



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2574

Introduced 5/4/2023, by Sen. Javier L. Cervantes

SYNOPSIS AS INTRODUCED:

| | |
|------------------------|----------------------------|
| 30 ILCS 105/5.990 new | |
| 30 ILCS 105/6z-139 new | |
| 35 ILCS 105/9 | from Ch. 120, par. 439.9 |
| 35 ILCS 110/9 | from Ch. 120, par. 439.39 |
| 35 ILCS 115/9 | from Ch. 120, par. 439.109 |
| 35 ILCS 120/3 | from Ch. 120, par. 442 |
| 35 ILCS 130/2 | from Ch. 120, par. 453.2 |
| 35 ILCS 135/3 | from Ch. 120, par. 453.33 |
| 35 ILCS 145/6 | from Ch. 120, par. 481b.36 |
| 35 ILCS 505/2b | from Ch. 120, par. 418b |
| 35 ILCS 505/6 | from Ch. 120, par. 422 |
| 35 ILCS 505/6a | from Ch. 120, par. 422a |
| 35 ILCS 630/6 | from Ch. 120, par. 2006 |
| 235 ILCS 5/8-1 | |
| 235 ILCS 5/8-2 | from Ch. 43, par. 159 |

Amends the State Finance Act to create the Working Families Fund. Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act and various other tax Acts. Provides that the vendor discount is limited to \$1,000 per calendar year. Provides for deposits into the Working Families Fund. Effective immediately.

LRB103 32240 HLH 61456 b

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 State Finance Act is amended by adding
5 Sections 5.990 and 6z-139 as follows:

6 (30 ILCS 105/5.990 new)

7 Sec. 5.990. The Working Families Fund.

8 (30 ILCS 105/6z-139 new)

9 Sec. 6z-139. The Working Families Fund; uses. The Working
10 Families Fund is hereby created as a special fund in the State
11 treasury. All moneys deposited into the Fund shall be
12 appropriated to child care, ending homelessness, or public
13 schools. Moneys appropriated from the Fund shall supplement
14 and not supplant the current levels of funding for each item.

15 Section 10. The Use Tax Act is amended by changing Section
16 9 as follows:

17 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

18 Sec. 9. Except as to motor vehicles, watercraft, aircraft,
19 and trailers that are required to be registered with an agency
20 of this State, each retailer required or authorized to collect

1 the tax imposed by this Act shall pay to the Department the
2 amount of such tax (except as otherwise provided) at the time
3 when he is required to file his return for the period during
4 which such tax was collected, less a discount of 2.1% prior to
5 January 1, 1990, ~~and~~ 1.75% on and after January 1, 1990 and
6 prior to January 1, 2024, and 2% on and after January 1, 2024,
7 ~~or \$5 per calendar year, whichever is greater,~~ which is
8 allowed to reimburse the retailer for expenses incurred in
9 collecting the tax, keeping records, preparing and filing
10 returns, remitting the tax and supplying data to the
11 Department on request. On and after January 1, 1990 and prior
12 to January 1, 2024, in no event shall the discount allowed to
13 any vendor be less than \$5 in any calendar year. On and after
14 January 1, 2024, in no event shall the discount allowed to any
15 vendor be less than \$5 in any calendar year or more than \$1,000
16 in any calendar year. When determining the discount allowed
17 under this Section, retailers shall include the amount of tax
18 that would have been due at the 6.25% rate but for the 1.25%
19 rate imposed on sales tax holiday items under Public Act
20 102-700 ~~this amendatory Act of the 102nd General Assembly.~~ The
21 discount under this Section is not allowed for the 1.25%
22 portion of taxes paid on aviation fuel that is subject to the
23 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
24 47133. When determining the discount allowed under this
25 Section, retailers shall include the amount of tax that would
26 have been due at the 1% rate but for the 0% rate imposed under

1 Public Act 102-700 ~~this amendatory Act of the 102nd General~~
2 ~~Assembly~~. In the case of retailers who report and pay the tax
3 on a transaction by transaction basis, as provided in this
4 Section, such discount shall be taken with each such tax
5 remittance instead of when such retailer files his periodic
6 return. The discount allowed under this Section is allowed
7 only for returns that are filed in the manner required by this
8 Act. The Department may disallow the discount for retailers
9 whose certificate of registration is revoked at the time the
10 return is filed, but only if the Department's decision to
11 revoke the certificate of registration has become final. A
12 retailer need not remit that part of any tax collected by him
13 to the extent that he is required to remit and does remit the
14 tax imposed by the Retailers' Occupation Tax Act, with respect
15 to the sale of the same property.

16 Where such tangible personal property is sold under a
17 conditional sales contract, or under any other form of sale
18 wherein the payment of the principal sum, or a part thereof, is
19 extended beyond the close of the period for which the return is
20 filed, the retailer, in collecting the tax (except as to motor
21 vehicles, watercraft, aircraft, and trailers that are required
22 to be registered with an agency of this State), may collect for
23 each tax return period, only the tax applicable to that part of
24 the selling price actually received during such tax return
25 period.

26 Except as provided in this Section, on or before the

1 twentieth day of each calendar month, such retailer shall file
2 a return for the preceding calendar month. Such return shall
3 be filed on forms prescribed by the Department and shall
4 furnish such information as the Department may reasonably
5 require. The return shall include the gross receipts on food
6 for human consumption that is to be consumed off the premises
7 where it is sold (other than alcoholic beverages, food
8 consisting of or infused with adult use cannabis, soft drinks,
9 and food that has been prepared for immediate consumption)
10 which were received during the preceding calendar month,
11 quarter, or year, as appropriate, and upon which tax would
12 have been due but for the 0% rate imposed under Public Act
13 102-700 ~~this amendatory Act of the 102nd General Assembly~~. The
14 return shall also include the amount of tax that would have
15 been due on food for human consumption that is to be consumed
16 off the premises where it is sold (other than alcoholic
17 beverages, food consisting of or infused with adult use
18 cannabis, soft drinks, and food that has been prepared for
19 immediate consumption) but for the 0% rate imposed under
20 Public Act 102-700 ~~this amendatory Act of the 102nd General~~
21 ~~Assembly~~.

22 On and after January 1, 2018, except for returns required
23 to be filed prior to January 1, 2023 for motor vehicles,
24 watercraft, aircraft, and trailers that are required to be
25 registered with an agency of this State, with respect to
26 retailers whose annual gross receipts average \$20,000 or more,

1 all returns required to be filed pursuant to this Act shall be
2 filed electronically. On and after January 1, 2023, with
3 respect to retailers whose annual gross receipts average
4 \$20,000 or more, all returns required to be filed pursuant to
5 this Act, including, but not limited to, returns for motor
6 vehicles, watercraft, aircraft, and trailers that are required
7 to be registered with an agency of this State, shall be filed
8 electronically. Retailers who demonstrate that they do not
9 have access to the Internet or demonstrate hardship in filing
10 electronically may petition the Department to waive the
11 electronic filing requirement.

12 The Department may require returns to be filed on a
13 quarterly basis. If so required, a return for each calendar
14 quarter shall be filed on or before the twentieth day of the
15 calendar month following the end of such calendar quarter. The
16 taxpayer shall also file a return with the Department for each
17 of the first two months of each calendar quarter, on or before
18 the twentieth day of the following calendar month, stating:

19 1. The name of the seller;

20 2. The address of the principal place of business from
21 which he engages in the business of selling tangible
22 personal property at retail in this State;

23 3. The total amount of taxable receipts received by
24 him during the preceding calendar month from sales of
25 tangible personal property by him during such preceding
26 calendar month, including receipts from charge and time

1 sales, but less all deductions allowed by law;

2 4. The amount of credit provided in Section 2d of this
3 Act;

4 5. The amount of tax due;

5 5-5. The signature of the taxpayer; and

6 6. Such other reasonable information as the Department
7 may require.

8 Each retailer required or authorized to collect the tax
9 imposed by this Act on aviation fuel sold at retail in this
10 State during the preceding calendar month shall, instead of
11 reporting and paying tax on aviation fuel as otherwise
12 required by this Section, report and pay such tax on a separate
13 aviation fuel tax return. The requirements related to the
14 return shall be as otherwise provided in this Section.
15 Notwithstanding any other provisions of this Act to the
16 contrary, retailers collecting tax on aviation fuel shall file
17 all aviation fuel tax returns and shall make all aviation fuel
18 tax payments by electronic means in the manner and form
19 required by the Department. For purposes of this Section,
20 "aviation fuel" means jet fuel and aviation gasoline.

21 If a taxpayer fails to sign a return within 30 days after
22 the proper notice and demand for signature by the Department,
23 the return shall be considered valid and any amount shown to be
24 due on the return shall be deemed assessed.

25 Notwithstanding any other provision of this Act to the
26 contrary, retailers subject to tax on cannabis shall file all

1 cannabis tax returns and shall make all cannabis tax payments
2 by electronic means in the manner and form required by the
3 Department.

4 Beginning October 1, 1993, a taxpayer who has an average
5 monthly tax liability of \$150,000 or more shall make all
6 payments required by rules of the Department by electronic
7 funds transfer. Beginning October 1, 1994, a taxpayer who has
8 an average monthly tax liability of \$100,000 or more shall
9 make all payments required by rules of the Department by
10 electronic funds transfer. Beginning October 1, 1995, a
11 taxpayer who has an average monthly tax liability of \$50,000
12 or more shall make all payments required by rules of the
13 Department by electronic funds transfer. Beginning October 1,
14 2000, a taxpayer who has an annual tax liability of \$200,000 or
15 more shall make all payments required by rules of the
16 Department by electronic funds transfer. The term "annual tax
17 liability" shall be the sum of the taxpayer's liabilities
18 under this Act, and under all other State and local occupation
19 and use tax laws administered by the Department, for the
20 immediately preceding calendar year. The term "average monthly
21 tax liability" means the sum of the taxpayer's liabilities
22 under this Act, and under all other State and local occupation
23 and use tax laws administered by the Department, for the
24 immediately preceding calendar year divided by 12. Beginning
25 on October 1, 2002, a taxpayer who has a tax liability in the
26 amount set forth in subsection (b) of Section 2505-210 of the

1 Department of Revenue Law shall make all payments required by
2 rules of the Department by electronic funds transfer.

3 Before August 1 of each year beginning in 1993, the
4 Department shall notify all taxpayers required to make
5 payments by electronic funds transfer. All taxpayers required
6 to make payments by electronic funds transfer shall make those
7 payments for a minimum of one year beginning on October 1.

8 Any taxpayer not required to make payments by electronic
9 funds transfer may make payments by electronic funds transfer
10 with the permission of the Department.

11 All taxpayers required to make payment by electronic funds
12 transfer and any taxpayers authorized to voluntarily make
13 payments by electronic funds transfer shall make those
14 payments in the manner authorized by the Department.

15 The Department shall adopt such rules as are necessary to
16 effectuate a program of electronic funds transfer and the
17 requirements of this Section.

18 Before October 1, 2000, if the taxpayer's average monthly
19 tax liability to the Department under this Act, the Retailers'
20 Occupation Tax Act, the Service Occupation Tax Act, the
21 Service Use Tax Act was \$10,000 or more during the preceding 4
22 complete calendar quarters, he shall file a return with the
23 Department each month by the 20th day of the month next
24 following the month during which such tax liability is
25 incurred and shall make payments to the Department on or
26 before the 7th, 15th, 22nd and last day of the month during

1 which such liability is incurred. On and after October 1,
2 2000, if the taxpayer's average monthly tax liability to the
3 Department under this Act, the Retailers' Occupation Tax Act,
4 the Service Occupation Tax Act, and the Service Use Tax Act was
5 \$20,000 or more during the preceding 4 complete calendar
6 quarters, he shall file a return with the Department each
7 month by the 20th day of the month next following the month
8 during which such tax liability is incurred and shall make
9 payment to the Department on or before the 7th, 15th, 22nd and
10 last day of the month during which such liability is incurred.
11 If the month during which such tax liability is incurred began
12 prior to January 1, 1985, each payment shall be in an amount
13 equal to 1/4 of the taxpayer's actual liability for the month
14 or an amount set by the Department not to exceed 1/4 of the
15 average monthly liability of the taxpayer to the Department
16 for the preceding 4 complete calendar quarters (excluding the
17 month of highest liability and the month of lowest liability
18 in such 4 quarter period). If the month during which such tax
19 liability is incurred begins on or after January 1, 1985, and
20 prior to January 1, 1987, each payment shall be in an amount
21 equal to 22.5% of the taxpayer's actual liability for the
22 month or 27.5% of the taxpayer's liability for the same
23 calendar month of the preceding year. If the month during
24 which such tax liability is incurred begins on or after
25 January 1, 1987, and prior to January 1, 1988, each payment
26 shall be in an amount equal to 22.5% of the taxpayer's actual

1 liability for the month or 26.25% of the taxpayer's liability
2 for the same calendar month of the preceding year. If the month
3 during which such tax liability is incurred begins on or after
4 January 1, 1988, and prior to January 1, 1989, or begins on or
5 after January 1, 1996, each payment shall be in an amount equal
6 to 22.5% of the taxpayer's actual liability for the month or
7 25% of the taxpayer's liability for the same calendar month of
8 the preceding year. If the month during which such tax
9 liability is incurred begins on or after January 1, 1989, and
10 prior to January 1, 1996, each payment shall be in an amount
11 equal to 22.5% of the taxpayer's actual liability for the
12 month or 25% of the taxpayer's liability for the same calendar
13 month of the preceding year or 100% of the taxpayer's actual
14 liability for the quarter monthly reporting period. The amount
15 of such quarter monthly payments shall be credited against the
16 final tax liability of the taxpayer's return for that month.
17 Before October 1, 2000, once applicable, the requirement of
18 the making of quarter monthly payments to the Department shall
19 continue until such taxpayer's average monthly liability to
20 the Department during the preceding 4 complete calendar
21 quarters (excluding the month of highest liability and the
22 month of lowest liability) is less than \$9,000, or until such
23 taxpayer's average monthly liability to the Department as
24 computed for each calendar quarter of the 4 preceding complete
25 calendar quarter period is less than \$10,000. However, if a
26 taxpayer can show the Department that a substantial change in

1 the taxpayer's business has occurred which causes the taxpayer
2 to anticipate that his average monthly tax liability for the
3 reasonably foreseeable future will fall below the \$10,000
4 threshold stated above, then such taxpayer may petition the
5 Department for change in such taxpayer's reporting status. On
6 and after October 1, 2000, once applicable, the requirement of
7 the making of quarter monthly payments to the Department shall
8 continue until such taxpayer's average monthly liability to
9 the Department during the preceding 4 complete calendar
10 quarters (excluding the month of highest liability and the
11 month of lowest liability) is less than \$19,000 or until such
12 taxpayer's average monthly liability to the Department as
13 computed for each calendar quarter of the 4 preceding complete
14 calendar quarter period is less than \$20,000. However, if a
15 taxpayer can show the Department that a substantial change in
16 the taxpayer's business has occurred which causes the taxpayer
17 to anticipate that his average monthly tax liability for the
18 reasonably foreseeable future will fall below the \$20,000
19 threshold stated above, then such taxpayer may petition the
20 Department for a change in such taxpayer's reporting status.
21 The Department shall change such taxpayer's reporting status
22 unless it finds that such change is seasonal in nature and not
23 likely to be long term. Quarter monthly payment status shall
24 be determined under this paragraph as if the rate reduction to
25 1.25% in Public Act 102-700 ~~this amendatory Act of the 102nd~~
26 ~~General Assembly~~ on sales tax holiday items had not occurred.

1 For quarter monthly payments due on or after July 1, 2023 and
2 through June 30, 2024, "25% of the taxpayer's liability for
3 the same calendar month of the preceding year" shall be
4 determined as if the rate reduction to 1.25% in Public Act
5 102-700 ~~this amendatory Act of the 102nd General Assembly~~ on
6 sales tax holiday items had not occurred. Quarter monthly
7 payment status shall be determined under this paragraph as if
8 the rate reduction to 0% in Public Act 102-700 ~~this amendatory~~
9 ~~Act of the 102nd General Assembly~~ on food for human
10 consumption that is to be consumed off the premises where it is
11 sold (other than alcoholic beverages, food consisting of or
12 infused with adult use cannabis, soft drinks, and food that
13 has been prepared for immediate consumption) had not occurred.
14 For quarter monthly payments due under this paragraph on or
15 after July 1, 2023 and through June 30, 2024, "25% of the
16 taxpayer's liability for the same calendar month of the
17 preceding year" shall be determined as if the rate reduction
18 to 0% in Public Act 102-700 ~~this amendatory Act of the 102nd~~
19 ~~General Assembly~~ had not occurred. If any such quarter monthly
20 payment is not paid at the time or in the amount required by
21 this Section, then the taxpayer shall be liable for penalties
22 and interest on the difference between the minimum amount due
23 and the amount of such quarter monthly payment actually and
24 timely paid, except insofar as the taxpayer has previously
25 made payments for that month to the Department in excess of the
26 minimum payments previously due as provided in this Section.

1 The Department shall make reasonable rules and regulations to
2 govern the quarter monthly payment amount and quarter monthly
3 payment dates for taxpayers who file on other than a calendar
4 monthly basis.

5 If any such payment provided for in this Section exceeds
6 the taxpayer's liabilities under this Act, the Retailers'
7 Occupation Tax Act, the Service Occupation Tax Act and the
8 Service Use Tax Act, as shown by an original monthly return,
9 the Department shall issue to the taxpayer a credit memorandum
10 no later than 30 days after the date of payment, which
11 memorandum may be submitted by the taxpayer to the Department
12 in payment of tax liability subsequently to be remitted by the
13 taxpayer to the Department or be assigned by the taxpayer to a
14 similar taxpayer under this Act, the Retailers' Occupation Tax
15 Act, the Service Occupation Tax Act or the Service Use Tax Act,
16 in accordance with reasonable rules and regulations to be
17 prescribed by the Department, except that if such excess
18 payment is shown on an original monthly return and is made
19 after December 31, 1986, no credit memorandum shall be issued,
20 unless requested by the taxpayer. If no such request is made,
21 the taxpayer may credit such excess payment against tax
22 liability subsequently to be remitted by the taxpayer to the
23 Department under this Act, the Retailers' Occupation Tax Act,
24 the Service Occupation Tax Act or the Service Use Tax Act, in
25 accordance with reasonable rules and regulations prescribed by
26 the Department. If the Department subsequently determines that

1 all or any part of the credit taken was not actually due to the
2 taxpayer, the taxpayer's ~~2.1% or 1.75%~~ vendor's discount shall
3 be reduced by an amount generated by calculating ~~2.1% or 1.75%~~
4 ~~of~~ the difference between the credit taken and that actually
5 due and then multiplying that amount by the vendor discount
6 percentage, and the taxpayer shall be liable for penalties and
7 interest on such difference.

8 If the retailer is otherwise required to file a monthly
9 return and if the retailer's average monthly tax liability to
10 the Department does not exceed \$200, the Department may
11 authorize his returns to be filed on a quarter annual basis,
12 with the return for January, February, and March of a given
13 year being due by April 20 of such year; with the return for
14 April, May and June of a given year being due by July 20 of
15 such year; with the return for July, August and September of a
16 given year being due by October 20 of such year, and with the
17 return for October, November and December of a given year
18 being due by January 20 of the following year.

19 If the retailer is otherwise required to file a monthly or
20 quarterly return and if the retailer's average monthly tax
21 liability to the Department does not exceed \$50, the
22 Department may authorize his returns to be filed on an annual
23 basis, with the return for a given year being due by January 20
24 of the following year.

