the one-year period, the remote retailer shall
19 determine whether the remote retailer met the threshold for
20 the preceding 12-month period. If the retailer met the
21 threshold for the preceding 12-month period, the remote
22 retailer is considered to be engaged in the occupation of
23 selling at retail in Illinois and is required to remit all
24 applicable State and local retailers' occupation taxes and
25 file returns for the subsequent year. If, at the end of a
26 one-year period, a remote retailer that was required to remit

1 the tax imposed under this Act determines that the remote
2 retailer did not meet the threshold during the preceding
3 12-month period, then the remote retailer shall subsequently
4 determine on a quarterly basis, ending on the last day of
5 March, June, September, and December, whether the remote
6 retailer met the threshold for the preceding 12-month period.

7 (b-2) Beginning on January 1, 2025, a retailer maintaining
8 a place of business in this State that makes retail sales of
9 tangible personal property to Illinois customers from a
10 location or locations outside of Illinois is engaged in the
11 occupation of selling at retail in Illinois for the purposes
12 of this Act. Those retailers are liable for all applicable
13 State and locally imposed retailers' occupation taxes
14 administered by the Department on retail sales made by those
15 retailers to Illinois customers from locations outside of
16 Illinois.

17 (b-5) For the purposes of this Section, neither the gross
18 receipts from nor, until January 1, 2026, the number of
19 separate transactions for sales of tangible personal property
20 to purchasers in Illinois that a remote retailer makes through
21 a marketplace facilitator shall be included for the purposes
22 of determining whether he or she has met the thresholds of
23 subsection (b) or (b-1) of this Section so long as the remote
24 retailer has received certification from the marketplace
25 facilitator that the marketplace facilitator is legally
26 responsible for payment of tax on such sales.

1 (b-10) A remote retailer that is required to collect taxes
2 imposed under the Use Tax Act on retail sales made to Illinois
3 purchasers or a retailer maintaining a place of business in
4 this State that is required to collect taxes imposed under the
5 Use Tax Act on retail sales made to Illinois purchasers shall
6 be liable to the Department for such taxes, except when the
7 remote retailer or retailer maintaining a place of business in
8 this State is relieved of the duty to remit such taxes by
9 virtue of having paid to the Department taxes imposed by this
10 Act in accordance with this Section upon his or her gross
11 receipts from such sales.

12 (c) Marketplace facilitators engaged in the business of
13 selling at retail tangible personal property in Illinois.
14 Beginning January 1, 2021 and through December 31, 2025, a
15 marketplace facilitator is engaged in the occupation of
16 selling at retail tangible personal property in Illinois for
17 purposes of this Act if, during the previous 12-month period:

18 (1) the cumulative gross receipts from sales of
19 tangible personal property on its own behalf or on behalf
20 of marketplace sellers to purchasers in Illinois equals
21 \$100,000 or more; or

22 (2) the marketplace facilitator enters into 200 or
23 more separate transactions on its own behalf or on behalf
24 of marketplace sellers for the sale of tangible personal
25 property to purchasers in Illinois, regardless of whether
26 the marketplace facilitator or marketplace sellers for

1 whom such sales are facilitated are registered as
2 retailers in this State.

3 A marketplace facilitator who meets either paragraph (1)
4 or (2) of this subsection is required to remit the applicable
5 State retailers' occupation taxes under this Act and local
6 retailers' occupation taxes administered by the Department on
7 all taxable sales of tangible personal property made by the
8 marketplace facilitator or facilitated for marketplace sellers
9 to customers in this State. A marketplace facilitator selling
10 or facilitating the sale of tangible personal property to
11 customers in this State is subject to all applicable
12 procedures and requirements of this Act.

13 The marketplace facilitator shall determine on a quarterly
14 basis, ending on the last day of March, June, September, and
15 December, whether it meets the threshold of either paragraph
16 (1) or (2) of this subsection for the preceding 12-month
17 period. If the marketplace facilitator meets the threshold of
18 either paragraph (1) or (2) for a 12-month period, the
19 marketplace facilitator is considered a retailer maintaining a
20 place of business in this State and is required to remit the
21 tax imposed under this Act and all retailers' occupation tax
22 imposed by local taxing jurisdictions in Illinois, provided
23 such local taxes are administered by the Department, and to
24 file all applicable returns for one year. At the end of that
25 one-year period, the marketplace facilitator shall determine
26 whether it met the threshold of either paragraph (1) or (2) for

1 the preceding 12-month period. If the marketplace facilitator
2 met the threshold in either paragraph (1) or (2) for the
3 preceding 12-month period, it is considered a retailer
4 maintaining a place of business in this State and is required
5 to collect and remit all applicable State and local retailers'
6 occupation taxes and file returns for the subsequent year. If
7 at the end of a one-year period a marketplace facilitator that
8 was required to collect and remit the tax imposed under this
9 Act determines that it did not meet the threshold in either
10 paragraph (1) or (2) during the preceding 12-month period, the
11 marketplace facilitator shall subsequently determine on a
12 quarterly basis, ending on the last day of March, June,
13 September, and December, whether it met the threshold of
14 either paragraph (1) or (2) for the preceding 12-month period.

