

HB2887



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2887

Introduced 2/19/2021, by Rep. Adam Niemerg

SYNOPSIS AS INTRODUCED:

35 ILCS 5/806

5 ILCS 100/5-45.8 new

Amends the Illinois Income Tax Act. Provides that a taxpayer who notifies the Department of Revenue that the taxpayer would face financial hardship in the payment of estimated taxes shall be granted a hardship waiver and shall not be subject to a penalty for failing to pay estimated tax. Amends the Illinois Administrative Procedure Act to provide for emergency rulemaking. Effective immediately.

LRB102 11472 HLH 16806 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The Illinois Income Tax Act is amended by
5 adding Section 806 as follows:

6 (35 ILCS 5/806)

7 Sec. 806. Exemption from penalty. An individual taxpayer
8 shall not be subject to a penalty for failing to pay estimated
9 tax as required by Section 803 if the taxpayer is 65 years of
10 age or older and is a permanent resident of a nursing home. For
11 purposes of this Section, "nursing home" means a skilled
12 nursing or intermediate long term care facility that is
13 subject to licensure by the Illinois Department of Public
14 Health under the Nursing Home Care Act, the Specialized Mental
15 Health Rehabilitation Act of 2013, the ID/DD Community Care
16 Act, or the MC/DD Act.

17 In addition, for tax years beginning on or after January
18 1, 2021 and beginning prior to January 1, 2023, an individual
19 or corporate taxpayer shall not be subject to a penalty for
20 failing to pay estimated tax as required by this Article if the
21 taxpayer is granted a hardship waiver by the Department. The
22 Department shall grant a hardship waiver if the taxpayer
23 notifies the Department in the form and manner prescribed by

1 the Department that the taxpayer would face financial hardship
2 in the payment of estimated taxes under this Article. The
3 Department may adopt rules, including emergency rules, to
4 implement this amendatory Act of the 102nd General Assembly,
5 and may prescribe an application process which would allow an
6 eligible taxpayer to qualify for the hardship waiver.

7 (Source: P.A. 98-104, eff. 7-22-13; 99-180, eff. 7-29-15.)

8 Section 10. The Illinois Administrative Procedure Act is
9 amended by adding Section 5-45.8 as follows:

10 (5 ILCS 100/5-45.8 new)

11 Sec. 5-45.8. Emergency rulemaking; estimated taxes. To
12 provide for the expeditious and timely implementation of this
13 amendatory Act of the 102nd General Assembly, emergency rules
14 implementing the changes made by this amendatory Act of the
15 102nd General Assembly to Section 806 of the Illinois Income
16 Tax Act may be adopted in accordance with Section 5-45 by the
17 Department of Revenue. The adoption of emergency rules
18 authorized by Section 5-45 and this Section is deemed to be
19 necessary for the public interest, safety, and welfare.

20 This Section is repealed on January 1, 2027.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.