25 Such quarter annual and annual returns, as to form and
26 substance, shall be subject to the same requirements as

1 monthly returns.

2 Notwithstanding any other provision in this Act concerning
3 the time within which a retailer may file his return, in the
4 case of any retailer who ceases to engage in a kind of business
5 which makes him responsible for filing returns under this Act,
6 such retailer shall file a final return under this Act with the
7 Department not more than one month after discontinuing such
8 business.

9 In addition, with respect to motor vehicles, watercraft,
10 aircraft, and trailers that are required to be registered with
11 an agency of this State, except as otherwise provided in this
12 Section, every retailer selling this kind of tangible personal
13 property shall file, with the Department, upon a form to be
14 prescribed and supplied by the Department, a separate return
15 for each such item of tangible personal property which the
16 retailer sells, except that if, in the same transaction, (i) a
17 retailer of aircraft, watercraft, motor vehicles or trailers
18 transfers more than one aircraft, watercraft, motor vehicle or
19 trailer to another aircraft, watercraft, motor vehicle or
20 trailer retailer for the purpose of resale or (ii) a retailer
21 of aircraft, watercraft, motor vehicles, or trailers transfers
22 more than one aircraft, watercraft, motor vehicle, or trailer
23 to a purchaser for use as a qualifying rolling stock as
24 provided in Section 3-55 of this Act, then that seller may
25 report the transfer of all the aircraft, watercraft, motor
26 vehicles or trailers involved in that transaction to the

1 Department on the same uniform invoice-transaction reporting
2 return form. For purposes of this Section, "watercraft" means
3 a Class 2, Class 3, or Class 4 watercraft as defined in Section
4 3-2 of the Boat Registration and Safety Act, a personal
5 watercraft, or any boat equipped with an inboard motor.

6 In addition, with respect to motor vehicles, watercraft,
7 aircraft, and trailers that are required to be registered with
8 an agency of this State, every person who is engaged in the
9 business of leasing or renting such items and who, in
10 connection with such business, sells any such item to a
11 retailer for the purpose of resale is, notwithstanding any
12 other provision of this Section to the contrary, authorized to
13 meet the return-filing requirement of this Act by reporting
14 the transfer of all the aircraft, watercraft, motor vehicles,
15 or trailers transferred for resale during a month to the
16 Department on the same uniform invoice-transaction reporting
17 return form on or before the 20th of the month following the
18 month in which the transfer takes place. Notwithstanding any
19 other provision of this Act to the contrary, all returns filed
20 under this paragraph must be filed by electronic means in the
21 manner and form as required by the Department.

22 The transaction reporting return in the case of motor
23 vehicles or trailers that are required to be registered with
24 an agency of this State, shall be the same document as the
25 Uniform Invoice referred to in Section 5-402 of the Illinois
26 Vehicle Code and must show the name and address of the seller;

1 the name and address of the purchaser; the amount of the
2 selling price including the amount allowed by the retailer for
3 traded-in property, if any; the amount allowed by the retailer
4 for the traded-in tangible personal property, if any, to the
5 extent to which Section 2 of this Act allows an exemption for
6 the value of traded-in property; the balance payable after
7 deducting such trade-in allowance from the total selling
8 price; the amount of tax due from the retailer with respect to
9 such transaction; the amount of tax collected from the
10 purchaser by the retailer on such transaction (or satisfactory
11 evidence that such tax is not due in that particular instance,
12 if that is claimed to be the fact); the place and date of the
13 sale; a sufficient identification of the property sold; such
14 other information as is required in Section 5-402 of the
15 Illinois Vehicle Code, and such other information as the
16 Department may reasonably require.

17 The transaction reporting return in the case of watercraft
18 and aircraft must show the name and address of the seller; the
19 name and address of the purchaser; the amount of the selling
20 price including the amount allowed by the retailer for
21 traded-in property, if any; the amount allowed by the retailer
22 for the traded-in tangible personal property, if any, to the
23 extent to which Section 2 of this Act allows an exemption for
24 the value of traded-in property; the balance payable after
25 deducting such trade-in allowance from the total selling
26 price; the amount of tax due from the retailer with respect to

1 such transaction; the amount of tax collected from the
2 purchaser by the retailer on such transaction (or satisfactory
3 evidence that such tax is not due in that particular instance,
4 if that is claimed to be the fact); the place and date of the
5 sale, a sufficient identification of the property sold, and
6 such other information as the Department may reasonably
7 require.

8 Such transaction reporting return shall be filed not later
9 than 20 days after the date of delivery of the item that is
10 being sold, but may be filed by the retailer at any time sooner
11 than that if he chooses to do so. The transaction reporting
12 return and tax remittance or proof of exemption from the tax
13 that is imposed by this Act may be transmitted to the
14 Department by way of the State agency with which, or State
15 officer with whom, the tangible personal property must be
16 titled or registered (if titling or registration is required)
17 if the Department and such agency or State officer determine
18 that this procedure will expedite the processing of
19 applications for title or registration.

20 With each such transaction reporting return, the retailer
21 shall remit the proper amount of tax due (or shall submit
22 satisfactory evidence that the sale is not taxable if that is
23 the case), to the Department or its agents, whereupon the
24 Department shall issue, in the purchaser's name, a tax receipt
25 (or a certificate of exemption if the Department is satisfied
26 that the particular sale is tax exempt) which such purchaser

1 may submit to the agency with which, or State officer with
2 whom, he must title or register the tangible personal property
3 that is involved (if titling or registration is required) in
4 support of such purchaser's application for an Illinois
5 certificate or other evidence of title or registration to such
6 tangible personal property.

7 No retailer's failure or refusal to remit tax under this
8 Act precludes a user, who has paid the proper tax to the
9 retailer, from obtaining his certificate of title or other
10 evidence of title or registration (if titling or registration
11 is required) upon satisfying the Department that such user has
12 paid the proper tax (if tax is due) to the retailer. The
13 Department shall adopt appropriate rules to carry out the
14 mandate of this paragraph.

15 If the user who would otherwise pay tax to the retailer
16 wants the transaction reporting return filed and the payment
17 of tax or proof of exemption made to the Department before the
18 retailer is willing to take these actions and such user has not
19 paid the tax to the retailer, such user may certify to the fact
20 of such delay by the retailer, and may (upon the Department
21 being satisfied of the truth of such certification) transmit
22 the information required by the transaction reporting return
23 and the remittance for tax or proof of exemption directly to
24 the Department and obtain his tax receipt or exemption
25 determination, in which event the transaction reporting return
26 and tax remittance (if a tax payment was required) shall be

1 credited by the Department to the proper retailer's account
2 with the Department, but without the 2.1% or 1.75% discount
3 provided for in this Section being allowed. When the user pays
4 the tax directly to the Department, he shall pay the tax in the
5 same amount and in the same form in which it would be remitted
6 if the tax had been remitted to the Department by the retailer.

7 Where a retailer collects the tax with respect to the
8 selling price of tangible personal property which he sells and
9 the purchaser thereafter returns such tangible personal
10 property and the retailer refunds the selling price thereof to
11 the purchaser, such retailer shall also refund, to the
12 purchaser, the tax so collected from the purchaser. When
13 filing his return for the period in which he refunds such tax
14 to the purchaser, the retailer may deduct the amount of the tax
15 so refunded by him to the purchaser from any other use tax
16 which such retailer may be required to pay or remit to the
17 Department, as shown by such return, if the amount of the tax
18 to be deducted was previously remitted to the Department by
19 such retailer. If the retailer has not previously remitted the
20 amount of such tax to the Department, he is entitled to no
21 deduction under this Act upon refunding such tax to the
22 purchaser.

23 Any retailer filing a return under this Section shall also
24 include (for the purpose of paying tax thereon) the total tax
25 covered by such return upon the selling price of tangible
26 personal property purchased by him at retail from a retailer,

1 but as to which the tax imposed by this Act was not collected
2 from the retailer filing such return, and such retailer shall
3 remit the amount of such tax to the Department when filing such
4 return.

5 If experience indicates such action to be practicable, the
6 Department may prescribe and furnish a combination or joint
7 return which will enable retailers, who are required to file
8 returns hereunder and also under the Retailers' Occupation Tax
9 Act, to furnish all the return information required by both
10 Acts on the one form.

11 Where the retailer has more than one business registered
12 with the Department under separate registration under this
13 Act, such retailer may not file each return that is due as a
14 single return covering all such registered businesses, but
15 shall file separate returns for each such registered business.

16 Beginning February 1, 2024, each month the Department
17 shall pay into the Working Families Fund an amount equal to any
18 net revenue realized for the preceding month as a result of the
19 limit on the vendor's discount of \$1,000 annually, net of the
20 difference between 1.75% and the vendor's discount of 2%.

21 Beginning January 1, 1990, each month the Department shall
22 pay into the State and Local Sales Tax Reform Fund, a special
23 fund in the State Treasury which is hereby created, the
24 remaining net revenue realized for the preceding month from
25 the 1% tax imposed under this Act.

26 Beginning January 1, 1990, each month the Department shall

1 pay into the County and Mass Transit District Fund 4% of the
2 remaining net revenue realized for the preceding month from
3 the 6.25% general rate on the selling price of tangible
4 personal property which is purchased outside Illinois at
5 retail from a retailer and which is titled or registered by an
6 agency of this State's government.

7 Beginning January 1, 1990, each month the Department shall
8 pay into the State and Local Sales Tax Reform Fund, a special
9 fund in the State Treasury, 20% of the remaining net revenue
10 realized for the preceding month from the 6.25% general rate
11 on the selling price of tangible personal property, other than
12 (i) tangible personal property which is purchased outside
13 Illinois at retail from a retailer and which is titled or
14 registered by an agency of this State's government and (ii)
15 aviation fuel sold on or after December 1, 2019. This
16 exception for aviation fuel only applies for so long as the
17 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
18 47133 are binding on the State.

19 For aviation fuel sold on or after December 1, 2019, each
20 month the Department shall pay into the State Aviation Program
21 Fund 20% of the remaining net revenue realized for the
22 preceding month from the 6.25% general rate on the selling
23 price of aviation fuel, less an amount estimated by the
24 Department to be required for refunds of the 20% portion of the
25 tax on aviation fuel under this Act, which amount shall be
26 deposited into the Aviation Fuel Sales Tax Refund Fund. The

1 Department shall only pay moneys into the State Aviation
2 Program Fund and the Aviation Fuels Sales Tax Refund Fund
3 under this Act for so long as the revenue use requirements of
4 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the
5 State.

6 Beginning August 1, 2000, each month the Department shall
7 pay into the State and Local Sales Tax Reform Fund 100% of the
8 remaining net revenue realized for the preceding month from
9 the 1.25% rate on the selling price of motor fuel and gasohol.
10 If, in any month, the tax on sales tax holiday items, as
11 defined in Section 3-6, is imposed at the rate of 1.25%, then
12 the Department shall pay 100% of the remaining net revenue
13 realized for that month from the 1.25% rate on the selling
14 price of sales tax holiday items into the State and Local Sales
15 Tax Reform Fund.

16 Beginning January 1, 1990, each month the Department shall
17 pay into the Local Government Tax Fund 16% of the remaining net
18 revenue realized for the preceding month from the 6.25%
19 general rate on the selling price of tangible personal
20 property which is purchased outside Illinois at retail from a
21 retailer and which is titled or registered by an agency of this
22 State's government.

23 Beginning October 1, 2009, each month the Department shall
24 pay into the Capital Projects Fund an amount that is equal to
25 an amount estimated by the Department to represent 80% of the
26 remaining net revenue realized for the preceding month from

1 the sale of candy, grooming and hygiene products, and soft
2 drinks that had been taxed at a rate of 1% prior to September
3 1, 2009 but that are now taxed at 6.25%.

4 Beginning July 1, 2011, each month the Department shall
5 pay into the Clean Air Act Permit Fund 80% of the remaining net
6 revenue realized for the preceding month from the 6.25%
7 general rate on the selling price of sorbents used in Illinois
8 in the process of sorbent injection as used to comply with the
9 Environmental Protection Act or the federal Clean Air Act, but
10 the total payment into the Clean Air Act Permit Fund under this
11 Act and the Retailers' Occupation Tax Act shall not exceed
12 \$2,000,000 in any fiscal year.

13 Beginning July 1, 2013, each month the Department shall
14 pay into the Underground Storage Tank Fund from the proceeds
15 collected under this Act, the Service Use Tax Act, the Service
16 Occupation Tax Act, and the Retailers' Occupation Tax Act an
17 amount equal to the average monthly deficit in the Underground
18 Storage Tank Fund during the prior year, as certified annually
19 by the Illinois Environmental Protection Agency, but the total
20 payment into the Underground Storage Tank Fund under this Act,
21 the Service Use Tax Act, the Service Occupation Tax Act, and
22 the Retailers' Occupation Tax Act shall not exceed \$18,000,000
23 in any State fiscal year. As used in this paragraph, the
24 "average monthly deficit" shall be equal to the difference
25 between the average monthly claims for payment by the fund and
26 the average monthly revenues deposited into the fund,

1 excluding payments made pursuant to this paragraph.

2 Beginning July 1, 2015, of the remainder of the moneys
3 received by the Department under this Act, the Service Use Tax
4 Act, the Service Occupation Tax Act, and the Retailers'
5 Occupation Tax Act, each month the Department shall deposit
6 \$500,000 into the State Crime Laboratory Fund.

7 Of the remainder of the moneys received by the Department
8 pursuant to this Act, (a) 1.75% thereof shall be paid into the
9 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
10 and after July 1, 1989, 3.8% thereof shall be paid into the
11 Build Illinois Fund; provided, however, that if in any fiscal
12 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
13 may be, of the moneys received by the Department and required
14 to be paid into the Build Illinois Fund pursuant to Section 3
15 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
16 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
17 Service Occupation Tax Act, such Acts being hereinafter called
18 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
19 may be, of moneys being hereinafter called the "Tax Act
20 Amount", and (2) the amount transferred to the Build Illinois
21 Fund from the State and Local Sales Tax Reform Fund shall be
22 less than the Annual Specified Amount (as defined in Section 3
23 of the Retailers' Occupation Tax Act), an amount equal to the
24 difference shall be immediately paid into the Build Illinois
25 Fund from other moneys received by the Department pursuant to
26 the Tax Acts; and further provided, that if on the last

1 business day of any month the sum of (1) the Tax Act Amount
2 required to be deposited into the Build Illinois Bond Account
3 in the Build Illinois Fund during such month and (2) the amount
4 transferred during such month to the Build Illinois Fund from
5 the State and Local Sales Tax Reform Fund shall have been less
6 than 1/12 of the Annual Specified Amount, an amount equal to
7 the difference shall be immediately paid into the Build
8 Illinois Fund from other moneys received by the Department
9 pursuant to the Tax Acts; and, further provided, that in no
10 event shall the payments required under the preceding proviso
11 result in aggregate payments into the Build Illinois Fund
12 pursuant to this clause (b) for any fiscal year in excess of
13 the greater of (i) the Tax Act Amount or (ii) the Annual
14 Specified Amount for such fiscal year; and, further provided,
15 that the amounts payable into the Build Illinois Fund under
16 this clause (b) shall be payable only until such time as the
17 aggregate amount on deposit under each trust indenture
18 securing Bonds issued and outstanding pursuant to the Build
19 Illinois Bond Act is sufficient, taking into account any
20 future investment income, to fully provide, in accordance with
21 such indenture, for the defeasance of or the payment of the
22 principal of, premium, if any, and interest on the Bonds
23 secured by such indenture and on any Bonds expected to be
24 issued thereafter and all fees and costs payable with respect
25 thereto, all as certified by the Director of the Bureau of the
26 Budget (now Governor's Office of Management and Budget). If on

1 the last business day of any month in which Bonds are
2 outstanding pursuant to the Build Illinois Bond Act, the
3 aggregate of the moneys deposited in the Build Illinois Bond
4 Account in the Build Illinois Fund in such month shall be less
5 than the amount required to be transferred in such month from
6 the Build Illinois Bond Account to the Build Illinois Bond
7 Retirement and Interest Fund pursuant to Section 13 of the
8 Build Illinois Bond Act, an amount equal to such deficiency
9 shall be immediately paid from other moneys received by the
10 Department pursuant to the Tax Acts to the Build Illinois
11 Fund; provided, however, that any amounts paid to the Build
12 Illinois Fund in any fiscal year pursuant to this sentence
13 shall be deemed to constitute payments pursuant to clause (b)
14 of the preceding sentence and shall reduce the amount
15 otherwise payable for such fiscal year pursuant to clause (b)
16 of the preceding sentence. The moneys received by the
17 Department pursuant to this Act and required to be deposited
18 into the Build Illinois Fund are subject to the pledge, claim
19 and charge set forth in Section 12 of the Build Illinois Bond
20 Act.

21 Subject to payment of amounts into the Build Illinois Fund
22 as provided in the preceding paragraph or in any amendment
23 thereto hereafter enacted, the following specified monthly
24 installment of the amount requested in the certificate of the
25 Chairman of the Metropolitan Pier and Exposition Authority
26 provided under Section 8.25f of the State Finance Act, but not

1 in excess of the sums designated as "Total Deposit", shall be
2 deposited in the aggregate from collections under Section 9 of
3 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
4 9 of the Service Occupation Tax Act, and Section 3 of the
5 Retailers' Occupation Tax Act into the McCormick Place
6 Expansion Project Fund in the specified fiscal years.

| 7 | Fiscal Year | Total Deposit |
|----|-------------|---------------|
| 8 | 1993 | \$0 |
| 9 | 1994 | 53,000,000 |
| 10 | 1995 | 58,000,000 |
| 11 | 1996 | 61,000,000 |
| 12 | 1997 | 64,000,000 |
| 13 | 1998 | 68,000,000 |
| 14 | 1999 | 71,000,000 |
| 15 | 2000 | 75,000,000 |
| 16 | 2001 | 80,000,000 |
| 17 | 2002 | 93,000,000 |
| 18 | 2003 | 99,000,000 |
| 19 | 2004 | 103,000,000 |
| 20 | 2005 | 108,000,000 |
| 21 | 2006 | 113,000,000 |
| 22 | 2007 | 119,000,000 |
| 23 | 2008 | 126,000,000 |
| 24 | 2009 | 132,000,000 |
| 25 | 2010 | 139,000,000 |
| 26 | 2011 | 146,000,000 |

| | | |
|----|------|-------------|
| 1 | 2012 | 153,000,000 |
| 2 | 2013 | 161,000,000 |
| 3 | 2014 | 170,000,000 |
| 4 | 2015 | 179,000,000 |
| 5 | 2016 | 189,000,000 |
| 6 | 2017 | 199,000,000 |
| 7 | 2018 | 210,000,000 |
| 8 | 2019 | 221,000,000 |
| 9 | 2020 | 233,000,000 |
| 10 | 2021 | 300,000,000 |
| 11 | 2022 | 300,000,000 |
| 12 | 2023 | 300,000,000 |
| 13 | 2024 | 300,000,000 |
| 14 | 2025 | 300,000,000 |
| 15 | 2026 | 300,000,000 |
| 16 | 2027 | 375,000,000 |
| 17 | 2028 | 375,000,000 |
| 18 | 2029 | 375,000,000 |
| 19 | 2030 | 375,000,000 |
| 20 | 2031 | 375,000,000 |
| 21 | 2032 | 375,000,000 |
| 22 | 2033 | 375,000,000 |
| 23 | 2034 | 375,000,000 |
| 24 | 2035 | 375,000,000 |
| 25 | 2036 | 450,000,000 |
| 26 | and | |

1 each fiscal year
2 thereafter that bonds
3 are outstanding under
4 Section 13.2 of the
5 Metropolitan Pier and
6 Exposition Authority Act,
7 but not after fiscal year 2060.