15 (c-5) Beginning January 1, 2026, a marketplace facilitator
16 is engaged in the occupation of selling at retail tangible
17 personal property in Illinois for purposes of this Act if,
18 during the previous 12-month period the cumulative gross
19 receipts from sales of tangible personal property on its own
20 behalf or on behalf of marketplace sellers to purchasers in
21 Illinois equals \$100,000 or more.

22 A marketplace facilitator who meets the threshold of this
23 subsection is required to remit the applicable State
24 retailers' occupation taxes under this Act and local
25 retailers' occupation taxes administered by the Department on
26 all taxable sales of tangible personal property made by the

1 marketplace facilitator or facilitated for marketplace sellers
2 to customers in this State. A marketplace facilitator selling
3 or facilitating the sale of tangible personal property to
4 customers in this State is subject to all applicable
5 procedures and requirements of this Act.

6 The marketplace facilitator shall determine on a quarterly
7 basis, ending on the last day of March, June, September, and
8 December, whether the marketplace facilitator meets the
9 threshold of this subsection (c-5) for the preceding 12-month
10 period. If the marketplace facilitator meets the threshold for
11 a 12-month period, the marketplace facilitator is considered
12 to be engaged in the occupation of selling at retail in
13 Illinois and is required to remit the tax imposed under this
14 Act and all retailers' occupation tax imposed by local taxing
15 jurisdictions in Illinois, provided such local taxes are
16 administered by the Department, and to file all applicable
17 returns for one year. At the end of the one-year period, the
18 marketplace facilitator shall determine whether the
19 marketplace facilitator met the threshold for the preceding
20 12-month period. If the marketplace facilitator met the
21 threshold for the preceding 12-month period, the marketplace
22 facilitator is considered to be engaged in the occupation of
23 selling at retail in Illinois and is required to collect and
24 remit all applicable State and local retailers' occupation
25 taxes and file returns for the subsequent year. If at the end
26 of a one-year period a marketplace facilitator that was

1 required to collect and remit the tax imposed under this Act
2 determines that the marketplace facilitator did not meet the
3 threshold during the preceding 12-month period, the
4 marketplace facilitator shall subsequently determine on a
5 quarterly basis, ending on the last day of March, June,
6 September, and December, whether it met the threshold for the
7 preceding 12-month period.

8 (c-10) A marketplace facilitator shall be entitled to any
9 credits, deductions, or adjustments to the sales price
10 otherwise provided to the marketplace seller, in addition to
11 any such adjustments provided directly to the marketplace
12 facilitator. This Section pertains to, but is not limited to,
13 adjustments such as discounts, coupons, and rebates. In
14 addition, a marketplace facilitator shall be entitled to the
15 retailers' discount provided in Section 3 of the Retailers'
16 Occupation Tax Act on all marketplace sales, and the
17 marketplace seller shall not include sales made through a
18 marketplace facilitator when computing any retailers' discount
19 on remaining sales. Marketplace facilitators shall report and
20 remit the applicable State and local retailers' occupation
21 taxes on sales facilitated for marketplace sellers separately
22 from any sales or use tax collected on taxable retail sales
23 made directly by the marketplace facilitator or its
24 affiliates.

25 The marketplace facilitator is liable for the remittance
26 of all applicable State retailers' occupation taxes under this

1 Act and local retailers' occupation taxes administered by the
2 Department on sales through the marketplace and is subject to
3 audit on all such sales. The Department shall not audit
4 marketplace sellers for their marketplace sales where a
5 marketplace facilitator remitted the applicable State and
6 local retailers' occupation taxes unless the marketplace
7 facilitator seeks relief as a result of incorrect information
8 provided to the marketplace facilitator by a marketplace
9 seller as set forth in this Section. The marketplace
10 facilitator shall not be held liable for tax on any sales made
11 by a marketplace seller that take place outside of the
12 marketplace and which are not a part of any agreement between a
13 marketplace facilitator and a marketplace seller. In addition,
14 marketplace facilitators shall not be held liable to State and
15 local governments of Illinois for having charged and remitted
16 an incorrect amount of State and local retailers' occupation
17 tax if, at the time of the sale, the tax is computed based on
18 erroneous data provided by the State in database files on tax
19 rates, boundaries, or taxing jurisdictions or incorrect
20 information provided to the marketplace facilitator by the
21 marketplace seller.

22 (d) A marketplace facilitator shall:

23 (1) certify to each marketplace seller that the
24 marketplace facilitator assumes the rights and duties of a
25 retailer under this Act with respect to sales made by the
26 marketplace seller through the marketplace; and

1 (2) remit taxes imposed by this Act as required by
2 this Act for sales made through the marketplace.

3 (e) A marketplace seller shall retain books and records
4 for all sales made through a marketplace in accordance with
5 the requirements of this Act.

6 (f) A marketplace facilitator is subject to audit on all
7 marketplace sales for which it is considered to be the
8 retailer, but shall not be liable for tax or subject to audit
9 on sales made by marketplace sellers outside of the
10 marketplace.

