



Sen. Patrick J. Joyce

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10400SB3843sam002

LRB104 18877 HLH 37882 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 qualified delivery network 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 its taxable receipts by the taxable
20 amount of the qualified delivery network sale that is
21 taxed by the seller. If the recovery is taken, a refund of
22 the tax originally paid may not be requested from the
23 seller.

24 (3) Nothing in this subsection (n) shall be construed
25 to 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 (Source: P.A. 104-6, eff. 6-16-25.)

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

5 (35 ILCS 110/2d)

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

8 (a) Definitions. For purposes of 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% in the other person; or (ii) is related to the
12 other person because a third person, or group of third persons
13 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
17 Illinois Vehicle Code.

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

22 "Delivery network courier" means an individual who
23 provides delivery services through a delivery network company
24 by using a personal means of transportation, including, but

1 not limited to, a motor vehicle, bicycle, scooter, or other
2 similar mode of transportation, or by walking. "Delivery
3 network courier" does not include a common carrier or a motor
4 carrier.

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

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

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

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

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

1 marketplace serviceman regardless of whether the
2 marketplace facilitator receives compensation or other
3 consideration in exchange for its services.

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

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

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

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

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

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

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

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

25 (2) the marketplace facilitator and marketplace
26 servicemen selling through the marketplace cumulatively

1 enter into 200 or more separate transactions for the sale
2 of service to purchasers in Illinois.

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

1 December, whether it meets the threshold of either paragraph
2 (1) or (2) for the preceding 12-month period.

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

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

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

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

19 (d) A marketplace facilitator shall:

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

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

1 the marketplace.

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

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

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

1 service. In this case, a marketplace serviceman is liable for
2 any resulting tax due.

3 (h) (Blank).

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

6 (j) (Blank).

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

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

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

26 (n) For the purposes of this Act, with respect to a

1 qualified delivery network sale:

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

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

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

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

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

24 (35 ILCS 115/3) (from Ch. 120, par. 439.103)

1 Sec. 3. Tax imposed.

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

23 (b) Beginning on January 1, 2026, a serviceman maintaining
24 a place of business in this State that makes sales of service
25 to Illinois customers from a location or locations outside of
26 Illinois is engaged in the business of making sales of service

1 in Illinois for the purposes of this Act. A qualifying
2 serviceman under this subsection (b) is liable for all
3 applicable State and locally imposed service occupation taxes
4 administered by the Department on all tangible personal
5 property transferred as an incident of a sale of service made
6 by the serviceman to Illinois customers from locations outside
7 of Illinois.

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

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

23 A marketplace facilitator who meets the threshold of this
24 subsection (d) is required to remit the applicable State
25 service occupation taxes under this Act and local service
26 occupation taxes administered by the Department on all taxable

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

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

1 at the end of a one-year period a marketplace facilitator that
2 was required to remit the tax imposed under this Act
3 determines that the marketplace facilitator did not meet the
4 threshold during the preceding 12-month period, the
5 marketplace facilitator shall subsequently determine on a
6 quarterly basis, ending on the last day of March, June,
7 September, and December, whether he or she meets the threshold
8 for the preceding 12-month period.

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

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

26 (f) A marketplace facilitator shall:

1 (1) certify to each marketplace serviceman that the
2 marketplace facilitator assumes the rights and duties of a
3 serviceman under this Act with respect to sales of service
4 made by the marketplace serviceman through the
5 marketplace; and

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

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

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

1 imposed under this Act.

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

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

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

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

1 (m) If, for any reason, the Department is prohibited from
2 enforcing the marketplace facilitator's duty under this Act to
3 remit taxes pursuant to this Section, the duty to remit such
4 taxes remains with the marketplace serviceman.

5 (n) For the purposes of this Act, with respect to a
6 qualified delivery network sale:

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

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

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

26 As used in this subsection (n):

1 "Bicycle" has the meaning given to that term in the
2 Illinois Vehicle Code.

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

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

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

22 "Motor vehicle" has the meaning given to that term in the
23 Illinois Vehicle Code.

24 "Qualified delivery network sale" means a sale that meets
25 all of the following requirements:

26 (1) the sale is made as part of a delivery service

1 facilitated by a delivery network company;

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

3 and

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

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

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

17 (35 ILCS 120/2)

18 Sec. 2. Tax imposed.

19 (a) A tax is imposed upon persons engaged in the business
20 of selling at retail, which, on and after January 1, 2025,
21 includes leasing, tangible personal property, including
22 computer software, and including photographs, negatives, and
23 positives that are the product of photoprocessing, but not
24 including products of photoprocessing produced for use in

1 motion pictures for public commercial exhibition. Beginning
2 January 1, 2001, prepaid telephone calling arrangements shall
3 be considered tangible personal property subject to the tax
4 imposed under this Act regardless of the form in which those
5 arrangements may be embodied, transmitted, or fixed by any
6 method now known or hereafter developed.

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

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

25 Sales of (1) electricity delivered to customers by wire;
26 (2) natural or artificial gas that is delivered to customers

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

6 (b) Beginning on January 1, 2021 and through December 31,
7 2025, a remote retailer is engaged in the occupation of
8 selling at retail in Illinois for purposes of this Act, if:

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

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

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

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

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

22 (b-1) Beginning on January 1, 2026, a remote retailer is
23 engaged in the occupation of selling at retail in Illinois for
24 purposes of this Act if the remote retailer's cumulative gross
25 receipts from sales of tangible personal property to
26 purchasers in Illinois are \$100,000 or more.