8 Beginning July 20, 1993 and in each month of each fiscal
9 year thereafter, one-eighth of the amount requested in the
10 certificate of the Chairman of the Metropolitan Pier and
11 Exposition Authority for that fiscal year, less the amount
12 deposited into the McCormick Place Expansion Project Fund by
13 the State Treasurer in the respective month under subsection
14 (g) of Section 13 of the Metropolitan Pier and Exposition
15 Authority Act, plus cumulative deficiencies in the deposits
16 required under this Section for previous months and years,
17 shall be deposited into the McCormick Place Expansion Project
18 Fund, until the full amount requested for the fiscal year, but
19 not in excess of the amount specified above as "Total
20 Deposit", has been deposited.

21 Subject to payment of amounts into the Capital Projects
22 Fund, the Clean Air Act Permit Fund, the Build Illinois Fund,
23 and the McCormick Place Expansion Project Fund pursuant to the
24 preceding paragraphs or in any amendments thereto hereafter
25 enacted, for aviation fuel sold on or after December 1, 2019,
26 the Department shall each month deposit into the Aviation Fuel

1 Sales Tax Refund Fund an amount estimated by the Department to
2 be required for refunds of the 80% portion of the tax on
3 aviation fuel under this Act. The Department shall only
4 deposit moneys into the Aviation Fuel Sales Tax Refund Fund
5 under this paragraph for so long as the revenue use
6 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
7 binding on the State.

8 Subject to payment of amounts into the Build Illinois Fund
9 and the McCormick Place Expansion Project Fund pursuant to the
10 preceding paragraphs or in any amendments thereto hereafter
11 enacted, beginning July 1, 1993 and ending on September 30,
12 2013, the Department shall each month pay into the Illinois
13 Tax Increment Fund 0.27% of 80% of the net revenue realized for
14 the preceding month from the 6.25% general rate on the selling
15 price of tangible personal property.

16 Subject to payment of amounts into the Build Illinois Fund
17 and the McCormick Place Expansion Project Fund pursuant to the
18 preceding paragraphs or in any amendments thereto hereafter
19 enacted, beginning with the receipt of the first report of
20 taxes paid by an eligible business and continuing for a
21 25-year period, the Department shall each month pay into the
22 Energy Infrastructure Fund 80% of the remaining net revenue
23 realized from the 6.25% general rate on the selling price of
24 Illinois-mined coal that was sold to an eligible business. For
25 purposes of this paragraph, the term "eligible business" means
26 a new electric generating facility certified pursuant to

1 Section 605-332 of the Department of Commerce and Economic
2 Opportunity Law of the Civil Administrative Code of Illinois.

3 Subject to payment of amounts into the Build Illinois
4 Fund, the McCormick Place Expansion Project Fund, the Illinois
5 Tax Increment Fund, and the Energy Infrastructure Fund
6 pursuant to the preceding paragraphs or in any amendments to
7 this Section hereafter enacted, beginning on the first day of
8 the first calendar month to occur on or after August 26, 2014
9 (the effective date of Public Act 98-1098), each month, from
10 the collections made under Section 9 of the Use Tax Act,
11 Section 9 of the Service Use Tax Act, Section 9 of the Service
12 Occupation Tax Act, and Section 3 of the Retailers' Occupation
13 Tax Act, the Department shall pay into the Tax Compliance and
14 Administration Fund, to be used, subject to appropriation, to
15 fund additional auditors and compliance personnel at the
16 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
17 the cash receipts collected during the preceding fiscal year
18 by the Audit Bureau of the Department under the Use Tax Act,
19 the Service Use Tax Act, the Service Occupation Tax Act, the
20 Retailers' Occupation Tax Act, and associated local occupation
21 and use taxes administered by the Department.

22 Subject to payments of amounts into the Build Illinois
23 Fund, the McCormick Place Expansion Project Fund, the Illinois
24 Tax Increment Fund, the Energy Infrastructure Fund, and the
25 Tax Compliance and Administration Fund as provided in this
26 Section, beginning on July 1, 2018 the Department shall pay

1 each month into the Downstate Public Transportation Fund the
 2 moneys required to be so paid under Section 2-3 of the
 3 Downstate Public Transportation Act.

4 Subject to successful execution and delivery of a
 5 public-private agreement between the public agency and private
 6 entity and completion of the civic build, beginning on July 1,
 7 2023, of the remainder of the moneys received by the
 8 Department under the Use Tax Act, the Service Use Tax Act, the
 9 Service Occupation Tax Act, and this Act, the Department shall
 10 deposit the following specified deposits in the aggregate from
 11 collections under the Use Tax Act, the Service Use Tax Act, the
 12 Service Occupation Tax Act, and the Retailers' Occupation Tax
 13 Act, as required under Section 8.25g of the State Finance Act
 14 for distribution consistent with the Public-Private
 15 Partnership for Civic and Transit Infrastructure Project Act.
 16 The moneys received by the Department pursuant to this Act and
 17 required to be deposited into the Civic and Transit
 18 Infrastructure Fund are subject to the pledge, claim, and
 19 charge set forth in Section 25-55 of the Public-Private
 20 Partnership for Civic and Transit Infrastructure Project Act.
 21 As used in this paragraph, "civic build", "private entity",
 22 "public-private agreement", and "public agency" have the
 23 meanings provided in Section 25-10 of the Public-Private
 24 Partnership for Civic and Transit Infrastructure Project Act.

| | | |
|----|------------------|---------------|
| 25 | Fiscal Year..... | Total Deposit |
| 26 | 2024 | \$200,000,000 |

| | | | |
|----|------|-------|---------------|
| 1 | 2025 | ..... | \$206,000,000 |
| 2 | 2026 | ..... | \$212,200,000 |
| 3 | 2027 | ..... | \$218,500,000 |
| 4 | 2028 | ..... | \$225,100,000 |
| 5 | 2029 | ..... | \$288,700,000 |
| 6 | 2030 | ..... | \$298,900,000 |
| 7 | 2031 | ..... | \$309,300,000 |
| 8 | 2032 | ..... | \$320,100,000 |
| 9 | 2033 | ..... | \$331,200,000 |
| 10 | 2034 | ..... | \$341,200,000 |
| 11 | 2035 | ..... | \$351,400,000 |
| 12 | 2036 | ..... | \$361,900,000 |
| 13 | 2037 | ..... | \$372,800,000 |
| 14 | 2038 | ..... | \$384,000,000 |
| 15 | 2039 | ..... | \$395,500,000 |
| 16 | 2040 | ..... | \$407,400,000 |
| 17 | 2041 | ..... | \$419,600,000 |
| 18 | 2042 | ..... | \$432,200,000 |
| 19 | 2043 | ..... | \$445,100,000 |

20 Beginning July 1, 2021 and until July 1, 2022, subject to
21 the payment of amounts into the State and Local Sales Tax
22 Reform Fund, the Build Illinois Fund, the McCormick Place
23 Expansion Project Fund, the Illinois Tax Increment Fund, the
24 Energy Infrastructure Fund, and the Tax Compliance and
25 Administration Fund as provided in this Section, the
26 Department shall pay each month into the Road Fund the amount

1 estimated to represent 16% of the remaining net revenue
2 realized from the taxes imposed on motor fuel and gasohol.
3 Beginning July 1, 2022 and until July 1, 2023, subject to the
4 payment of amounts into the State and Local Sales Tax Reform
5 Fund, the Build Illinois Fund, the McCormick Place Expansion
6 Project Fund, the Illinois Tax Increment Fund, the Energy
7 Infrastructure Fund, and the Tax Compliance and Administration
8 Fund as provided in this Section, the Department shall pay
9 each month into the Road Fund the amount estimated to
10 represent 32% of the remaining net revenue realized from the
11 taxes imposed on motor fuel and gasohol. Beginning July 1,
12 2023 and until July 1, 2024, subject to the payment of amounts
13 into the State and Local Sales Tax Reform Fund, the Build
14 Illinois Fund, the McCormick Place Expansion Project Fund, the
15 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
16 and the Tax Compliance and Administration Fund as provided in
17 this Section, the Department shall pay each month into the
18 Road Fund the amount estimated to represent 48% of the
19 remaining net revenue realized from the taxes imposed on motor
20 fuel and gasohol. Beginning July 1, 2024 and until July 1,
21 2025, subject to the payment of amounts into the State and
22 Local Sales Tax Reform Fund, the Build Illinois Fund, the
23 McCormick Place Expansion Project Fund, the Illinois Tax
24 Increment Fund, the Energy Infrastructure Fund, and the Tax
25 Compliance and Administration Fund as provided in this
26 Section, the Department shall pay each month into the Road

1 Fund the amount estimated to represent 64% of the remaining
2 net revenue realized from the taxes imposed on motor fuel and
3 gasohol. Beginning on July 1, 2025, subject to the payment of
4 amounts into the State and Local Sales Tax Reform Fund, the
5 Build Illinois Fund, the McCormick Place Expansion Project
6 Fund, the Illinois Tax Increment Fund, the Energy
7 Infrastructure Fund, and the Tax Compliance and Administration
8 Fund as provided in this Section, the Department shall pay
9 each month into the Road Fund the amount estimated to
10 represent 80% of the remaining net revenue realized from the
11 taxes imposed on motor fuel and gasohol. As used in this
12 paragraph "motor fuel" has the meaning given to that term in
13 Section 1.1 of the Motor Fuel Tax Law, and "gasohol" has the
14 meaning given to that term in Section 3-40 of this Act.

15 Of the remainder of the moneys received by the Department
16 pursuant to this Act, 75% thereof shall be paid into the State
17 Treasury and 25% shall be reserved in a special account and
18 used only for the transfer to the Common School Fund as part of
19 the monthly transfer from the General Revenue Fund in
20 accordance with Section 8a of the State Finance Act.

21 As soon as possible after the first day of each month, upon
22 certification of the Department of Revenue, the Comptroller
23 shall order transferred and the Treasurer shall transfer from
24 the General Revenue Fund to the Motor Fuel Tax Fund an amount
25 equal to 1.7% of 80% of the net revenue realized under this Act
26 for the second preceding month. Beginning April 1, 2000, this

1 transfer is no longer required and shall not be made.

2 Net revenue realized for a month shall be the revenue
3 collected by the State pursuant to this Act, less the amount
4 paid out during that month as refunds to taxpayers for
5 overpayment of liability. Remaining net revenue means net
6 revenue minus any amount paid into the Working Families Fund
7 pursuant to this Section.

8 For greater simplicity of administration, manufacturers,
9 importers and wholesalers whose products are sold at retail in
10 Illinois by numerous retailers, and who wish to do so, may
11 assume the responsibility for accounting and paying to the
12 Department all tax accruing under this Act with respect to
13 such sales, if the retailers who are affected do not make
14 written objection to the Department to this arrangement.

15 (Source: P.A. 101-10, Article 15, Section 15-10, eff. 6-5-19;
16 101-10, Article 25, Section 25-105, eff. 6-5-19; 101-27, eff.
17 6-25-19; 101-32, eff. 6-28-19; 101-604, eff. 12-13-19;
18 101-636, eff. 6-10-20; 102-700, Article 60, Section 60-15,
19 eff. 4-19-22; 102-700, Article 65, Section 65-5, eff. 4-19-22;
20 102-1019, eff. 1-1-23; revised 12-13-22.)

21 Section 15. The Service Use Tax Act is amended by changing
22 Section 9 as follows:

23 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

24 Sec. 9. Each serviceman required or authorized to collect

1 the tax herein imposed shall pay to the Department the amount
2 of such tax (except as otherwise provided) at the time when he
3 is required to file his return for the period during which such
4 tax was collected, less a discount of 2.1% prior to January 1,
5 1990, ~~and~~ 1.75% on and after January 1, 1990 and prior to
6 January 1, 2024, and 2% on and after January 1, 2024, ~~or \$5 per~~
7 ~~calendar year, whichever is greater,~~ which is allowed to
8 reimburse the serviceman for expenses incurred in collecting
9 the tax, keeping records, preparing and filing returns,
10 remitting the tax and supplying data to the Department on
11 request. On and after January 1, 1990 and prior to January 1,
12 2024, in no event shall the discount allowed to any vendor be
13 less than \$5 in any calendar year. On and after January 1,
14 2024, in no event shall the discount allowed to any vendor be
15 less than \$5 in any calendar year or more than \$1,000 in any
16 calendar year. When determining the discount allowed under
17 this Section, servicemen shall include the amount of tax that
18 would have been due at the 1% rate but for the 0% rate imposed
19 under this amendatory Act of the 102nd General Assembly. The
20 discount under this Section is not allowed for the 1.25%
21 portion of taxes paid on aviation fuel that is subject to the
22 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.
23 47133. The discount allowed under this Section is allowed only
24 for returns that are filed in the manner required by this Act.
25 The Department may disallow the discount for servicemen whose
26 certificate of registration is revoked at the time the return

1 is filed, but only if the Department's decision to revoke the
2 certificate of registration has become final. A serviceman
3 need not remit that part of any tax collected by him to the
4 extent that he is required to pay and does pay the tax imposed
5 by the Service Occupation Tax Act with respect to his sale of
6 service involving the incidental transfer by him of the same
7 property.

8 Except as provided hereinafter in this Section, on or
9 before the twentieth day of each calendar month, such
10 serviceman shall file a return for the preceding calendar
11 month in accordance with reasonable Rules and Regulations to
12 be promulgated by the Department. Such return shall be filed
13 on a form prescribed by the Department and shall contain such
14 information as the Department may reasonably require. The
15 return shall include the gross receipts which were received
16 during the preceding calendar month or quarter on the
17 following items upon which tax would have been due but for the
18 0% rate imposed under this amendatory Act of the 102nd General
19 Assembly: (i) food for human consumption that is to be
20 consumed off the premises where it is sold (other than
21 alcoholic beverages, food consisting of or infused with adult
22 use cannabis, soft drinks, and food that has been prepared for
23 immediate consumption); and (ii) food prepared for immediate
24 consumption and transferred incident to a sale of service
25 subject to this Act or the Service Occupation Tax Act by an
26 entity licensed under the Hospital Licensing Act, the Nursing

1 Home Care Act, the Assisted Living and Shared Housing Act, the
2 ID/DD Community Care Act, the MC/DD Act, the Specialized
3 Mental Health Rehabilitation Act of 2013, or the Child Care
4 Act of 1969, or an entity that holds a permit issued pursuant
5 to the Life Care Facilities Act. The return shall also include
6 the amount of tax that would have been due on the items listed
7 in the previous sentence but for the 0% rate imposed under this
8 amendatory Act of the 102nd General Assembly.

9 On and after January 1, 2018, with respect to servicemen
10 whose annual gross receipts average \$20,000 or more, all
11 returns required to be filed pursuant to this Act shall be
12 filed electronically. Servicemen who demonstrate that they do
13 not have access to the Internet or demonstrate hardship in
14 filing electronically may petition the Department to waive the
15 electronic filing requirement.

16 The Department may require returns to be filed on a
17 quarterly basis. If so required, a return for each calendar
18 quarter shall be filed on or before the twentieth day of the
19 calendar month following the end of such calendar quarter. The
20 taxpayer shall also file a return with the Department for each
21 of the first two months of each calendar quarter, on or before
22 the twentieth day of the following calendar month, stating:

23 1. The name of the seller;

24 2. The address of the principal place of business from
25 which he engages in business as a serviceman in this
26 State;

1 3. The total amount of taxable receipts received by
2 him during the preceding calendar month, including
3 receipts from charge and time sales, but less all
4 deductions allowed by law;

5 4. The amount of credit provided in Section 2d of this
6 Act;

7 5. The amount of tax due;

8 5-5. The signature of the taxpayer; and

9 6. Such other reasonable information as the Department
10 may require.

11 Each serviceman required or authorized to collect the tax
12 imposed by this Act on aviation fuel transferred as an
13 incident of a sale of service in this State during the
14 preceding calendar month shall, instead of reporting and
15 paying tax on aviation fuel as otherwise required by this
16 Section, report and pay such tax on a separate aviation fuel
17 tax return. The requirements related to the return shall be as
18 otherwise provided in this Section. Notwithstanding any other
19 provisions of this Act to the contrary, servicemen collecting
20 tax on aviation fuel shall file all aviation fuel tax returns
21 and shall make all aviation fuel tax payments by electronic
22 means in the manner and form required by the Department. For
23 purposes of this Section, "aviation fuel" means jet fuel and
24 aviation gasoline.

25 If a taxpayer fails to sign a return within 30 days after
26 the proper notice and demand for signature by the Department,

1 the return shall be considered valid and any amount shown to be
2 due on the return shall be deemed assessed.

3 Notwithstanding any other provision of this Act to the
4 contrary, servicemen subject to tax on cannabis shall file all
5 cannabis tax returns and shall make all cannabis tax payments
6 by electronic means in the manner and form required by the
7 Department.

8 Beginning October 1, 1993, a taxpayer who has an average
9 monthly tax liability of \$150,000 or more shall make all
10 payments required by rules of the Department by electronic
11 funds transfer. Beginning October 1, 1994, a taxpayer who has
12 an average monthly tax liability of \$100,000 or more shall
13 make all payments required by rules of the Department by
14 electronic funds transfer. Beginning October 1, 1995, a
15 taxpayer who has an average monthly tax liability of \$50,000
16 or more shall make all payments required by rules of the
17 Department by electronic funds transfer. Beginning October 1,
18 2000, a taxpayer who has an annual tax liability of \$200,000 or
19 more shall make all payments required by rules of the
20 Department by electronic funds transfer. The term "annual tax
21 liability" shall be the sum of the taxpayer's liabilities
22 under this Act, and under all other State and local occupation
23 and use tax laws administered by the Department, for the
24 immediately preceding calendar year. The term "average monthly
25 tax liability" means the sum of the taxpayer's liabilities
26 under this Act, and under all other State and local occupation

1 and use tax laws administered by the Department, for the
2 immediately preceding calendar year divided by 12. Beginning
3 on October 1, 2002, a taxpayer who has a tax liability in the
4 amount set forth in subsection (b) of Section 2505-210 of the
5 Department of Revenue Law shall make all payments required by
6 rules of the Department by electronic funds transfer.

7 Before August 1 of each year beginning in 1993, the
8 Department shall notify all taxpayers required to make
9 payments by electronic funds transfer. All taxpayers required
10 to make payments by electronic funds transfer shall make those
11 payments for a minimum of one year beginning on October 1.

12 Any taxpayer not required to make payments by electronic
13 funds transfer may make payments by electronic funds transfer
14 with the permission of the Department.

15 All taxpayers required to make payment by electronic funds
16 transfer and any taxpayers authorized to voluntarily make
17 payments by electronic funds transfer shall make those
18 payments in the manner authorized by the Department.

19 The Department shall adopt such rules as are necessary to
20 effectuate a program of electronic funds transfer and the
21 requirements of this Section.

22 If the serviceman is otherwise required to file a monthly
23 return and if the serviceman's average monthly tax liability
24 to the Department does not exceed \$200, the Department may
25 authorize his returns to be filed on a quarter annual basis,
26 with the return for January, February and March of a given year

1 being due by April 20 of such year; with the return for April,
2 May and June of a given year being due by July 20 of such year;
3 with the return for July, August and September of a given year
4 being due by October 20 of such year, and with the return for
5 October, November and December of a given year being due by
6 January 20 of the following year.

