



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5001

Introduced 2/8/2024, by Rep. Steven Reick

SYNOPSIS AS INTRODUCED:

805 ILCS 5/15.35

from Ch. 32, par. 15.35

Amends the Business Corporation Act of 1983. Provides that, on or after January 1, 2025 and prior to January 1, 2026, the first \$10,000 in liability is exempt from the franchise tax payable by domestic corporations. On or after January 1, 2026 and prior to January 1, 2027, the first \$100,000 in liability is exempt from the franchise tax payable by domestic corporations. Provides that, in the case of a domestic corporation, no payment is required for a franchise tax that would have been due and payable on or after January 1, 2027. Repeals the provision concerning franchise taxes payable by domestic corporations on January 1, 2028. Effective immediately.

LRB103 37631 SPS 67758 b

1 AN ACT concerning business.

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

4 Section 5. The Business Corporation Act of 1983 is amended
5 by changing Section 15.35 as follows:

6 (805 ILCS 5/15.35) (from Ch. 32, par. 15.35)

7 (Text of Section from P.A. 102-16 and 103-8)

8 Sec. 15.35. Franchise taxes payable by domestic
9 corporations. For the privilege of exercising its franchises
10 in this State, each domestic corporation shall pay to the
11 Secretary of State the following franchise taxes, computed on
12 the basis, at the rates and for the periods prescribed in this
13 Act:

14 (a) An initial franchise tax at the time of filing its
15 first report of issuance of shares.

16 (b) An additional franchise tax at the time of filing
17 (1) a report of the issuance of additional shares, or (2) a
18 report of an increase in paid-in capital without the
19 issuance of shares, or (3) an amendment to the articles of
20 incorporation or a report of cumulative changes in paid-in
21 capital, whenever any amendment or such report discloses
22 an increase in its paid-in capital over the amount thereof
23 last reported in any document, other than an annual

1 report, interim annual report or final transition annual
2 report required by this Act to be filed in the office of
3 the Secretary of State.

4 (c) An additional franchise tax at the time of filing
5 a report of paid-in capital following a statutory merger
6 or consolidation, which discloses that the paid-in capital
7 of the surviving or new corporation immediately after the
8 merger or consolidation is greater than the sum of the
9 paid-in capital of all of the merged or consolidated
10 corporations as last reported by them in any documents,
11 other than annual reports, required by this Act to be
12 filed in the office of the Secretary of State; and in
13 addition, the surviving or new corporation shall be liable
14 for a further additional franchise tax on the paid-in
15 capital of each of the merged or consolidated corporations
16 as last reported by them in any document, other than an
17 annual report, required by this Act to be filed with the
18 Secretary of State from their taxable year end to the next
19 succeeding anniversary month or, in the case of a
20 corporation which has established an extended filing
21 month, the extended filing month of the surviving or new
22 corporation; however if the taxable year ends within the
23 2-month period immediately preceding the anniversary month
24 or, in the case of a corporation which has established an
25 extended filing month, the extended filing month of the
26 surviving or new corporation the tax will be computed to

1 the anniversary month or, in the case of a corporation
2 which has established an extended filing month, the
3 extended filing month of the surviving or new corporation
4 in the next succeeding calendar year.

5 (d) An annual franchise tax payable each year with the
6 annual report which the corporation is required by this
7 Act to file.

8 On or after January 1, 2020 and prior to January 1, 2021,
9 the first \$30 in liability is exempt from the tax imposed under
10 this Section. On or after January 1, 2021, and prior to January
11 1, 2024, the first \$1,000 in liability is exempt from the tax
12 imposed under this Section. On or after January 1, 2024 and
13 prior to January 1, 2025, the first \$5,000 in liability is
14 exempt from the tax imposed under this Section. On or after
15 January 1, 2025 and prior to January 1, 2026, the first \$10,000
16 in liability is exempt from the tax imposed under this
17 Section. On or after January 1, 2026 and prior to January 1,
18 2027, the first \$100,000 in liability is exempt from the tax
19 imposed under this Section. The provisions of this Section
20 shall not require the payment of any franchise tax that would
21 otherwise have been due and payable on or after January 1,
22 2027. There shall be no refunds or proration of franchise tax
23 for any taxes due and payable on or after January 1, 2027 on
24 the basis that a portion of the corporation's taxable year
25 extends beyond January 1, 2027.