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

5 The remote retailer shall determine on a quarterly basis,
6 ending on the last day of March, June, September, and
7 December, whether the remote retailer meets the threshold of
8 this subsection (b-1) for the preceding 12-month period. If
9 the remote retailer meets the threshold for a 12-month period,
10 the remote retailer is considered to be engaged in the
11 occupation of selling at retail in Illinois and is required to
12 remit the tax imposed under this Act and all retailers'
13 occupation tax imposed by local taxing jurisdictions in
14 Illinois, provided such local taxes are administered by the
15 Department, and to file all applicable returns for one year.
16 At the end of the one-year period, the remote retailer shall
17 determine whether the remote retailer met the threshold for
18 the preceding 12-month period. If the retailer met the
19 threshold for the preceding 12-month period, the remote
20 retailer is considered to be engaged in the occupation of
21 selling at retail in Illinois and is required to remit all
22 applicable State and local retailers' occupation taxes and
23 file returns for the subsequent year. If, at the end of a
24 one-year period, a remote retailer that was required to remit
25 the tax imposed under this Act determines that the remote
26 retailer did not meet the threshold during the preceding

1 12-month period, then the remote retailer shall subsequently
2 determine on a quarterly basis, ending on the last day of
3 March, June, September, and December, whether the remote
4 retailer met the threshold for the preceding 12-month period.

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

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

25 (b-10) A remote retailer that is required to collect taxes
26 imposed under the Use Tax Act on retail sales made to Illinois

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

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

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

20 (2) the marketplace facilitator enters into 200 or
21 more separate transactions on its own behalf or on behalf
22 of marketplace sellers for the sale of tangible personal
23 property to purchasers in Illinois, regardless of whether
24 the marketplace facilitator or marketplace sellers for
25 whom such sales are facilitated are registered as
26 retailers in this State.

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

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

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

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

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

1 or facilitating the sale of tangible personal property to
2 customers in this State is subject to all applicable
3 procedures and requirements of this Act.

4 The marketplace facilitator shall determine on a quarterly
5 basis, ending on the last day of March, June, September, and
6 December, whether the marketplace facilitator meets the
7 threshold of this subsection (c-5) for the preceding 12-month
8 period. If the marketplace facilitator meets the threshold for
9 a 12-month period, the marketplace facilitator is considered
10 to be engaged in the occupation of selling at retail in
11 Illinois and is required to remit the tax imposed under this
12 Act and all retailers' occupation tax imposed by local taxing
13 jurisdictions in Illinois, provided such local taxes are
14 administered by the Department, and to file all applicable
15 returns for one year. At the end of the one-year period, the
16 marketplace facilitator shall determine whether the
17 marketplace facilitator met the threshold for the preceding
18 12-month period. If the marketplace facilitator met the
19 threshold for the preceding 12-month period, the marketplace
20 facilitator is considered to be engaged in the occupation of
21 selling at retail in Illinois and is required to collect and
22 remit all applicable State and local retailers' occupation
23 taxes and file returns for the subsequent year. If at the end
24 of a one-year period a marketplace facilitator that was
25 required to collect and remit the tax imposed under this Act
26 determines that the marketplace facilitator did not meet the

1 threshold during the preceding 12-month period, the
2 marketplace facilitator shall subsequently determine on a
3 quarterly basis, ending on the last day of March, June,
4 September, and December, whether it met the threshold for the
5 preceding 12-month period.

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

23 The marketplace facilitator is liable for the remittance
24 of all applicable State retailers' occupation taxes under this
25 Act and local retailers' occupation taxes administered by the
26 Department on sales through the marketplace and is subject to

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

20 (d) A marketplace facilitator shall:

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

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

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

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

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

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

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

23 (j) (Blank).

24 (k) (Blank).

25 (l) A marketplace seller shall furnish to the marketplace
26 facilitator information that is necessary for the marketplace

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

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

16 (n) For the purposes of this Act, with respect to a
17 qualified delivery network sale:

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

21 (2) The delivery network company may recover the tax
22 imposed under this Act that is paid to a seller on a
23 qualified delivery network sale if the delivery network
24 company collects and remits the tax from the purchaser and
25 the tax paid to the seller is separately stated on an
26 invoice or other corroborating documentation. A delivery

1 network company that is entitled to recover tax under this
2 paragraph may reduce its taxable receipts by the taxable
3 amount of the qualified delivery network sale that is
4 taxed by the seller. If the recovery is taken, a refund of
5 the tax originally paid may not be requested from the
6 seller.

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

11 As used in this subsection:

12 "Bicycle" has the meaning given to that term in the
13 Illinois Vehicle Code.

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

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

25 "Delivery services" means the pickup and delivery of
26 tangible personal property by a delivery network courier from

1 a seller located in this State to a customer located in this
2 State, which may include the selection, collection, and
3 purchase of the tangible personal property in connection with
4 the delivery. "Delivery services" does not include a delivery
5 requiring more than 75 miles of travel from the seller to the
6 customer.

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

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

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

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

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

17 (Source: P.A. 103-592, eff. 1-1-25; 103-983, eff. 1-1-25;
18 104-6, eff. 6-16-25.)".