7 If the serviceman is otherwise required to file a monthly
8 or quarterly return and if the serviceman's average monthly
9 tax liability to the Department does not exceed \$50, the
10 Department may authorize his returns to be filed on an annual
11 basis, with the return for a given year being due by January 20
12 of the following year.

13 Such quarter annual and annual returns, as to form and
14 substance, shall be subject to the same requirements as
15 monthly returns.

16 Notwithstanding any other provision in this Act concerning
17 the time within which a serviceman may file his return, in the
18 case of any serviceman who ceases to engage in a kind of
19 business which makes him responsible for filing returns under
20 this Act, such serviceman shall file a final return under this
21 Act with the Department not more than 1 month after
22 discontinuing such business.

23 Where a serviceman collects the tax with respect to the
24 selling price of property which he sells and the purchaser
25 thereafter returns such property and the serviceman refunds
26 the selling price thereof to the purchaser, such serviceman

1 shall also refund, to the purchaser, the tax so collected from
2 the purchaser. When filing his return for the period in which
3 he refunds such tax to the purchaser, the serviceman may
4 deduct the amount of the tax so refunded by him to the
5 purchaser from any other Service Use Tax, Service Occupation
6 Tax, retailers' occupation tax or use tax which such
7 serviceman may be required to pay or remit to the Department,
8 as shown by such return, provided that the amount of the tax to
9 be deducted shall previously have been remitted to the
10 Department by such serviceman. If the serviceman shall not
11 previously have remitted the amount of such tax to the
12 Department, he shall be entitled to no deduction hereunder
13 upon refunding such tax to the purchaser.

14 Any serviceman filing a return hereunder shall also
15 include the total tax upon the selling price of tangible
16 personal property purchased for use by him as an incident to a
17 sale of service, and such serviceman shall remit the amount of
18 such tax to the Department when filing such return.

19 If experience indicates such action to be practicable, the
20 Department may prescribe and furnish a combination or joint
21 return which will enable servicemen, who are required to file
22 returns hereunder and also under the Service Occupation Tax
23 Act, to furnish all the return information required by both
24 Acts on the one form.

25 Where the serviceman has more than one business registered
26 with the Department under separate registration hereunder,

1 such serviceman shall not file each return that is due as a
2 single return covering all such registered businesses, but
3 shall file separate returns for each such registered business.

4 Beginning February 1, 2024, each month the Department
5 shall pay into the Working Families Fund an amount equal to any
6 net revenue realized for the preceding month as a result of the
7 limit on the vendor's discount of \$1,000 annually, net of the
8 difference between 1.75% and the vendor's discount of 2%.

9 Beginning January 1, 1990, each month the Department shall
10 pay into the State and Local Tax Reform Fund, a special fund in
11 the State Treasury, the remaining net revenue realized for the
12 preceding month from the 1% tax imposed under this Act.

13 Beginning January 1, 1990, each month the Department shall
14 pay into the State and Local Sales Tax Reform Fund 20% of the
15 remaining net revenue realized for the preceding month from
16 the 6.25% general rate on transfers of tangible personal
17 property, other than (i) tangible personal property which is
18 purchased outside Illinois at retail from a retailer and which
19 is titled or registered by an agency of this State's
20 government and (ii) aviation fuel sold on or after December 1,
21 2019. This exception for aviation fuel only applies for so
22 long as the revenue use requirements of 49 U.S.C. 47107(b) and
23 49 U.S.C. 47133 are binding on the State.

24 For aviation fuel sold on or after December 1, 2019, each
25 month the Department shall pay into the State Aviation Program
26 Fund 20% of the remaining net revenue realized for the

1 preceding month from the 6.25% general rate on the selling
2 price of aviation fuel, less an amount estimated by the
3 Department to be required for refunds of the 20% portion of the
4 tax on aviation fuel under this Act, which amount shall be
5 deposited into the Aviation Fuel Sales Tax Refund Fund. The
6 Department shall only pay moneys into the State Aviation
7 Program Fund and the Aviation Fuel Sales Tax Refund Fund under
8 this Act for so long as the revenue use requirements of 49
9 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

10 Beginning August 1, 2000, each month the Department shall
11 pay into the State and Local Sales Tax Reform Fund 100% of the
12 remaining net revenue realized for the preceding month from
13 the 1.25% rate on the selling price of motor fuel and gasohol.

14 Beginning October 1, 2009, each month the Department shall
15 pay into the Capital Projects Fund an amount that is equal to
16 an amount estimated by the Department to represent 80% of the
17 remaining net revenue realized for the preceding month from
18 the sale of candy, grooming and hygiene products, and soft
19 drinks that had been taxed at a rate of 1% prior to September
20 1, 2009 but that are now taxed at 6.25%.

21 Beginning July 1, 2013, each month the Department shall
22 pay into the Underground Storage Tank Fund from the proceeds
23 collected under this Act, the Use Tax Act, the Service
24 Occupation Tax Act, and the Retailers' Occupation Tax Act an
25 amount equal to the average monthly deficit in the Underground
26 Storage Tank Fund during the prior year, as certified annually

1 by the Illinois Environmental Protection Agency, but the total
2 payment into the Underground Storage Tank Fund under this Act,
3 the Use Tax Act, the Service Occupation Tax Act, and the
4 Retailers' Occupation Tax Act shall not exceed \$18,000,000 in
5 any State fiscal year. As used in this paragraph, the "average
6 monthly deficit" shall be equal to the difference between the
7 average monthly claims for payment by the fund and the average
8 monthly revenues deposited into the fund, excluding payments
9 made pursuant to this paragraph.

10 Beginning July 1, 2015, of the remainder of the moneys
11 received by the Department under the Use Tax Act, this Act, the
12 Service Occupation Tax Act, and the Retailers' Occupation Tax
13 Act, each month the Department shall deposit \$500,000 into the
14 State Crime Laboratory Fund.

15 Of the remainder of the moneys received by the Department
16 pursuant to this Act, (a) 1.75% thereof shall be paid into the
17 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
18 and after July 1, 1989, 3.8% thereof shall be paid into the
19 Build Illinois Fund; provided, however, that if in any fiscal
20 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
21 may be, of the moneys received by the Department and required
22 to be paid into the Build Illinois Fund pursuant to Section 3
23 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
24 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
25 Service Occupation Tax Act, such Acts being hereinafter called
26 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case

1 may be, of moneys being hereinafter called the "Tax Act
2 Amount", and (2) the amount transferred to the Build Illinois
3 Fund from the State and Local Sales Tax Reform Fund shall be
4 less than the Annual Specified Amount (as defined in Section 3
5 of the Retailers' Occupation Tax Act), an amount equal to the
6 difference shall be immediately paid into the Build Illinois
7 Fund from other moneys received by the Department pursuant to
8 the Tax Acts; and further provided, that if on the last
9 business day of any month the sum of (1) the Tax Act Amount
10 required to be deposited into the Build Illinois Bond Account
11 in the Build Illinois Fund during such month and (2) the amount
12 transferred during such month to the Build Illinois Fund from
13 the State and Local Sales Tax Reform Fund shall have been less
14 than 1/12 of the Annual Specified Amount, an amount equal to
15 the difference shall be immediately paid into the Build
16 Illinois Fund from other moneys received by the Department
17 pursuant to the Tax Acts; and, further provided, that in no
18 event shall the payments required under the preceding proviso
19 result in aggregate payments into the Build Illinois Fund
20 pursuant to this clause (b) for any fiscal year in excess of
21 the greater of (i) the Tax Act Amount or (ii) the Annual
22 Specified Amount for such fiscal year; and, further provided,
23 that the amounts payable into the Build Illinois Fund under
24 this clause (b) shall be payable only until such time as the
25 aggregate amount on deposit under each trust indenture
26 securing Bonds issued and outstanding pursuant to the Build

1 Illinois Bond Act is sufficient, taking into account any
2 future investment income, to fully provide, in accordance with
3 such indenture, for the defeasance of or the payment of the
4 principal of, premium, if any, and interest on the Bonds
5 secured by such indenture and on any Bonds expected to be
6 issued thereafter and all fees and costs payable with respect
7 thereto, all as certified by the Director of the Bureau of the
8 Budget (now Governor's Office of Management and Budget). If on
9 the last business day of any month in which Bonds are
10 outstanding pursuant to the Build Illinois Bond Act, the
11 aggregate of the moneys deposited in the Build Illinois Bond
12 Account in the Build Illinois Fund in such month shall be less
13 than the amount required to be transferred in such month from
14 the Build Illinois Bond Account to the Build Illinois Bond
15 Retirement and Interest Fund pursuant to Section 13 of the
16 Build Illinois Bond Act, an amount equal to such deficiency
17 shall be immediately paid from other moneys received by the
18 Department pursuant to the Tax Acts to the Build Illinois
19 Fund; provided, however, that any amounts paid to the Build
20 Illinois Fund in any fiscal year pursuant to this sentence
21 shall be deemed to constitute payments pursuant to clause (b)
22 of the preceding sentence and shall reduce the amount
23 otherwise payable for such fiscal year pursuant to clause (b)
24 of the preceding sentence. The moneys received by the
25 Department pursuant to this Act and required to be deposited
26 into the Build Illinois Fund are subject to the pledge, claim

1 and charge set forth in Section 12 of the Build Illinois Bond
 2 Act.

3 Subject to payment of amounts into the Build Illinois Fund
 4 as provided in the preceding paragraph or in any amendment
 5 thereto hereafter enacted, the following specified monthly
 6 installment of the amount requested in the certificate of the
 7 Chairman of the Metropolitan Pier and Exposition Authority
 8 provided under Section 8.25f of the State Finance Act, but not
 9 in excess of the sums designated as "Total Deposit", shall be
 10 deposited in the aggregate from collections under Section 9 of
 11 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 12 9 of the Service Occupation Tax Act, and Section 3 of the
 13 Retailers' Occupation Tax Act into the McCormick Place
 14 Expansion Project Fund in the specified fiscal years.

| 15 | Fiscal Year | Total Deposit |
|----|-------------|---------------|
| 16 | 1993 | \$0 |
| 17 | 1994 | 53,000,000 |
| 18 | 1995 | 58,000,000 |
| 19 | 1996 | 61,000,000 |
| 20 | 1997 | 64,000,000 |
| 21 | 1998 | 68,000,000 |
| 22 | 1999 | 71,000,000 |
| 23 | 2000 | 75,000,000 |
| 24 | 2001 | 80,000,000 |
| 25 | 2002 | 93,000,000 |

| | | |
|----|------|-------------|
| 1 | 2003 | 99,000,000 |
| 2 | 2004 | 103,000,000 |
| 3 | 2005 | 108,000,000 |
| 4 | 2006 | 113,000,000 |
| 5 | 2007 | 119,000,000 |
| 6 | 2008 | 126,000,000 |
| 7 | 2009 | 132,000,000 |
| 8 | 2010 | 139,000,000 |
| 9 | 2011 | 146,000,000 |
| 10 | 2012 | 153,000,000 |
| 11 | 2013 | 161,000,000 |
| 12 | 2014 | 170,000,000 |
| 13 | 2015 | 179,000,000 |
| 14 | 2016 | 189,000,000 |
| 15 | 2017 | 199,000,000 |
| 16 | 2018 | 210,000,000 |
| 17 | 2019 | 221,000,000 |
| 18 | 2020 | 233,000,000 |
| 19 | 2021 | 300,000,000 |
| 20 | 2022 | 300,000,000 |
| 21 | 2023 | 300,000,000 |
| 22 | 2024 | 300,000,000 |
| 23 | 2025 | 300,000,000 |
| 24 | 2026 | 300,000,000 |
| 25 | 2027 | 375,000,000 |
| 26 | 2028 | 375,000,000 |

| | | |
|---|------|-------------|
| 1 | 2029 | 375,000,000 |
| 2 | 2030 | 375,000,000 |
| 3 | 2031 | 375,000,000 |
| 4 | 2032 | 375,000,000 |
| 5 | 2033 | 375,000,000 |
| 6 | 2034 | 375,000,000 |
| 7 | 2035 | 375,000,000 |
| 8 | 2036 | 450,000,000 |

9 and

10 each fiscal year
11 thereafter that bonds
12 are outstanding under
13 Section 13.2 of the
14 Metropolitan Pier and
15 Exposition Authority Act,
16 but not after fiscal year 2060.

17 Beginning July 20, 1993 and in each month of each fiscal
18 year thereafter, one-eighth of the amount requested in the
19 certificate of the Chairman of the Metropolitan Pier and
20 Exposition Authority for that fiscal year, less the amount
21 deposited into the McCormick Place Expansion Project Fund by
22 the State Treasurer in the respective month under subsection
23 (g) of Section 13 of the Metropolitan Pier and Exposition
24 Authority Act, plus cumulative deficiencies in the deposits
25 required under this Section for previous months and years,
26 shall be deposited into the McCormick Place Expansion Project

1 Fund, until the full amount requested for the fiscal year, but
2 not in excess of the amount specified above as "Total
3 Deposit", has been deposited.

4 Subject to payment of amounts into the Capital Projects
5 Fund, the Clean Air Act Permit Fund, the Build Illinois Fund,
6 and the McCormick Place Expansion Project Fund pursuant to the
7 preceding paragraphs or in any amendments thereto hereafter
8 enacted, for aviation fuel sold on or after December 1, 2019,
9 the Department shall each month deposit into the Aviation Fuel
10 Sales Tax Refund Fund an amount estimated by the Department to
11 be required for refunds of the 80% portion of the tax on
12 aviation fuel under this Act. The Department shall only
13 deposit moneys into the Aviation Fuel Sales Tax Refund Fund
14 under this paragraph for so long as the revenue use
15 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
16 binding on the State.

17 Subject to payment of amounts into the Build Illinois Fund
18 and the McCormick Place Expansion Project Fund pursuant to the
19 preceding paragraphs or in any amendments thereto hereafter
20 enacted, beginning July 1, 1993 and ending on September 30,
21 2013, the Department shall each month pay into the Illinois
22 Tax Increment Fund 0.27% of 80% of the remaining net revenue
23 realized for the preceding month from the 6.25% general rate
24 on the selling price of tangible personal property.

25 Subject to payment of amounts into the Build Illinois Fund
26 and the McCormick Place Expansion Project Fund pursuant to the

1 preceding paragraphs or in any amendments thereto hereafter
2 enacted, beginning with the receipt of the first report of
3 taxes paid by an eligible business and continuing for a
4 25-year period, the Department shall each month pay into the
5 Energy Infrastructure Fund 80% of the remaining net revenue
6 realized from the 6.25% general rate on the selling price of
7 Illinois-mined coal that was sold to an eligible business. For
8 purposes of this paragraph, the term "eligible business" means
9 a new electric generating facility certified pursuant to
10 Section 605-332 of the Department of Commerce and Economic
11 Opportunity Law of the Civil Administrative Code of Illinois.

12 Subject to payment of amounts into the Build Illinois
13 Fund, the McCormick Place Expansion Project Fund, the Illinois
14 Tax Increment Fund, and the Energy Infrastructure Fund
15 pursuant to the preceding paragraphs or in any amendments to
16 this Section hereafter enacted, beginning on the first day of
17 the first calendar month to occur on or after August 26, 2014
18 (the effective date of Public Act 98-1098), each month, from
19 the collections made under Section 9 of the Use Tax Act,
20 Section 9 of the Service Use Tax Act, Section 9 of the Service
21 Occupation Tax Act, and Section 3 of the Retailers' Occupation
22 Tax Act, the Department shall pay into the Tax Compliance and
23 Administration Fund, to be used, subject to appropriation, to
24 fund additional auditors and compliance personnel at the
25 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
26 the cash receipts collected during the preceding fiscal year

1 by the Audit Bureau of the Department under the Use Tax Act,
2 the Service Use Tax Act, the Service Occupation Tax Act, the
3 Retailers' Occupation Tax Act, and associated local occupation
4 and use taxes administered by the Department.

5 Subject to payments of amounts into the Build Illinois
6 Fund, the McCormick Place Expansion Project Fund, the Illinois
7 Tax Increment Fund, the Energy Infrastructure Fund, and the
8 Tax Compliance and Administration Fund as provided in this
9 Section, beginning on July 1, 2018 the Department shall pay
10 each month into the Downstate Public Transportation Fund the
11 moneys required to be so paid under Section 2-3 of the
12 Downstate Public Transportation Act.

13 Subject to successful execution and delivery of a
14 public-private agreement between the public agency and private
15 entity and completion of the civic build, beginning on July 1,
16 2023, of the remainder of the moneys received by the
17 Department under the Use Tax Act, the Service Use Tax Act, the
18 Service Occupation Tax Act, and this Act, the Department shall
19 deposit the following specified deposits in the aggregate from
20 collections under the Use Tax Act, the Service Use Tax Act, the
21 Service Occupation Tax Act, and the Retailers' Occupation Tax
22 Act, as required under Section 8.25g of the State Finance Act
23 for distribution consistent with the Public-Private
24 Partnership for Civic and Transit Infrastructure Project Act.
25 The moneys received by the Department pursuant to this Act and
26 required to be deposited into the Civic and Transit

1 Infrastructure Fund are subject to the pledge, claim, and
 2 charge set forth in Section 25-55 of the Public-Private
 3 Partnership for Civic and Transit Infrastructure Project Act.
 4 As used in this paragraph, "civic build", "private entity",
 5 "public-private agreement", and "public agency" have the
 6 meanings provided in Section 25-10 of the Public-Private
 7 Partnership for Civic and Transit Infrastructure Project Act.

| 8 | Fiscal Year..... | Total Deposit |
|----|------------------|---------------|
| 9 | 2024 | \$200,000,000 |
| 10 | 2025 | \$206,000,000 |
| 11 | 2026 | \$212,200,000 |
| 12 | 2027 | \$218,500,000 |
| 13 | 2028 | \$225,100,000 |
| 14 | 2029 | \$288,700,000 |
| 15 | 2030 | \$298,900,000 |
| 16 | 2031 | \$309,300,000 |
| 17 | 2032 | \$320,100,000 |
| 18 | 2033 | \$331,200,000 |
| 19 | 2034 | \$341,200,000 |
| 20 | 2035 | \$351,400,000 |
| 21 | 2036 | \$361,900,000 |
| 22 | 2037 | \$372,800,000 |
| 23 | 2038 | \$384,000,000 |
| 24 | 2039 | \$395,500,000 |
| 25 | 2040 | \$407,400,000 |
| 26 | 2041 | \$419,600,000 |

1 2042 \$432,200,000

2 2043 \$445,100,000

3 Beginning July 1, 2021 and until July 1, 2022, subject to

4 the payment of amounts into the State and Local Sales Tax

5 Reform Fund, the Build Illinois Fund, the McCormick Place

6 Expansion Project Fund, the Illinois Tax Increment Fund, the

7 Energy Infrastructure Fund, and the Tax Compliance and

8 Administration Fund as provided in this Section, the

9 Department shall pay each month into the Road Fund the amount

10 estimated to represent 16% of the remaining net revenue

11 realized from the taxes imposed on motor fuel and gasohol.