11 (g) A marketplace facilitator required to collect taxes
12 imposed under the Use Tax Act on marketplace sales made to
13 Illinois purchasers shall be liable to the Department for such
14 taxes, except when the marketplace facilitator is relieved of
15 the duty to remit such taxes by virtue of having paid to the
16 Department taxes imposed by this Act in accordance with this
17 Section upon his or her gross receipts from such sales.

18 (h) Nothing in this Section shall allow the Department to
19 collect retailers' occupation taxes from both the marketplace
20 facilitator and marketplace seller on the same transaction.

21 (i) If, for any reason, the Department is prohibited from
22 enforcing the marketplace facilitator's duty under this Act to
23 remit taxes pursuant to this Section, the duty to remit such
24 taxes remains with the marketplace seller.

25 (j) (Blank).

26 (k) (Blank).

1 (l) A marketplace seller shall furnish to the marketplace
2 facilitator information that is necessary for the marketplace
3 facilitator to correctly remit taxes for a retail sale. The
4 information may include a certification that an item being
5 sold is taxable, not taxable, exempt from taxation, or taxable
6 at a specified rate. A marketplace seller shall be held
7 harmless for liability for the tax imposed under this Act when
8 a marketplace facilitator fails to correctly remit tax after
9 having been provided with information by a marketplace seller
10 to correctly remit taxes imposed under this Act.

11 (m) If the marketplace facilitator demonstrates to the
12 satisfaction of the Department that its failure to correctly
13 remit tax on a retail sale resulted from the marketplace
14 facilitator's good faith reliance on incorrect or insufficient
15 information provided by a marketplace seller, it shall be
16 relieved of liability for the tax on that retail sale and the
17 marketplace seller shall be liable for any resulting tax due.

18 (n) Notwithstanding any provision of law, with respect to
19 a qualified delivery network sale made on or after the
20 effective date of this amendatory Act of the 104th General
21 Assembly:

22 (1) The transfer of the tangible personal property by
23 the delivery network company to the customer in connection
24 with the delivery services shall be treated as the taxable
25 transfer of tangible personal property incident to a sale
26 of service that is subject to tax under this Act if the

1 transaction is otherwise taxable.

2 (2) The delivery network company shall be considered
3 the retailer with respect to the qualified delivery
4 network sale and shall be liable for payment of the tax
5 imposed under this Act and all applicable locally imposed
6 service occupation taxes administered by the Department on
7 that transaction. Notwithstanding the provisions of this
8 paragraph, a delivery network company shall not, by virtue
9 of being treated as the retailer, serviceman, or user's
10 vendor under this Act, be deemed a retail licensee for the
11 sale or resale of items subject to subsection (b) of 27
12 U.S.C. 205, 27 CFR part 6, or any corresponding State law.

13 (3) The Department shall not assess the tax under this
14 Act on both the marketplace seller and the delivery
15 network company with respect to the same qualified
16 delivery network sale.

17 (4) No tax shall be imposed under this Act on the
18 transfer of tangible personal property from the
19 marketplace seller to the delivery network company if the
20 delivery network company provides to the marketplace
21 seller documentation, in the form and manner prescribed by
22 the Department, certifying that the purchase is made for
23 resale to the customer in a qualified delivery network
24 sale.

25 (5) The Department shall, by rule, prescribe the form
26 of the resale documentation described in paragraph (4),

1 which may include the use of a blanket resale certificate
2 covering multiple qualified delivery network sales between
3 the same parties.

4 (6) Nothing in this subsection shall be construed to
5 relieve the customer of liability for tax imposed under
6 this Act on the transaction if the delivery network
7 company fails to collect and remit the tax.

8 As used in this subsection:

9 "Bicycle" has the meaning given to that term in the
10 Illinois Vehicle Code.

11 "Delivery network company" means a person that maintains a
12 website, mobile application, or nondigital platform that is
13 used to facilitate delivery services that are performed or
14 otherwise conducted by a delivery network courier.

15 "Delivery network courier" means an individual who
16 provides delivery services through a delivery network company
17 by using a personal means of transportation, including, but
18 not limited to, a motor vehicle, bicycle, scooter, or other
19 similar mode of transportation, or by walking. "Delivery
20 network courier" does not include a common carrier or a motor
21 carrier.

22 "Delivery services" means the pickup and delivery of
23 tangible personal property by a delivery network courier from
24 a seller located in this State to a customer located in this
25 State, which may include the selection, collection, and
26 purchase of the tangible personal property in connection with

1 the delivery. "Delivery services" does not include a delivery
2 requiring more than 75 miles of travel from the seller to the
3 customer.

4 "Motor vehicle" has the meaning given to that term in the
5 Illinois Vehicle Code.

6 "Qualified delivery network sale" means a sale that meets
7 all of the following requirements:

8 (1) the sale is made as part of a delivery service
9 facilitated by a delivery network company;

10 (2) the sale is sourced to this State under this Act;
11 and

12 (3) the tax imposed by this Act on the sale is reported
13 and remitted by the delivery network company.

14 (Source: P.A. 103-592, eff. 1-1-25; 103-983, eff. 1-1-25;
15 104-6, eff. 6-16-25.)".