26 This Section is repealed on January 1, 2028.

1 (Source: P.A. 102-16, eff. 6-17-21; 103-8, eff. 6-7-23.)

2 (Text of Section from P.A. 102-282, 102-558, and 103-8)

3 Sec. 15.35. Franchise taxes payable by domestic
4 corporations. For the privilege of exercising its franchises
5 in this State, each domestic corporation shall pay to the
6 Secretary of State the following franchise taxes, computed on
7 the basis, at the rates and for the periods prescribed in this
8 Act:

9 (a) An initial franchise tax at the time of filing its
10 first report of issuance of shares.

11 (b) An additional franchise tax at the time of filing
12 (1) a report of the issuance of additional shares, or (2) a
13 report of an increase in paid-in capital without the
14 issuance of shares, or (3) an amendment to the articles of
15 incorporation or a report of cumulative changes in paid-in
16 capital, whenever any amendment or such report discloses
17 an increase in its paid-in capital over the amount thereof
18 last reported in any document, other than an annual
19 report, interim annual report or final transition annual
20 report required by this Act to be filed in the office of
21 the Secretary of State.

22 (c) An additional franchise tax at the time of filing
23 a report of paid-in capital following a statutory merger
24 or consolidation, which discloses that the paid-in capital
25 of the surviving or new corporation immediately after the

1 merger or consolidation is greater than the sum of the
2 paid-in capital of all of the merged or consolidated
3 corporations as last reported by them in any documents,
4 other than annual reports, required by this Act to be
5 filed in the office of the Secretary of State; and in
6 addition, the surviving or new corporation shall be liable
7 for a further additional franchise tax on the paid-in
8 capital of each of the merged or consolidated corporations
9 as last reported by them in any document, other than an
10 annual report, required by this Act to be filed with the
11 Secretary of State from their taxable year end to the next
12 succeeding anniversary month or, in the case of a
13 corporation which has established an extended filing
14 month, the extended filing month of the surviving or new
15 corporation; however if the taxable year ends within the
16 2-month period immediately preceding the anniversary month
17 or, in the case of a corporation which has established an
18 extended filing month, the extended filing month of the
19 surviving or new corporation the tax will be computed to
20 the anniversary month or, in the case of a corporation
21 which has established an extended filing month, the
22 extended filing month of the surviving or new corporation
23 in the next succeeding calendar year.

24 (d) An annual franchise tax payable each year with the
25 annual report which the corporation is required by this
26 Act to file.

1 On or after January 1, 2020 and prior to January 1, 2021,
2 the first \$30 in liability is exempt from the tax imposed under
3 this Section. On or after January 1, 2021 and prior to January
4 1, 2024, the first \$1,000 in liability is exempt from the tax
5 imposed under this Section. On or after January 1, 2024 and
6 prior to January 1, 2025, the first \$5,000 in liability is
7 exempt from the tax imposed under this Section. On or after
8 January 1, 2025 and prior to January 1, 2026, the first \$10,000
9 in liability is exempt from the tax imposed under this
10 Section. On or after January 1, 2026 and prior to January 1,
11 2027, the first \$100,000 in liability is exempt from the tax
12 imposed under this Section. The provisions of this Section
13 shall not require the payment of any franchise tax that would
14 otherwise have been due and payable on or after January 1,
15 2027. There shall be no refunds or proration of franchise tax
16 for any taxes due and payable on or after January 1, 2027 on
17 the basis that a portion of the corporation's taxable year
18 extends beyond January 1, 2027.

19 This Section is repealed on January 1, 2028.

20 (Source: P.A. 102-282, eff. 1-1-22; 102-558, eff. 8-20-21;
21 103-8, eff. 6-7-23.)

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