12 Beginning July 1, 2022 and until July 1, 2023, subject to the

13 payment of amounts into the State and Local Sales Tax Reform

14 Fund, the Build Illinois Fund, the McCormick Place Expansion

15 Project Fund, the Illinois Tax Increment Fund, the Energy

16 Infrastructure Fund, and the Tax Compliance and Administration

17 Fund as provided in this Section, the Department shall pay

18 each month into the Road Fund the amount estimated to

19 represent 32% of the remaining net revenue realized from the

20 taxes imposed on motor fuel and gasohol. Beginning July 1,

21 2023 and until July 1, 2024, subject to the payment of amounts

22 into the State and Local Sales Tax Reform Fund, the Build

23 Illinois Fund, the McCormick Place Expansion Project Fund, the

24 Illinois Tax Increment Fund, the Energy Infrastructure Fund,

25 and the Tax Compliance and Administration Fund as provided in

26 this Section, the Department shall pay each month into the

1 Road Fund the amount estimated to represent 48% of the
2 remaining net revenue realized from the taxes imposed on motor
3 fuel and gasohol. Beginning July 1, 2024 and until July 1,
4 2025, subject to the payment of amounts into the State and
5 Local Sales Tax Reform Fund, the Build Illinois Fund, the
6 McCormick Place Expansion Project Fund, the Illinois Tax
7 Increment Fund, the Energy Infrastructure Fund, and the Tax
8 Compliance and Administration Fund as provided in this
9 Section, the Department shall pay each month into the Road
10 Fund the amount estimated to represent 64% of the remaining
11 net revenue realized from the taxes imposed on motor fuel and
12 gasohol. Beginning on July 1, 2025, subject to the payment of
13 amounts into the State and Local Sales Tax Reform Fund, the
14 Build Illinois Fund, the McCormick Place Expansion Project
15 Fund, the Illinois Tax Increment Fund, the Energy
16 Infrastructure Fund, and the Tax Compliance and Administration
17 Fund as provided in this Section, the Department shall pay
18 each month into the Road Fund the amount estimated to
19 represent 80% of the remaining net revenue realized from the
20 taxes imposed on motor fuel and gasohol. As used in this
21 paragraph "motor fuel" has the meaning given to that term in
22 Section 1.1 of the Motor Fuel Tax Law, and "gasohol" has the
23 meaning given to that term in Section 3-40 of the Use Tax Act.

24 Of the remainder of the moneys received by the Department
25 pursuant to this Act, 75% thereof shall be paid into the
26 General Revenue Fund of the State Treasury and 25% shall be

1 reserved in a special account and used only for the transfer to
2 the Common School Fund as part of the monthly transfer from the
3 General Revenue Fund in accordance with Section 8a of the
4 State Finance Act.

5 As soon as possible after the first day of each month, upon
6 certification of the Department of Revenue, the Comptroller
7 shall order transferred and the Treasurer shall transfer from
8 the General Revenue Fund to the Motor Fuel Tax Fund an amount
9 equal to 1.7% of 80% of the remaining net revenue realized
10 under this Act for the second preceding month. Beginning April
11 1, 2000, this transfer is no longer required and shall not be
12 made.

13 Net revenue realized for a month shall be the revenue
14 collected by the State pursuant to this Act, less the amount
15 paid out during that month as refunds to taxpayers for
16 overpayment of liability. Remaining net revenue means net
17 revenue minus any amount paid into the Working Families Fund
18 pursuant to this Section.

19 (Source: P.A. 101-10, Article 15, Section 15-15, eff. 6-5-19;
20 101-10, Article 25, Section 25-110, eff. 6-5-19; 101-27, eff.
21 6-25-19; 101-32, eff. 6-28-19; 101-604, eff. 12-13-19;
22 101-636, eff. 6-10-20; 102-700, eff. 4-19-22.)

23 Section 20. The Service Occupation Tax Act is amended by
24 changing Section 9 as follows:

1 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

2 Sec. 9. Each serviceman required or authorized to collect
3 the tax herein imposed shall pay to the Department the amount
4 of such tax at the time when he is required to file his return
5 for the period during which such tax was collectible, less a
6 discount of 2.1% prior to January 1, 1990, ~~and~~ 1.75% on and
7 after January 1, 1990 and prior to January 1, 2024, and 2% on
8 and after January 1, 2024, or \$5 per calendar year, whichever
9 ~~is greater,~~ which is allowed to reimburse the serviceman for
10 expenses incurred in collecting the tax, keeping records,
11 preparing and filing returns, remitting the tax and supplying
12 data to the Department on request. On and after January 1, 1990
13 and prior to January 1, 2024, in no event shall the discount
14 allowed to any vendor be less than \$5 in any calendar year. On
15 and after January 1, 2024, in no event shall the discount
16 allowed to any vendor be less than \$5 in any calendar year or
17 more than \$1,000 in any calendar year. When determining the
18 discount allowed under this Section, servicemen shall include
19 the amount of tax that would have been due at the 1% rate but
20 for the 0% rate imposed under this amendatory Act of the 102nd
21 General Assembly. The discount under this Section is not
22 allowed for the 1.25% portion of taxes paid on aviation fuel
23 that is subject to the revenue use requirements of 49 U.S.C.
24 47107(b) and 49 U.S.C. 47133. The discount allowed under this
25 Section is allowed only for returns that are filed in the
26 manner required by this Act. The Department may disallow the

1 discount for servicemen whose certificate of registration is
2 revoked at the time the return is filed, but only if the
3 Department's decision to revoke the certificate of
4 registration has become final.

5 Where such tangible personal property is sold under a
6 conditional sales contract, or under any other form of sale
7 wherein the payment of the principal sum, or a part thereof, is
8 extended beyond the close of the period for which the return is
9 filed, the serviceman, in collecting the tax may collect, for
10 each tax return period, only the tax applicable to the part of
11 the selling price actually received during such tax return
12 period.

13 Except as provided hereinafter in this Section, on or
14 before the twentieth day of each calendar month, such
15 serviceman shall file a return for the preceding calendar
16 month in accordance with reasonable rules and regulations to
17 be promulgated by the Department of Revenue. Such return shall
18 be filed on a form prescribed by the Department and shall
19 contain such information as the Department may reasonably
20 require. The return shall include the gross receipts which
21 were received during the preceding calendar month or quarter
22 on the following items upon which tax would have been due but
23 for the 0% rate imposed under this amendatory Act of the 102nd
24 General Assembly: (i) food for human consumption that is to be
25 consumed off the premises where it is sold (other than
26 alcoholic beverages, food consisting of or infused with adult

1 use cannabis, soft drinks, and food that has been prepared for
2 immediate consumption); and (ii) food prepared for immediate
3 consumption and transferred incident to a sale of service
4 subject to this Act or the Service Use Tax Act by an entity
5 licensed under the Hospital Licensing Act, the Nursing Home
6 Care Act, the Assisted Living and Shared Housing Act, the
7 ID/DD Community Care Act, the MC/DD Act, the Specialized
8 Mental Health Rehabilitation Act of 2013, or the Child Care
9 Act of 1969, or an entity that holds a permit issued pursuant
10 to the Life Care Facilities Act. The return shall also include
11 the amount of tax that would have been due on the items listed
12 in the previous sentence but for the 0% rate imposed under this
13 amendatory Act of the 102nd General Assembly.

14 On and after January 1, 2018, with respect to servicemen
15 whose annual gross receipts average \$20,000 or more, all
16 returns required to be filed pursuant to this Act shall be
17 filed electronically. Servicemen who demonstrate that they do
18 not have access to the Internet or demonstrate hardship in
19 filing electronically may petition the Department to waive the
20 electronic filing requirement.

21 The Department may require returns to be filed on a
22 quarterly basis. If so required, a return for each calendar
23 quarter shall be filed on or before the twentieth day of the
24 calendar month following the end of such calendar quarter. The
25 taxpayer shall also file a return with the Department for each
26 of the first two months of each calendar quarter, on or before

1 the twentieth day of the following calendar month, stating:

2 1. The name of the seller;

3 2. The address of the principal place of business from
4 which he engages in business as a serviceman in this
5 State;

6 3. The total amount of taxable receipts received by
7 him during the preceding calendar month, including
8 receipts from charge and time sales, but less all
9 deductions allowed by law;

10 4. The amount of credit provided in Section 2d of this
11 Act;

12 5. The amount of tax due;

13 5-5. The signature of the taxpayer; and

14 6. Such other reasonable information as the Department
15 may require.

16 Each serviceman required or authorized to collect the tax
17 herein imposed on aviation fuel acquired as an incident to the
18 purchase of a service in this State during the preceding
19 calendar month shall, instead of reporting and paying tax as
20 otherwise required by this Section, report and pay such tax on
21 a separate aviation fuel tax return. The requirements related
22 to the return shall be as otherwise provided in this Section.
23 Notwithstanding any other provisions of this Act to the
24 contrary, servicemen transferring aviation fuel incident to
25 sales of service shall file all aviation fuel tax returns and
26 shall make all aviation fuel tax payments by electronic means

1 in the manner and form required by the Department. For
2 purposes of this Section, "aviation fuel" means jet fuel and
3 aviation gasoline.

4 If a taxpayer fails to sign a return within 30 days after
5 the proper notice and demand for signature by the Department,
6 the return shall be considered valid and any amount shown to be
7 due on the return shall be deemed assessed.

8 Notwithstanding any other provision of this Act to the
9 contrary, servicemen subject to tax on cannabis shall file all
10 cannabis tax returns and shall make all cannabis tax payments
11 by electronic means in the manner and form required by the
12 Department.

13 Prior to October 1, 2003, and on and after September 1,
14 2004 a serviceman may accept a Manufacturer's Purchase Credit
15 certification from a purchaser in satisfaction of Service Use
16 Tax as provided in Section 3-70 of the Service Use Tax Act if
17 the purchaser provides the appropriate documentation as
18 required by Section 3-70 of the Service Use Tax Act. A
19 Manufacturer's Purchase Credit certification, accepted prior
20 to October 1, 2003 or on or after September 1, 2004 by a
21 serviceman as provided in Section 3-70 of the Service Use Tax
22 Act, may be used by that serviceman to satisfy Service
23 Occupation Tax liability in the amount claimed in the
24 certification, not to exceed 6.25% of the receipts subject to
25 tax from a qualifying purchase. A Manufacturer's Purchase
26 Credit reported on any original or amended return filed under

1 this Act after October 20, 2003 for reporting periods prior to
2 September 1, 2004 shall be disallowed. Manufacturer's Purchase
3 Credit reported on annual returns due on or after January 1,
4 2005 will be disallowed for periods prior to September 1,
5 2004. No Manufacturer's Purchase Credit may be used after
6 September 30, 2003 through August 31, 2004 to satisfy any tax
7 liability imposed under this Act, including any audit
8 liability.

9 If the serviceman's average monthly tax liability to the
10 Department does not exceed \$200, the Department may authorize
11 his returns to be filed on a quarter annual basis, with the
12 return for January, February and March of a given year being
13 due by April 20 of such year; with the return for April, May
14 and June of a given year being due by July 20 of such year;
15 with the return for July, August and September of a given year
16 being due by October 20 of such year, and with the return for
17 October, November and December of a given year being due by
18 January 20 of the following year.

19 If the serviceman's average monthly tax liability to the
20 Department does not exceed \$50, the Department may authorize
21 his returns to be filed on an annual basis, with the return for
22 a given year being due by January 20 of the following year.

23 Such quarter annual and annual returns, as to form and
24 substance, shall be subject to the same requirements as
25 monthly returns.

26 Notwithstanding any other provision in this Act concerning

1 the time within which a serviceman may file his return, in the
2 case of any serviceman who ceases to engage in a kind of
3 business which makes him responsible for filing returns under
4 this Act, such serviceman shall file a final return under this
5 Act with the Department not more than 1 month after
6 discontinuing such business.

7 Beginning October 1, 1993, a taxpayer who has an average
8 monthly tax liability of \$150,000 or more shall make all
9 payments required by rules of the Department by electronic
10 funds transfer. Beginning October 1, 1994, a taxpayer who has
11 an average monthly tax liability of \$100,000 or more shall
12 make all payments required by rules of the Department by
13 electronic funds transfer. Beginning October 1, 1995, a
14 taxpayer who has an average monthly tax liability of \$50,000
15 or more shall make all payments required by rules of the
16 Department by electronic funds transfer. Beginning October 1,
17 2000, a taxpayer who has an annual tax liability of \$200,000 or
18 more shall make all payments required by rules of the
19 Department by electronic funds transfer. The term "annual tax
20 liability" shall be the sum of the taxpayer's liabilities
21 under this Act, and under all other State and local occupation
22 and use tax laws administered by the Department, for the
23 immediately preceding calendar year. The term "average monthly
24 tax liability" means the sum of the taxpayer's liabilities
25 under this Act, and under all other State and local occupation
26 and use tax laws administered by the Department, for the

1 immediately preceding calendar year divided by 12. Beginning
2 on October 1, 2002, a taxpayer who has a tax liability in the
3 amount set forth in subsection (b) of Section 2505-210 of the
4 Department of Revenue Law shall make all payments required by
5 rules of the Department by electronic funds transfer.

6 Before August 1 of each year beginning in 1993, the
7 Department shall notify all taxpayers required to make
8 payments by electronic funds transfer. All taxpayers required
9 to make payments by electronic funds transfer shall make those
10 payments for a minimum of one year beginning on October 1.

11 Any taxpayer not required to make payments by electronic
12 funds transfer may make payments by electronic funds transfer
13 with the permission of the Department.

14 All taxpayers required to make payment by electronic funds
15 transfer and any taxpayers authorized to voluntarily make
16 payments by electronic funds transfer shall make those
17 payments in the manner authorized by the Department.

18 The Department shall adopt such rules as are necessary to
19 effectuate a program of electronic funds transfer and the
20 requirements of this Section.

21 Where a serviceman collects the tax with respect to the
22 selling price of tangible personal property which he sells and
23 the purchaser thereafter returns such tangible personal
24 property and the serviceman refunds the selling price thereof
25 to the purchaser, such serviceman shall also refund, to the
26 purchaser, the tax so collected from the purchaser. When

1 filing his return for the period in which he refunds such tax
2 to the purchaser, the serviceman may deduct the amount of the
3 tax so refunded by him to the purchaser from any other Service
4 Occupation Tax, Service Use Tax, Retailers' Occupation Tax or
5 Use Tax which such serviceman may be required to pay or remit
6 to the Department, as shown by such return, provided that the
7 amount of the tax to be deducted shall previously have been
8 remitted to the Department by such serviceman. If the
9 serviceman shall not previously have remitted the amount of
10 such tax to the Department, he shall be entitled to no
11 deduction hereunder upon refunding such tax to the purchaser.

12 If experience indicates such action to be practicable, the
13 Department may prescribe and furnish a combination or joint
14 return which will enable servicemen, who are required to file
15 returns hereunder and also under the Retailers' Occupation Tax
16 Act, the Use Tax Act or the Service Use Tax Act, to furnish all
17 the return information required by all said Acts on the one
18 form.

19 Where the serviceman has more than one business registered
20 with the Department under separate registrations hereunder,
21 such serviceman shall file separate returns for each
22 registered business.

23 Beginning February 1, 2024, each month the Department
24 shall pay into the Working Families Fund an amount equal to any
25 net revenue realized for the preceding month as a result of the
26 limit on the vendor's discount of \$1,000 annually, net of the

1 difference between 1.75% and the vendor's discount of 2%.

2 Beginning January 1, 1990, each month the Department shall
3 pay into the Local Government Tax Fund the remaining revenue
4 realized for the preceding month from the 1% tax imposed under
5 this Act.

6 Beginning January 1, 1990, each month the Department shall
7 pay into the County and Mass Transit District Fund 4% of the
8 remaining revenue realized for the preceding month from the
9 6.25% general rate on sales of tangible personal property
10 other than aviation fuel sold on or after December 1, 2019.
11 This exception for aviation fuel only applies for so long as
12 the revenue use requirements of 49 U.S.C. 47107(b) and 49
13 U.S.C. 47133 are binding on the State.

14 Beginning August 1, 2000, each month the Department shall
15 pay into the County and Mass Transit District Fund 20% of the
16 remaining net revenue realized for the preceding month from
17 the 1.25% rate on the selling price of motor fuel and gasohol.

18 Beginning January 1, 1990, each month the Department shall
19 pay into the Local Government Tax Fund 16% of the revenue
20 realized for the preceding month from the 6.25% general rate
21 on transfers of tangible personal property other than aviation
22 fuel sold on or after December 1, 2019. This exception for
23 aviation fuel only applies for so long as the revenue use
24 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
25 binding on the State.

26 For aviation fuel sold on or after December 1, 2019, each

1 month the Department shall pay into the State Aviation Program
2 Fund 20% of the remaining net revenue realized for the
3 preceding month from the 6.25% general rate on the selling
4 price of aviation fuel, less an amount estimated by the
5 Department to be required for refunds of the 20% portion of the
6 tax on aviation fuel under this Act, which amount shall be
7 deposited into the Aviation Fuel Sales Tax Refund Fund. The
8 Department shall only pay moneys into the State Aviation
9 Program Fund and the Aviation Fuel Sales Tax Refund Fund under
10 this Act for so long as the revenue use requirements of 49
11 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

12 Beginning August 1, 2000, each month the Department shall
13 pay into the Local Government Tax Fund 80% of the remaining net
14 revenue realized for the preceding month from the 1.25% rate
15 on the selling price of motor fuel and gasohol.

16 Beginning October 1, 2009, each month the Department shall
17 pay into the Capital Projects Fund an amount that is equal to
18 an amount estimated by the Department to represent 80% of the
19 remaining net revenue realized for the preceding month from
20 the sale of candy, grooming and hygiene products, and soft
21 drinks that had been taxed at a rate of 1% prior to September
22 1, 2009 but that are now taxed at 6.25%.

23 Beginning July 1, 2013, each month the Department shall
24 pay into the Underground Storage Tank Fund from the proceeds
25 collected under this Act, the Use Tax Act, the Service Use Tax
26 Act, and the Retailers' Occupation Tax Act an amount equal to

1 the average monthly deficit in the Underground Storage Tank
2 Fund during the prior year, as certified annually by the
3 Illinois Environmental Protection Agency, but the total
4 payment into the Underground Storage Tank Fund under this Act,
5 the Use Tax Act, the Service Use Tax Act, and the Retailers'
6 Occupation Tax Act shall not exceed \$18,000,000 in any State
7 fiscal year. As used in this paragraph, the "average monthly
8 deficit" shall be equal to the difference between the average
9 monthly claims for payment by the fund and the average monthly
10 revenues deposited into the fund, excluding payments made
11 pursuant to this paragraph.

12 Beginning July 1, 2015, of the remainder of the moneys
13 received by the Department under the Use Tax Act, the Service
14 Use Tax Act, this Act, and the Retailers' Occupation Tax Act,
15 each month the Department shall deposit \$500,000 into the
16 State Crime Laboratory Fund.

17 Of the remainder of the moneys received by the Department
18 pursuant to this Act, (a) 1.75% thereof shall be paid into the
19 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
20 and after July 1, 1989, 3.8% thereof shall be paid into the
21 Build Illinois Fund; provided, however, that if in any fiscal
22 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
23 may be, of the moneys received by the Department and required
24 to be paid into the Build Illinois Fund pursuant to Section 3
25 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
26 Act, Section 9 of the Service Use Tax Act, and Section 9 of the

1 Service Occupation Tax Act, such Acts being hereinafter called
2 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
3 may be, of moneys being hereinafter called the "Tax Act
4 Amount", and (2) the amount transferred to the Build Illinois
5 Fund from the State and Local Sales Tax Reform Fund shall be
6 less than the Annual Specified Amount (as defined in Section 3
7 of the Retailers' Occupation Tax Act), an amount equal to the
8 difference shall be immediately paid into the Build Illinois
9 Fund from other moneys received by the Department pursuant to
10 the Tax Acts; and further provided, that if on the last
11 business day of any month the sum of (1) the Tax Act Amount
12 required to be deposited into the Build Illinois Account in
13 the Build Illinois Fund during such month and (2) the amount
14 transferred during such month to the Build Illinois Fund from
15 the State and Local Sales Tax Reform Fund shall have been less
16 than 1/12 of the Annual Specified Amount, an amount equal to
17 the difference shall be immediately paid into the Build
18 Illinois Fund from other moneys received by the Department
19 pursuant to the Tax Acts; and, further provided, that in no
20 event shall the payments required under the preceding proviso
21 result in aggregate payments into the Build Illinois Fund
22 pursuant to this clause (b) for any fiscal year in excess of
23 the greater of (i) the Tax Act Amount or (ii) the Annual
24 Specified Amount for such fiscal year; and, further provided,
25 that the amounts payable into the Build Illinois Fund under
26 this clause (b) shall be payable only until such time as the

1 aggregate amount on deposit under each trust indenture
2 securing Bonds issued and outstanding pursuant to the Build
3 Illinois Bond Act is sufficient, taking into account any
4 future investment income, to fully provide, in accordance with
5 such indenture, for the defeasance of or the payment of the
6 principal of, premium, if any, and interest on the Bonds
7 secured by such indenture and on any Bonds expected to be
8 issued thereafter and all fees and costs payable with respect
9 thereto, all as certified by the Director of the Bureau of the
10 Budget (now Governor's Office of Management and Budget). If on
11 the last business day of any month in which Bonds are
12 outstanding pursuant to the Build Illinois Bond Act, the
13 aggregate of the moneys deposited in the Build Illinois Bond
14 Account in the Build Illinois Fund in such month shall be less
15 than the amount required to be transferred in such month from
16 the Build Illinois Bond Account to the Build Illinois Bond
17 Retirement and Interest Fund pursuant to Section 13 of the
18 Build Illinois Bond Act, an amount equal to such deficiency
19 shall be immediately paid from other moneys received by the
20 Department pursuant to the Tax Acts to the Build Illinois
21 Fund; provided, however, that any amounts paid to the Build
22 Illinois Fund in any fiscal year pursuant to this sentence
23 shall be deemed to constitute payments pursuant to clause (b)
24 of the preceding sentence and shall reduce the amount
25 otherwise payable for such fiscal year pursuant to clause (b)
26 of the preceding sentence. The moneys received by the

1 Department pursuant to this Act and required to be deposited
 2 into the Build Illinois Fund are subject to the pledge, claim
 3 and charge set forth in Section 12 of the Build Illinois Bond
 4 Act.

5 Subject to payment of amounts into the Build Illinois Fund
 6 as provided in the preceding paragraph or in any amendment
 7 thereto hereafter enacted, the following specified monthly
 8 installment of the amount requested in the certificate of the
 9 Chairman of the Metropolitan Pier and Exposition Authority
 10 provided under Section 8.25f of the State Finance Act, but not
 11 in excess of the sums designated as "Total Deposit", shall be
 12 deposited in the aggregate from collections under Section 9 of
 13 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 14 9 of the Service Occupation Tax Act, and Section 3 of the
 15 Retailers' Occupation Tax Act into the McCormick Place
 16 Expansion Project Fund in the specified fiscal years.

| 17 | Fiscal Year | Total Deposit |
|----|-------------|---------------|
| 18 | 1993 | \$0 |
| 19 | 1994 | 53,000,000 |
| 20 | 1995 | 58,000,000 |
| 21 | 1996 | 61,000,000 |
| 22 | 1997 | 64,000,000 |
| 23 | 1998 | 68,000,000 |
| 24 | 1999 | 71,000,000 |
| 25 | 2000 | 75,000,000 |

| | | |
|----|------|-------------|
| 1 | 2001 | 80,000,000 |
| 2 | 2002 | 93,000,000 |
| 3 | 2003 | 99,000,000 |
| 4 | 2004 | 103,000,000 |
| 5 | 2005 | 108,000,000 |
| 6 | 2006 | 113,000,000 |
| 7 | 2007 | 119,000,000 |
| 8 | 2008 | 126,000,000 |
| 9 | 2009 | 132,000,000 |
| 10 | 2010 | 139,000,000 |
| 11 | 2011 | 146,000,000 |
| 12 | 2012 | 153,000,000 |
| 13 | 2013 | 161,000,000 |
| 14 | 2014 | 170,000,000 |
| 15 | 2015 | 179,000,000 |
| 16 | 2016 | 189,000,000 |
| 17 | 2017 | 199,000,000 |
| 18 | 2018 | 210,000,000 |
| 19 | 2019 | 221,000,000 |
| 20 | 2020 | 233,000,000 |
| 21 | 2021 | 300,000,000 |
| 22 | 2022 | 300,000,000 |
| 23 | 2023 | 300,000,000 |
| 24 | 2024 | 300,000,000 |
| 25 | 2025 | 300,000,000 |
| 26 | 2026 | 300,000,000 |

| | | |
|----|------|-------------|
| 1 | 2027 | 375,000,000 |
| 2 | 2028 | 375,000,000 |
| 3 | 2029 | 375,000,000 |
| 4 | 2030 | 375,000,000 |
| 5 | 2031 | 375,000,000 |
| 6 | 2032 | 375,000,000 |
| 7 | 2033 | 375,000,000 |
| 8 | 2034 | 375,000,000 |
| 9 | 2035 | 375,000,000 |
| 10 | 2036 | 450,000,000 |

11 and

12 each fiscal year

13 thereafter that bonds

14 are outstanding under

15 Section 13.2 of the

16 Metropolitan Pier and

17 Exposition Authority Act,

18 but not after fiscal year 2060.

19 Beginning July 20, 1993 and in each month of each fiscal
20 year thereafter, one-eighth of the amount requested in the
21 certificate of the Chairman of the Metropolitan Pier and
22 Exposition Authority for that fiscal year, less the amount
23 deposited into the McCormick Place Expansion Project Fund by
24 the State Treasurer in the respective month under subsection
25 (g) of Section 13 of the Metropolitan Pier and Exposition
26 Authority Act, plus cumulative deficiencies in the deposits

1 required under this Section for previous months and years,
2 shall be deposited into the McCormick Place Expansion Project
3 Fund, until the full amount requested for the fiscal year, but
4 not in excess of the amount specified above as "Total
5 Deposit", has been deposited.

6 Subject to payment of amounts into the Capital Projects
7 Fund, the Build Illinois Fund, and the McCormick Place
8 Expansion Project Fund pursuant to the preceding paragraphs or
9 in any amendments thereto hereafter enacted, for aviation fuel
10 sold on or after December 1, 2019, the Department shall each
11 month deposit into the Aviation Fuel Sales Tax Refund Fund an
12 amount estimated by the Department to be required for refunds
13 of the 80% portion of the tax on aviation fuel under this Act.
14 The Department shall only deposit moneys into the Aviation
15 Fuel Sales Tax Refund Fund under this paragraph for so long as
16 the revenue use requirements of 49 U.S.C. 47107(b) and 49
17 U.S.C. 47133 are binding on the State.

18 Subject to payment of amounts into the Build Illinois Fund
19 and the McCormick Place Expansion Project Fund pursuant to the
20 preceding paragraphs or in any amendments thereto hereafter
21 enacted, beginning July 1, 1993 and ending on September 30,
22 2013, the Department shall each month pay into the Illinois
23 Tax Increment Fund 0.27% of 80% of the remaining net revenue
24 realized for the preceding month from the 6.25% general rate
25 on the selling price of tangible personal property.

26 Subject to payment of amounts into the Build Illinois Fund

1 and the McCormick Place Expansion Project Fund pursuant to the
2 preceding paragraphs or in any amendments thereto hereafter
3 enacted, beginning with the receipt of the first report of
4 taxes paid by an eligible business and continuing for a
5 25-year period, the Department shall each month pay into the
6 Energy Infrastructure Fund 80% of the remaining net revenue
7 realized from the 6.25% general rate on the selling price of
8 Illinois-mined coal that was sold to an eligible business. For
9 purposes of this paragraph, the term "eligible business" means
10 a new electric generating facility certified pursuant to
11 Section 605-332 of the Department of Commerce and Economic
12 Opportunity Law of the Civil Administrative Code of Illinois.

13 Subject to payment of amounts into the Build Illinois
14 Fund, the McCormick Place Expansion Project Fund, the Illinois
15 Tax Increment Fund, and the Energy Infrastructure Fund
16 pursuant to the preceding paragraphs or in any amendments to
17 this Section hereafter enacted, beginning on the first day of
18 the first calendar month to occur on or after August 26, 2014
19 (the effective date of Public Act 98-1098), each month, from
20 the collections made under Section 9 of the Use Tax Act,
21 Section 9 of the Service Use Tax Act, Section 9 of the Service
22 Occupation Tax Act, and Section 3 of the Retailers' Occupation
23 Tax Act, the Department shall pay into the Tax Compliance and
24 Administration Fund, to be used, subject to appropriation, to
25 fund additional auditors and compliance personnel at the
26 Department of Revenue, an amount equal to 1/12 of 5% of 80% of

1 the cash receipts collected during the preceding fiscal year
2 by the Audit Bureau of the Department under the Use Tax Act,
3 the Service Use Tax Act, the Service Occupation Tax Act, the
4 Retailers' Occupation Tax Act, and associated local occupation
5 and use taxes administered by the Department.

6 Subject to payments of amounts into the Build Illinois
7 Fund, the McCormick Place Expansion Project Fund, the Illinois
8 Tax Increment Fund, the Energy Infrastructure Fund, and the
9 Tax Compliance and Administration Fund as provided in this
10 Section, beginning on July 1, 2018 the Department shall pay
11 each month into the Downstate Public Transportation Fund the
12 moneys required to be so paid under Section 2-3 of the
13 Downstate Public Transportation Act.

14 Subject to successful execution and delivery of a
15 public-private agreement between the public agency and private
16 entity and completion of the civic build, beginning on July 1,
17 2023, of the remainder of the moneys received by the
18 Department under the Use Tax Act, the Service Use Tax Act, the
19 Service Occupation Tax Act, and this Act, the Department shall
20 deposit the following specified deposits in the aggregate from
21 collections under the Use Tax Act, the Service Use Tax Act, the
22 Service Occupation Tax Act, and the Retailers' Occupation Tax
23 Act, as required under Section 8.25g of the State Finance Act
24 for distribution consistent with the Public-Private
25 Partnership for Civic and Transit Infrastructure Project Act.
26 The moneys received by the Department pursuant to this Act and

1 required to be deposited into the Civic and Transit
 2 Infrastructure Fund are subject to the pledge, claim and
 3 charge set forth in Section 25-55 of the Public-Private
 4 Partnership for Civic and Transit Infrastructure Project Act.
 5 As used in this paragraph, "civic build", "private entity",
 6 "public-private agreement", and "public agency" have the
 7 meanings provided in Section 25-10 of the Public-Private
 8 Partnership for Civic and Transit Infrastructure Project Act.

| 9 | Fiscal Year..... | Total Deposit |
|----|------------------|---------------|
| 10 | 2024 | \$200,000,000 |
| 11 | 2025 | \$206,000,000 |
| 12 | 2026 | \$212,200,000 |
| 13 | 2027 | \$218,500,000 |
| 14 | 2028 | \$225,100,000 |
| 15 | 2029 | \$288,700,000 |
| 16 | 2030 | \$298,900,000 |
| 17 | 2031 | \$309,300,000 |
| 18 | 2032 | \$320,100,000 |
| 19 | 2033 | \$331,200,000 |
| 20 | 2034 | \$341,200,000 |
| 21 | 2035 | \$351,400,000 |
| 22 | 2036 | \$361,900,000 |
| 23 | 2037 | \$372,800,000 |
| 24 | 2038 | \$384,000,000 |
| 25 | 2039 | \$395,500,000 |
| 26 | 2040 | \$407,400,000 |

| | | |
|---|------------|---------------|
| 1 | 2041 | \$419,600,000 |
| 2 | 2042 | \$432,200,000 |
| 3 | 2043 | \$445,100,000 |

4 Beginning July 1, 2021 and until July 1, 2022, subject to
5 the payment of amounts into the County and Mass Transit
6 District Fund, the Local Government Tax Fund, the Build
7 Illinois Fund, the McCormick Place Expansion Project Fund, the
8 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
9 and the Tax Compliance and Administration Fund as provided in
10 this Section, the Department shall pay each month into the
11 Road Fund the amount estimated to represent 16% of the
12 remaining net revenue realized from the taxes imposed on motor
13 fuel and gasohol. Beginning July 1, 2022 and until July 1,
14 2023, subject to the payment of amounts into the County and
15 Mass Transit District Fund, the Local Government Tax Fund, the
16 Build Illinois Fund, the McCormick Place Expansion Project
17 Fund, the Illinois Tax Increment Fund, the Energy
18 Infrastructure Fund, and the Tax Compliance and Administration
19 Fund as provided in this Section, the Department shall pay
20 each month into the Road Fund the amount estimated to
21 represent 32% of the remaining net revenue realized from the
22 taxes imposed on motor fuel and gasohol. Beginning July 1,
23 2023 and until July 1, 2024, subject to the payment of amounts
24 into the County and Mass Transit District Fund, the Local
25 Government Tax Fund, the Build Illinois Fund, the McCormick
26 Place Expansion Project Fund, the Illinois Tax Increment Fund,

1 the Energy Infrastructure Fund, and the Tax Compliance and
2 Administration Fund as provided in this Section, the
3 Department shall pay each month into the Road Fund the amount
4 estimated to represent 48% of the remaining net revenue
5 realized from the taxes imposed on motor fuel and gasohol.
6 Beginning July 1, 2024 and until July 1, 2025, subject to the
7 payment of amounts into the County and Mass Transit District
8 Fund, the Local Government Tax Fund, the Build Illinois Fund,
9 the McCormick Place Expansion Project Fund, the Illinois Tax
10 Increment Fund, the Energy Infrastructure Fund, and the Tax
11 Compliance and Administration Fund as provided in this
12 Section, the Department shall pay each month into the Road
13 Fund the amount estimated to represent 64% of the remaining
14 net revenue realized from the taxes imposed on motor fuel and
15 gasohol. Beginning on July 1, 2025, subject to the payment of
16 amounts into the County and Mass Transit District Fund, the
17 Local Government Tax Fund, the Build Illinois Fund, the
18 McCormick Place Expansion Project Fund, the Illinois Tax
19 Increment Fund, the Energy Infrastructure Fund, and the Tax
20 Compliance and Administration Fund as provided in this
21 Section, the Department shall pay each month into the Road
22 Fund the amount estimated to represent 80% of the remaining
23 net revenue realized from the taxes imposed on motor fuel and
24 gasohol. As used in this paragraph "motor fuel" has the
25 meaning given to that term in Section 1.1 of the Motor Fuel Tax
26 Law, and "gasohol" has the meaning given to that term in

1 Section 3-40 of the Use Tax Act.

2 Of the remainder of the moneys received by the Department
3 pursuant to this Act, 75% shall be paid into the General
4 Revenue Fund of the State Treasury and 25% shall be reserved in
5 a special account and used only for the transfer to the Common
6 School Fund as part of the monthly transfer from the General
7 Revenue Fund in accordance with Section 8a of the State
8 Finance Act.

9 The Department may, upon separate written notice to a
10 taxpayer, require the taxpayer to prepare and file with the
11 Department on a form prescribed by the Department within not
12 less than 60 days after receipt of the notice an annual
13 information return for the tax year specified in the notice.
14 Such annual return to the Department shall include a statement
15 of gross receipts as shown by the taxpayer's last Federal
16 income tax return. If the total receipts of the business as
17 reported in the Federal income tax return do not agree with the
18 gross receipts reported to the Department of Revenue for the
19 same period, the taxpayer shall attach to his annual return a
20 schedule showing a reconciliation of the 2 amounts and the
21 reasons for the difference. The taxpayer's annual return to
22 the Department shall also disclose the cost of goods sold by
23 the taxpayer during the year covered by such return, opening
24 and closing inventories of such goods for such year, cost of
25 goods used from stock or taken from stock and given away by the
26 taxpayer during such year, pay roll information of the

1 taxpayer's business during such year and any additional
2 reasonable information which the Department deems would be
3 helpful in determining the accuracy of the monthly, quarterly
4 or annual returns filed by such taxpayer as hereinbefore
5 provided for in this Section.

6 If the annual information return required by this Section
7 is not filed when and as required, the taxpayer shall be liable
8 as follows:

9 (i) Until January 1, 1994, the taxpayer shall be
10 liable for a penalty equal to 1/6 of 1% of the tax due from
11 such taxpayer under this Act during the period to be
12 covered by the annual return for each month or fraction of
13 a month until such return is filed as required, the
14 penalty to be assessed and collected in the same manner as
15 any other penalty provided for in this Act.

16 (ii) On and after January 1, 1994, the taxpayer shall
17 be liable for a penalty as described in Section 3-4 of the
18 Uniform Penalty and Interest Act.

19 The chief executive officer, proprietor, owner or highest
20 ranking manager shall sign the annual return to certify the
21 accuracy of the information contained therein. Any person who
22 willfully signs the annual return containing false or
23 inaccurate information shall be guilty of perjury and punished
24 accordingly. The annual return form prescribed by the
25 Department shall include a warning that the person signing the
26 return may be liable for perjury.

1 The foregoing portion of this Section concerning the
2 filing of an annual information return shall not apply to a
3 serviceman who is not required to file an income tax return
4 with the United States Government.

5 As soon as possible after the first day of each month, upon
6 certification of the Department of Revenue, the Comptroller
7 shall order transferred and the Treasurer shall transfer from
8 the General Revenue Fund to the Motor Fuel Tax Fund an amount
9 equal to 1.7% of 80% of the remaining net revenue realized
10 under this Act for the second preceding month. Beginning April
11 1, 2000, this transfer is no longer required and shall not be
12 made.

13 Net revenue realized for a month shall be the revenue
14 collected by the State pursuant to this Act, less the amount
15 paid out during that month as refunds to taxpayers for
16 overpayment of liability. Remaining net revenue means net
17 revenue minus any amount paid into the Working Families Fund
18 pursuant to this Section.

19 For greater simplicity of administration, it shall be
20 permissible for manufacturers, importers and wholesalers whose
21 products are sold by numerous servicemen in Illinois, and who
22 wish to do so, to assume the responsibility for accounting and
23 paying to the Department all tax accruing under this Act with
24 respect to such sales, if the servicemen who are affected do
25 not make written objection to the Department to this
26 arrangement.

1 (Source: P.A. 101-10, Article 15, Section 15-20, eff. 6-5-19;
2 101-10, Article 25, Section 25-115, eff. 6-5-19; 101-27, eff.
3 6-25-19; 101-32, eff. 6-28-19; 101-604, eff. 12-13-19;
4 101-636, eff. 6-10-20; 102-700, eff. 4-19-22.)

5 Section 25. The Retailers' Occupation Tax Act is amended
6 by changing Section 3 as follows:

7 (35 ILCS 120/3) (from Ch. 120, par. 442)

8 Sec. 3. Except as provided in this Section, on or before
9 the twentieth day of each calendar month, every person engaged
10 in the business of selling tangible personal property at
11 retail in this State during the preceding calendar month shall
12 file a return with the Department, stating:

13 1. The name of the seller;

14 2. His residence address and the address of his
15 principal place of business and the address of the
16 principal place of business (if that is a different
17 address) from which he engages in the business of selling
18 tangible personal property at retail in this State;

19 3. Total amount of receipts received by him during the
20 preceding calendar month or quarter, as the case may be,
21 from sales of tangible personal property, and from
22 services furnished, by him during such preceding calendar
23 month or quarter;

24 4. Total amount received by him during the preceding

1 calendar month or quarter on charge and time sales of
2 tangible personal property, and from services furnished,
3 by him prior to the month or quarter for which the return
4 is filed;

5 5. Deductions allowed by law;

6 6. Gross receipts which were received by him during
7 the preceding calendar month or quarter and upon the basis
8 of which the tax is imposed, including gross receipts on
9 food for human consumption that is to be consumed off the
10 premises where it is sold (other than alcoholic beverages,
11 food consisting of or infused with adult use cannabis,
12 soft drinks, and food that has been prepared for immediate
13 consumption) which were received during the preceding
14 calendar month or quarter and upon which tax would have
15 been due but for the 0% rate imposed under Public Act
16 102-700 ~~this amendatory Act of the 102nd General Assembly;~~

17 7. The amount of credit provided in Section 2d of this
18 Act;

19 8. The amount of tax due, including the amount of tax
20 that would have been due on food for human consumption
21 that is to be consumed off the premises where it is sold
22 (other than alcoholic beverages, food consisting of or
23 infused with adult use cannabis, soft drinks, and food
24 that has been prepared for immediate consumption) but for
25 the 0% rate imposed under Public Act 102-700 ~~this~~
26 ~~amendatory Act of the 102nd General Assembly;~~

1 9. The signature of the taxpayer; and

2 10. Such other reasonable information as the
3 Department may require.

4 On and after January 1, 2018, except for returns required
5 to be filed prior to January 1, 2023 for motor vehicles,
6 watercraft, aircraft, and trailers that are required to be
7 registered with an agency of this State, with respect to
8 retailers whose annual gross receipts average \$20,000 or more,
9 all returns required to be filed pursuant to this Act shall be
10 filed electronically. On and after January 1, 2023, with
11 respect to retailers whose annual gross receipts average
12 \$20,000 or more, all returns required to be filed pursuant to
13 this Act, including, but not limited to, returns for motor
14 vehicles, watercraft, aircraft, and trailers that are required
15 to be registered with an agency of this State, shall be filed
16 electronically. Retailers who demonstrate that they do not
17 have access to the Internet or demonstrate hardship in filing
18 electronically may petition the Department to waive the
19 electronic filing requirement.

20 If a taxpayer fails to sign a return within 30 days after
21 the proper notice and demand for signature by the Department,
22 the return shall be considered valid and any amount shown to be
23 due on the return shall be deemed assessed.

24 Each return shall be accompanied by the statement of
25 prepaid tax issued pursuant to Section 2e for which credit is
26 claimed.

1 Prior to October 1, 2003, and on and after September 1,
2 2004 a retailer may accept a Manufacturer's Purchase Credit
3 certification from a purchaser in satisfaction of Use Tax as
4 provided in Section 3-85 of the Use Tax Act if the purchaser
5 provides the appropriate documentation as required by Section
6 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
7 certification, accepted by a retailer prior to October 1, 2003
8 and on and after September 1, 2004 as provided in Section 3-85
9 of the Use Tax Act, may be used by that retailer to satisfy
10 Retailers' Occupation Tax liability in the amount claimed in
11 the certification, not to exceed 6.25% of the receipts subject
12 to tax from a qualifying purchase. A Manufacturer's Purchase
13 Credit reported on any original or amended return filed under
14 this Act after October 20, 2003 for reporting periods prior to
15 September 1, 2004 shall be disallowed. Manufacturer's Purchase
16 Credit reported on annual returns due on or after January 1,
17 2005 will be disallowed for periods prior to September 1,
18 2004. No Manufacturer's Purchase Credit may be used after
19 September 30, 2003 through August 31, 2004 to satisfy any tax
20 liability imposed under this Act, including any audit
21 liability.

22 The Department may require returns to be filed on a
23 quarterly basis. If so required, a return for each calendar
24 quarter shall be filed on or before the twentieth day of the
25 calendar month following the end of such calendar quarter. The
26 taxpayer shall also file a return with the Department for each

1 of the first two months of each calendar quarter, on or before
2 the twentieth day of the following calendar month, stating:

3 1. The name of the seller;

4 2. The address of the principal place of business from
5 which he engages in the business of selling tangible
6 personal property at retail in this State;

7 3. The total amount of taxable receipts received by
8 him during the preceding calendar month from sales of
9 tangible personal property by him during such preceding
10 calendar month, including receipts from charge and time
11 sales, but less all deductions allowed by law;

12 4. The amount of credit provided in Section 2d of this
13 Act;

14 5. The amount of tax due; and

15 6. Such other reasonable information as the Department
16 may require.

17 Every person engaged in the business of selling aviation
18 fuel at retail in this State during the preceding calendar
19 month shall, instead of reporting and paying tax as otherwise
20 required by this Section, report and pay such tax on a separate
21 aviation fuel tax return. The requirements related to the
22 return shall be as otherwise provided in this Section.
23 Notwithstanding any other provisions of this Act to the
24 contrary, retailers selling aviation fuel shall file all
25 aviation fuel tax returns and shall make all aviation fuel tax
26 payments by electronic means in the manner and form required

1 by the Department. For purposes of this Section, "aviation
2 fuel" means jet fuel and aviation gasoline.

3 Beginning on October 1, 2003, any person who is not a
4 licensed distributor, importing distributor, or manufacturer,
5 as defined in the Liquor Control Act of 1934, but is engaged in
6 the business of selling, at retail, alcoholic liquor shall
7 file a statement with the Department of Revenue, in a format
8 and at a time prescribed by the Department, showing the total
9 amount paid for alcoholic liquor purchased during the
10 preceding month and such other information as is reasonably
11 required by the Department. The Department may adopt rules to
12 require that this statement be filed in an electronic or
13 telephonic format. Such rules may provide for exceptions from
14 the filing requirements of this paragraph. For the purposes of
15 this paragraph, the term "alcoholic liquor" shall have the
16 meaning prescribed in the Liquor Control Act of 1934.

17 Beginning on October 1, 2003, every distributor, importing
18 distributor, and manufacturer of alcoholic liquor as defined
19 in the Liquor Control Act of 1934, shall file a statement with
20 the Department of Revenue, no later than the 10th day of the
21 month for the preceding month during which transactions
22 occurred, by electronic means, showing the total amount of
23 gross receipts from the sale of alcoholic liquor sold or
24 distributed during the preceding month to purchasers;
25 identifying the purchaser to whom it was sold or distributed;
26 the purchaser's tax registration number; and such other

1 information reasonably required by the Department. A
2 distributor, importing distributor, or manufacturer of
3 alcoholic liquor must personally deliver, mail, or provide by
4 electronic means to each retailer listed on the monthly
5 statement a report containing a cumulative total of that
6 distributor's, importing distributor's, or manufacturer's
7 total sales of alcoholic liquor to that retailer no later than
8 the 10th day of the month for the preceding month during which
9 the transaction occurred. The distributor, importing
10 distributor, or manufacturer shall notify the retailer as to
11 the method by which the distributor, importing distributor, or
12 manufacturer will provide the sales information. If the
13 retailer is unable to receive the sales information by
14 electronic means, the distributor, importing distributor, or
15 manufacturer shall furnish the sales information by personal
16 delivery or by mail. For purposes of this paragraph, the term
17 "electronic means" includes, but is not limited to, the use of
18 a secure Internet website, e-mail, or facsimile.

19 If a total amount of less than \$1 is payable, refundable or
20 creditable, such amount shall be disregarded if it is less
21 than 50 cents and shall be increased to \$1 if it is 50 cents or
22 more.

23 Notwithstanding any other provision of this Act to the
24 contrary, retailers subject to tax on cannabis shall file all
25 cannabis tax returns and shall make all cannabis tax payments
26 by electronic means in the manner and form required by the

1 Department.

2 Beginning October 1, 1993, a taxpayer who has an average
3 monthly tax liability of \$150,000 or more shall make all
4 payments required by rules of the Department by electronic
5 funds transfer. Beginning October 1, 1994, a taxpayer who has
6 an average monthly tax liability of \$100,000 or more shall
7 make all payments required by rules of the Department by
8 electronic funds transfer. Beginning October 1, 1995, a
9 taxpayer who has an average monthly tax liability of \$50,000
10 or more shall make all payments required by rules of the
11 Department by electronic funds transfer. Beginning October 1,
12 2000, a taxpayer who has an annual tax liability of \$200,000 or
13 more shall make all payments required by rules of the
14 Department by electronic funds transfer. The term "annual tax
15 liability" shall be the sum of the taxpayer's liabilities
16 under this Act, and under all other State and local occupation
17 and use tax laws administered by the Department, for the
18 immediately preceding calendar year. The term "average monthly
19 tax liability" shall be the sum of the taxpayer's liabilities
20 under this Act, and under all other State and local occupation
21 and use tax laws administered by the Department, for the
22 immediately preceding calendar year divided by 12. Beginning
23 on October 1, 2002, a taxpayer who has a tax liability in the
24 amount set forth in subsection (b) of Section 2505-210 of the
25 Department of Revenue Law shall make all payments required by
26 rules of the Department by electronic funds transfer.

1 Before August 1 of each year beginning in 1993, the
2 Department shall notify all taxpayers required to make
3 payments by electronic funds transfer. All taxpayers required
4 to make payments by electronic funds transfer shall make those
5 payments for a minimum of one year beginning on October 1.

6 Any taxpayer not required to make payments by electronic
7 funds transfer may make payments by electronic funds transfer
8 with the permission of the Department.

9 All taxpayers required to make payment by electronic funds
10 transfer and any taxpayers authorized to voluntarily make
11 payments by electronic funds transfer shall make those
12 payments in the manner authorized by the Department.

13 The Department shall adopt such rules as are necessary to
14 effectuate a program of electronic funds transfer and the
15 requirements of this Section.

16 Any amount which is required to be shown or reported on any
17 return or other document under this Act shall, if such amount
18 is not a whole-dollar amount, be increased to the nearest
19 whole-dollar amount in any case where the fractional part of a
20 dollar is 50 cents or more, and decreased to the nearest
21 whole-dollar amount where the fractional part of a dollar is
22 less than 50 cents.

23 If the retailer is otherwise required to file a monthly
24 return and if the retailer's average monthly tax liability to
25 the Department does not exceed \$200, the Department may
26 authorize his returns to be filed on a quarter annual basis,

1 with the return for January, February and March of a given year
2 being due by April 20 of such year; with the return for April,
3 May and June of a given year being due by July 20 of such year;
4 with the return for July, August and September of a given year
5 being due by October 20 of such year, and with the return for
6 October, November and December of a given year being due by
7 January 20 of the following year.

8 If the retailer is otherwise required to file a monthly or
9 quarterly return and if the retailer's average monthly tax
10 liability with the Department does not exceed \$50, the
11 Department may authorize his returns to be filed on an annual
12 basis, with the return for a given year being due by January 20
13 of the following year.

14 Such quarter annual and annual returns, as to form and
15 substance, shall be subject to the same requirements as
16 monthly returns.

17 Notwithstanding any other provision in this Act concerning
18 the time within which a retailer may file his return, in the
19 case of any retailer who ceases to engage in a kind of business
20 which makes him responsible for filing returns under this Act,
21 such retailer shall file a final return under this Act with the
22 Department not more than one month after discontinuing such
23 business.

24 Where the same person has more than one business
25 registered with the Department under separate registrations
26 under this Act, such person may not file each return that is

1 due as a single return covering all such registered
2 businesses, but shall file separate returns for each such
3 registered business.

4 In addition, with respect to motor vehicles, watercraft,
5 aircraft, and trailers that are required to be registered with
6 an agency of this State, except as otherwise provided in this
7 Section, every retailer selling this kind of tangible personal
8 property shall file, with the Department, upon a form to be
9 prescribed and supplied by the Department, a separate return
10 for each such item of tangible personal property which the
11 retailer sells, except that if, in the same transaction, (i) a
12 retailer of aircraft, watercraft, motor vehicles or trailers
13 transfers more than one aircraft, watercraft, motor vehicle or
14 trailer to another aircraft, watercraft, motor vehicle
15 retailer or trailer retailer for the purpose of resale or (ii)
16 a retailer of aircraft, watercraft, motor vehicles, or
17 trailers transfers more than one aircraft, watercraft, motor
18 vehicle, or trailer to a purchaser for use as a qualifying
19 rolling stock as provided in Section 2-5 of this Act, then that
20 seller may report the transfer of all aircraft, watercraft,
21 motor vehicles or trailers involved in that transaction to the
22 Department on the same uniform invoice-transaction reporting
23 return form. For purposes of this Section, "watercraft" means
24 a Class 2, Class 3, or Class 4 watercraft as defined in Section
25 3-2 of the Boat Registration and Safety Act, a personal
26 watercraft, or any boat equipped with an inboard motor.

1 In addition, with respect to motor vehicles, watercraft,
2 aircraft, and trailers that are required to be registered with
3 an agency of this State, every person who is engaged in the
4 business of leasing or renting such items and who, in
5 connection with such business, sells any such item to a
6 retailer for the purpose of resale is, notwithstanding any
7 other provision of this Section to the contrary, authorized to
8 meet the return-filing requirement of this Act by reporting
9 the transfer of all the aircraft, watercraft, motor vehicles,
10 or trailers transferred for resale during a month to the
11 Department on the same uniform invoice-transaction reporting
12 return form on or before the 20th of the month following the
13 month in which the transfer takes place. Notwithstanding any
14 other provision of this Act to the contrary, all returns filed
15 under this paragraph must be filed by electronic means in the
16 manner and form as required by the Department.

17 Any retailer who sells only motor vehicles, watercraft,
18 aircraft, or trailers that are required to be registered with
19 an agency of this State, so that all retailers' occupation tax
20 liability is required to be reported, and is reported, on such
21 transaction reporting returns and who is not otherwise
22 required to file monthly or quarterly returns, need not file
23 monthly or quarterly returns. However, those retailers shall
24 be required to file returns on an annual basis.

25 The transaction reporting return, in the case of motor
26 vehicles or trailers that are required to be registered with

1 an agency of this State, shall be the same document as the
2 Uniform Invoice referred to in Section 5-402 of the Illinois
3 Vehicle Code and must show the name and address of the seller;
4 the name and address of the purchaser; the amount of the
5 selling price including the amount allowed by the retailer for
6 traded-in property, if any; the amount allowed by the retailer
7 for the traded-in tangible personal property, if any, to the
8 extent to which Section 1 of this Act allows an exemption for
9 the value of traded-in property; the balance payable after
10 deducting such trade-in allowance from the total selling
11 price; the amount of tax due from the retailer with respect to
12 such transaction; the amount of tax collected from the
13 purchaser by the retailer on such transaction (or satisfactory
14 evidence that such tax is not due in that particular instance,
15 if that is claimed to be the fact); the place and date of the
16 sale; a sufficient identification of the property sold; such
17 other information as is required in Section 5-402 of the
18 Illinois Vehicle Code, and such other information as the
19 Department may reasonably require.

20 The transaction reporting return in the case of watercraft
21 or aircraft must show the name and address of the seller; the
22 name and address of the purchaser; the amount of the selling
23 price including the amount allowed by the retailer for
24 traded-in property, if any; the amount allowed by the retailer
25 for the traded-in tangible personal property, if any, to the
26 extent to which Section 1 of this Act allows an exemption for

1 the value of traded-in property; the balance payable after
2 deducting such trade-in allowance from the total selling
3 price; the amount of tax due from the retailer with respect to
4 such transaction; the amount of tax collected from the
5 purchaser by the retailer on such transaction (or satisfactory
6 evidence that such tax is not due in that particular instance,
7 if that is claimed to be the fact); the place and date of the
8 sale, a sufficient identification of the property sold, and
9 such other information as the Department may reasonably
10 require.

11 Such transaction reporting return shall be filed not later
12 than 20 days after the day of delivery of the item that is
13 being sold, but may be filed by the retailer at any time sooner
14 than that if he chooses to do so. The transaction reporting
15 return and tax remittance or proof of exemption from the
16 Illinois use tax may be transmitted to the Department by way of
17 the State agency with which, or State officer with whom the
18 tangible personal property must be titled or registered (if
19 titling or registration is required) if the Department and
20 such agency or State officer determine that this procedure
21 will expedite the processing of applications for title or
22 registration.

23 With each such transaction reporting return, the retailer
24 shall remit the proper amount of tax due (or shall submit
25 satisfactory evidence that the sale is not taxable if that is
26 the case), to the Department or its agents, whereupon the

1 Department shall issue, in the purchaser's name, a use tax
2 receipt (or a certificate of exemption if the Department is
3 satisfied that the particular sale is tax exempt) which such
4 purchaser may submit to the agency with which, or State
5 officer with whom, he must title or register the tangible
6 personal property that is involved (if titling or registration
7 is required) in support of such purchaser's application for an
8 Illinois certificate or other evidence of title or
9 registration to such tangible personal property.

10 No retailer's failure or refusal to remit tax under this
11 Act precludes a user, who has paid the proper tax to the
12 retailer, from obtaining his certificate of title or other
13 evidence of title or registration (if titling or registration
14 is required) upon satisfying the Department that such user has
15 paid the proper tax (if tax is due) to the retailer. The
16 Department shall adopt appropriate rules to carry out the
17 mandate of this paragraph.

18 If the user who would otherwise pay tax to the retailer
19 wants the transaction reporting return filed and the payment
20 of the tax or proof of exemption made to the Department before
21 the retailer is willing to take these actions and such user has
22 not paid the tax to the retailer, such user may certify to the
23 fact of such delay by the retailer and may (upon the Department
24 being satisfied of the truth of such certification) transmit
25 the information required by the transaction reporting return
26 and the remittance for tax or proof of exemption directly to

1 the Department and obtain his tax receipt or exemption
2 determination, in which event the transaction reporting return
3 and tax remittance (if a tax payment was required) shall be
4 credited by the Department to the proper retailer's account
5 with the Department, but without the vendor's ~~2.1% or 1.75%~~
6 discount provided for in this Section being allowed. When the
7 user pays the tax directly to the Department, he shall pay the
8 tax in the same amount and in the same form in which it would
9 be remitted if the tax had been remitted to the Department by
10 the retailer.

11 Refunds made by the seller during the preceding return
12 period to purchasers, on account of tangible personal property
13 returned to the seller, shall be allowed as a deduction under
14 subdivision 5 of his monthly or quarterly return, as the case
15 may be, in case the seller had theretofore included the
16 receipts from the sale of such tangible personal property in a
17 return filed by him and had paid the tax imposed by this Act
18 with respect to such receipts.

19 Where the seller is a corporation, the return filed on
20 behalf of such corporation shall be signed by the president,
21 vice-president, secretary or treasurer or by the properly
22 accredited agent of such corporation.

23 Where the seller is a limited liability company, the
24 return filed on behalf of the limited liability company shall
25 be signed by a manager, member, or properly accredited agent
26 of the limited liability company.

1 Except as provided in this Section, the retailer filing
2 the return under this Section shall, at the time of filing such
3 return, pay to the Department the amount of tax imposed by this
4 Act less a discount of 2.1% prior to January 1, 1990 ~~and~~ 1.75%
5 on and after January 1, 1990 and prior to January 1, 2024, and
6 2% on and after January 1, 2024,, or \$5 per calendar year,
7 ~~whichever is greater,~~ which is allowed to reimburse the
8 retailer for the expenses incurred in keeping records,
9 preparing and filing returns, remitting the tax and supplying
10 data to the Department on request. On and after January 1, 1990
11 and prior to January 1, 2024, in no event shall the discount
12 allowed to any vendor be less than \$5 in any calendar year. On
13 and after January 1, 2024, in no event shall the discount
14 allowed to any vendor be less than \$5 in any calendar year or
15 more than \$1,000 in any calendar year. On and after January 1,
16 2021, a certified service provider, as defined in the Leveling
17 the Playing Field for Illinois Retail Act, filing the return
18 under this Section on behalf of a remote retailer shall, at the
19 time of such return, pay to the Department the amount of tax
20 imposed by this Act less a discount of 1.75%. A remote retailer
21 using a certified service provider to file a return on its
22 behalf, as provided in the Leveling the Playing Field for
23 Illinois Retail Act, is not eligible for the discount. When
24 determining the discount allowed under this Section, retailers
25 shall include the amount of tax that would have been due at the
26 1% rate but for the 0% rate imposed under Public Act 102-700

1 ~~this amendatory Act of the 102nd General Assembly.~~ When
2 determining the discount allowed under this Section, retailers
3 shall include the amount of tax that would have been due at the
4 6.25% rate but for the 1.25% rate imposed on sales tax holiday
5 items under Public Act 102-700 ~~this amendatory Act of the~~
6 ~~102nd General Assembly.~~ The discount under this Section is not
7 allowed for the 1.25% portion of taxes paid on aviation fuel
8 that is subject to the revenue use requirements of 49 U.S.C.
9 47107(b) and 49 U.S.C. 47133. Any prepayment made pursuant to
10 Section 2d of this Act shall be included in the amount on which
11 such ~~2.1% or 1.75%~~ discount is computed. In the case of
12 retailers who report and pay the tax on a transaction by
13 transaction basis, as provided in this Section, such discount
14 shall be taken with each such tax remittance instead of when
15 such retailer files his periodic return. The discount allowed
16 under this Section is allowed only for returns that are filed
17 in the manner required by this Act. The Department may
18 disallow the discount for retailers whose certificate of
19 registration is revoked at the time the return is filed, but
20 only if the Department's decision to revoke the certificate of
21 registration has become final.

22 Before October 1, 2000, if the taxpayer's average monthly
23 tax liability to the Department under this Act, the Use Tax
24 Act, the Service Occupation Tax Act, and the Service Use Tax
25 Act, excluding any liability for prepaid sales tax to be
26 remitted in accordance with Section 2d of this Act, was

1 \$10,000 or more during the preceding 4 complete calendar
2 quarters, he shall file a return with the Department each
3 month by the 20th day of the month next following the month
4 during which such tax liability is incurred and shall make
5 payments to the Department on or before the 7th, 15th, 22nd and
6 last day of the month during which such liability is incurred.
7 On and after October 1, 2000, if the taxpayer's average
8 monthly tax liability to the Department under this Act, the
9 Use Tax Act, the Service Occupation Tax Act, and the Service
10 Use Tax Act, excluding any liability for prepaid sales tax to
11 be remitted in accordance with Section 2d of this Act, was
12 \$20,000 or more during the preceding 4 complete calendar
13 quarters, he shall file a return with the Department each
14 month by the 20th day of the month next following the month
15 during which such tax liability is incurred and shall make
16 payment to the Department on or before the 7th, 15th, 22nd and
17 last day of the month during which such liability is incurred.
18 If the month during which such tax liability is incurred began
19 prior to January 1, 1985, each payment shall be in an amount
20 equal to 1/4 of the taxpayer's actual liability for the month
21 or an amount set by the Department not to exceed 1/4 of the
22 average monthly liability of the taxpayer to the Department
23 for the preceding 4 complete calendar quarters (excluding the
24 month of highest liability and the month of lowest liability
25 in such 4 quarter period). If the month during which such tax
26 liability is incurred begins on or after January 1, 1985 and

1 prior to January 1, 1987, each payment shall be in an amount
2 equal to 22.5% of the taxpayer's actual liability for the
3 month or 27.5% of the taxpayer's liability for the same
4 calendar month of the preceding year. If the month during
5 which such tax liability is incurred begins on or after
6 January 1, 1987 and prior to January 1, 1988, each payment
7 shall be in an amount equal to 22.5% of the taxpayer's actual
8 liability for the month or 26.25% of the taxpayer's liability
9 for the same calendar month of the preceding year. If the month
10 during which such tax liability is incurred begins on or after
11 January 1, 1988, and prior to January 1, 1989, or begins on or
12 after January 1, 1996, each payment shall be in an amount equal
13 to 22.5% of the taxpayer's actual liability for the month or
14 25% of the taxpayer's liability for the same calendar month of
15 the preceding year. If the month during which such tax
16 liability is incurred begins on or after January 1, 1989, and
17 prior to January 1, 1996, each payment shall be in an amount
18 equal to 22.5% of the taxpayer's actual liability for the
19 month or 25% of the taxpayer's liability for the same calendar
20 month of the preceding year or 100% of the taxpayer's actual
21 liability for the quarter monthly reporting period. The amount
22 of such quarter monthly payments shall be credited against the
23 final tax liability of the taxpayer's return for that month.
24 Before October 1, 2000, once applicable, the requirement of
25 the making of quarter monthly payments to the Department by
26 taxpayers having an average monthly tax liability of \$10,000

1 or more as determined in the manner provided above shall
2 continue until such taxpayer's average monthly liability to
3 the Department during the preceding 4 complete calendar
4 quarters (excluding the month of highest liability and the
5 month of lowest liability) is less than \$9,000, or until such
6 taxpayer's average monthly liability to the Department as
7 computed for each calendar quarter of the 4 preceding complete
8 calendar quarter period is less than \$10,000. However, if a
9 taxpayer can show the Department that a substantial change in
10 the taxpayer's business has occurred which causes the taxpayer
11 to anticipate that his average monthly tax liability for the
12 reasonably foreseeable future will fall below the \$10,000
13 threshold stated above, then such taxpayer may petition the
14 Department for a change in such taxpayer's reporting status.
15 On and after October 1, 2000, once applicable, the requirement
16 of the making of quarter monthly payments to the Department by
17 taxpayers having an average monthly tax liability of \$20,000
18 or more as determined in the manner provided above shall
19 continue until such taxpayer's average monthly liability to
20 the Department during the preceding 4 complete calendar
21 quarters (excluding the month of highest liability and the
22 month of lowest liability) is less than \$19,000 or until such
23 taxpayer's average monthly liability to the Department as
24 computed for each calendar quarter of the 4 preceding complete
25 calendar quarter period is less than \$20,000. However, if a
26 taxpayer can show the Department that a substantial change in

1 the taxpayer's business has occurred which causes the taxpayer
2 to anticipate that his average monthly tax liability for the
3 reasonably foreseeable future will fall below the \$20,000
4 threshold stated above, then such taxpayer may petition the
5 Department for a change in such taxpayer's reporting status.
6 The Department shall change such taxpayer's reporting status
7 unless it finds that such change is seasonal in nature and not
8 likely to be long term. Quarter monthly payment status shall
9 be determined under this paragraph as if the rate reduction to
10 0% in Public Act 102-700 ~~this amendatory Act of the 102nd~~
11 ~~General Assembly~~ on food for human consumption that is to be
12 consumed off the premises where it is sold (other than
13 alcoholic beverages, food consisting of or infused with adult
14 use cannabis, soft drinks, and food that has been prepared for
15 immediate consumption) had not occurred. For quarter monthly
16 payments due under this paragraph on or after July 1, 2023 and
17 through June 30, 2024, "25% of the taxpayer's liability for
18 the same calendar month of the preceding year" shall be
19 determined as if the rate reduction to 0% in Public Act 102-700
20 ~~this amendatory Act of the 102nd General Assembly~~ had not
21 occurred. Quarter monthly payment status shall be determined
22 under this paragraph as if the rate reduction to 1.25% in
23 Public Act 102-700 ~~this amendatory Act of the 102nd General~~
24 ~~Assembly~~ on sales tax holiday items had not occurred. For
25 quarter monthly payments due on or after July 1, 2023 and
26 through June 30, 2024, "25% of the taxpayer's liability for

1 the same calendar month of the preceding year" shall be
2 determined as if the rate reduction to 1.25% in Public Act
3 102-700 ~~this amendatory Act of the 102nd General Assembly~~ on
4 sales tax holiday items had not occurred. If any such quarter
5 monthly payment is not paid at the time or in the amount
6 required by this Section, then the taxpayer shall be liable
7 for penalties and interest on the difference between the
8 minimum amount due as a payment and the amount of such quarter
9 monthly payment actually and timely paid, except insofar as
10 the taxpayer has previously made payments for that month to
11 the Department in excess of the minimum payments previously
12 due as provided in this Section. The Department shall make
13 reasonable rules and regulations to govern the quarter monthly
14 payment amount and quarter monthly payment dates for taxpayers
15 who file on other than a calendar monthly basis.

16 The provisions of this paragraph apply before October 1,
17 2001. Without regard to whether a taxpayer is required to make
18 quarter monthly payments as specified above, any taxpayer who
19 is required by Section 2d of this Act to collect and remit
20 prepaid taxes and has collected prepaid taxes which average in
21 excess of \$25,000 per month during the preceding 2 complete
22 calendar quarters, shall file a return with the Department as
23 required by Section 2f and shall make payments to the
24 Department on or before the 7th, 15th, 22nd and last day of the
25 month during which such liability is incurred. If the month
26 during which such tax liability is incurred began prior to

1 September 1, 1985 (the effective date of Public Act 84-221),
2 each payment shall be in an amount not less than 22.5% of the
3 taxpayer's actual liability under Section 2d. If the month
4 during which such tax liability is incurred begins on or after
5 January 1, 1986, each payment shall be in an amount equal to
6 22.5% of the taxpayer's actual liability for the month or
7 27.5% of the taxpayer's liability for the same calendar month
8 of the preceding calendar year. If the month during which such
9 tax liability is incurred begins on or after January 1, 1987,
10 each payment shall be in an amount equal to 22.5% of the
11 taxpayer's actual liability for the month or 26.25% of the
12 taxpayer's liability for the same calendar month of the
13 preceding year. The amount of such quarter monthly payments
14 shall be credited against the final tax liability of the
15 taxpayer's return for that month filed under this Section or
16 Section 2f, as the case may be. Once applicable, the
17 requirement of the making of quarter monthly payments to the
18 Department pursuant to this paragraph shall continue until
19 such taxpayer's average monthly prepaid tax collections during
20 the preceding 2 complete calendar quarters is \$25,000 or less.
21 If any such quarter monthly payment is not paid at the time or
22 in the amount required, the taxpayer shall be liable for
23 penalties and interest on such difference, except insofar as
24 the taxpayer has previously made payments for that month in
25 excess of the minimum payments previously due.

26 The provisions of this paragraph apply on and after

1 October 1, 2001. Without regard to whether a taxpayer is
2 required to make quarter monthly payments as specified above,
3 any taxpayer who is required by Section 2d of this Act to
4 collect and remit prepaid taxes and has collected prepaid
5 taxes that average in excess of \$20,000 per month during the
6 preceding 4 complete calendar quarters shall file a return
7 with the Department as required by Section 2f and shall make
8 payments to the Department on or before the 7th, 15th, 22nd and
9 last day of the month during which the liability is incurred.
10 Each payment shall be in an amount equal to 22.5% of the
11 taxpayer's actual liability for the month or 25% of the
12 taxpayer's liability for the same calendar month of the
13 preceding year. The amount of the quarter monthly payments
14 shall be credited against the final tax liability of the
15 taxpayer's return for that month filed under this Section or
16 Section 2f, as the case may be. Once applicable, the
17 requirement of the making of quarter monthly payments to the
18 Department pursuant to this paragraph shall continue until the
19 taxpayer's average monthly prepaid tax collections during the
20 preceding 4 complete calendar quarters (excluding the month of
21 highest liability and the month of lowest liability) is less
22 than \$19,000 or until such taxpayer's average monthly
23 liability to the Department as computed for each calendar
24 quarter of the 4 preceding complete calendar quarters is less
25 than \$20,000. If any such quarter monthly payment is not paid
26 at the time or in the amount required, the taxpayer shall be

1 liable for penalties and interest on such difference, except
2 insofar as the taxpayer has previously made payments for that
3 month in excess of the minimum payments previously due.

4 If any payment provided for in this Section exceeds the
5 taxpayer's liabilities under this Act, the Use Tax Act, the
6 Service Occupation Tax Act and the Service Use Tax Act, as
7 shown on an original monthly return, the Department shall, if
8 requested by the taxpayer, issue to the taxpayer a credit
9 memorandum no later than 30 days after the date of payment. The
10 credit evidenced by such credit memorandum may be assigned by
11 the taxpayer to a similar taxpayer under this Act, the Use Tax
12 Act, the Service Occupation Tax Act or the Service Use Tax Act,
13 in accordance with reasonable rules and regulations to be
14 prescribed by the Department. If no such request is made, the
15 taxpayer may credit such excess payment against tax liability
16 subsequently to be remitted to the Department under this Act,
17 the Use Tax Act, the Service Occupation Tax Act or the Service
18 Use Tax Act, in accordance with reasonable rules and
19 regulations prescribed by the Department. If the Department
20 subsequently determined that all or any part of the credit
21 taken was not actually due to the taxpayer, the taxpayer's
22 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or
23 1.75% of the difference between the credit taken and that
24 actually due, and that taxpayer shall be liable for penalties
25 and interest on such difference.

26 If a retailer of motor fuel is entitled to a credit under

1 Section 2d of this Act which exceeds the taxpayer's liability
2 to the Department under this Act for the month for which the
3 taxpayer is filing a return, the Department shall issue the
4 taxpayer a credit memorandum for the excess.

5 Beginning February 1, 2024, each month the Department
6 shall pay into the Working Families Fund an amount equal to any
7 net revenue realized for the preceding month as a result of the
8 limit on the vendor's discount of \$1,000 annually, net of the
9 difference between 1.75% and the vendor's discount of 2%.

10 Beginning January 1, 1990, each month the Department shall
11 pay into the Local Government Tax Fund, a special fund in the
12 State treasury which is hereby created, the remaining net
13 revenue realized for the preceding month from the 1% tax
14 imposed under this Act.

15 Beginning January 1, 1990, each month the Department shall
16 pay into the County and Mass Transit District Fund, a special
17 fund in the State treasury which is hereby created, 4% of the
18 remaining net revenue realized for the preceding month from
19 the 6.25% general rate other than aviation fuel sold on or
20 after December 1, 2019. This exception for aviation fuel only
21 applies for so long as the revenue use requirements of 49
22 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

23 Beginning August 1, 2000, each month the Department shall
24 pay into the County and Mass Transit District Fund 20% of the
25 remaining net revenue realized for the preceding month from
26 the 1.25% rate on the selling price of motor fuel and gasohol.

1 If, in any month, the tax on sales tax holiday items, as
2 defined in Section 2-8, is imposed at the rate of 1.25%, then
3 the Department shall pay 20% of the remaining net revenue
4 realized for that month from the 1.25% rate on the selling
5 price of sales tax holiday items into the County and Mass
6 Transit District Fund.

7 Beginning January 1, 1990, each month the Department shall
8 pay into the Local Government Tax Fund 16% of the remaining net
9 revenue realized for the preceding month from the 6.25%
10 general rate on the selling price of tangible personal
11 property other than aviation fuel sold on or after December 1,
12 2019. This exception for aviation fuel only applies for so
13 long as the revenue use requirements of 49 U.S.C. 47107(b) and
14 49 U.S.C. 47133 are binding on the State.

15 For aviation fuel sold on or after December 1, 2019, each
16 month the Department shall pay into the State Aviation Program
17 Fund 20% of the remaining net revenue realized for the
18 preceding month from the 6.25% general rate on the selling
19 price of aviation fuel, less an amount estimated by the
20 Department to be required for refunds of the 20% portion of the
21 tax on aviation fuel under this Act, which amount shall be
22 deposited into the Aviation Fuel Sales Tax Refund Fund. The
23 Department shall only pay moneys into the State Aviation
24 Program Fund and the Aviation Fuel Sales Tax Refund Fund under
25 this Act for so long as the revenue use requirements of 49
26 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

1 Beginning August 1, 2000, each month the Department shall
2 pay into the Local Government Tax Fund 80% of the remaining net
3 revenue realized for the preceding month from the 1.25% rate
4 on the selling price of motor fuel and gasohol. If, in any
5 month, the tax on sales tax holiday items, as defined in
6 Section 2-8, is imposed at the rate of 1.25%, then the
7 Department shall pay 80% of the remaining net revenue realized
8 for that month from the 1.25% rate on the selling price of
9 sales tax holiday items into the Local Government Tax Fund.

10 Beginning October 1, 2009, each month the Department shall
11 pay into the Capital Projects Fund an amount that is equal to
12 an amount estimated by the Department to represent 80% of the
13 remaining net revenue realized for the preceding month from
14 the sale of candy, grooming and hygiene products, and soft
15 drinks that had been taxed at a rate of 1% prior to September
16 1, 2009 but that are now taxed at 6.25%.

17 Beginning July 1, 2011, each month the Department shall
18 pay into the Clean Air Act Permit Fund 80% of the remaining net
19 revenue realized for the preceding month from the 6.25%
20 general rate on the selling price of sorbents used in Illinois
21 in the process of sorbent injection as used to comply with the
22 Environmental Protection Act or the federal Clean Air Act, but
23 the total payment into the Clean Air Act Permit Fund under this
24 Act and the Use Tax Act shall not exceed \$2,000,000 in any
25 fiscal year.

26 Beginning July 1, 2013, each month the Department shall

1 pay into the Underground Storage Tank Fund from the proceeds
2 collected under this Act, the Use Tax Act, the Service Use Tax
3 Act, and the Service Occupation Tax Act an amount equal to the
4 average monthly deficit in the Underground Storage Tank Fund
5 during the prior year, as certified annually by the Illinois
6 Environmental Protection Agency, but the total payment into
7 the Underground Storage Tank Fund under this Act, the Use Tax
8 Act, the Service Use Tax Act, and the Service Occupation Tax
9 Act shall not exceed \$18,000,000 in any State fiscal year. As
10 used in this paragraph, the "average monthly deficit" shall be
11 equal to the difference between the average monthly claims for
12 payment by the fund and the average monthly revenues deposited
13 into the fund, excluding payments made pursuant to this
14 paragraph.

15 Beginning July 1, 2015, of the remainder of the moneys
16 received by the Department under the Use Tax Act, the Service
17 Use Tax Act, the Service Occupation Tax Act, and this Act, each
18 month the Department shall deposit \$500,000 into the State
19 Crime Laboratory Fund.

20 Of the remainder of the moneys received by the Department
21 pursuant to this Act, (a) 1.75% thereof shall be paid into the
22 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
23 and after July 1, 1989, 3.8% thereof shall be paid into the
24 Build Illinois Fund; provided, however, that if in any fiscal
25 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
26 may be, of the moneys received by the Department and required

1 to be paid into the Build Illinois Fund pursuant to this Act,
2 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
3 Act, and Section 9 of the Service Occupation Tax Act, such Acts
4 being hereinafter called the "Tax Acts" and such aggregate of
5 2.2% or 3.8%, as the case may be, of moneys being hereinafter
6 called the "Tax Act Amount", and (2) the amount transferred to
7 the Build Illinois Fund from the State and Local Sales Tax
8 Reform Fund shall be less than the Annual Specified Amount (as
9 hereinafter defined), an amount equal to the difference shall
10 be immediately paid into the Build Illinois Fund from other
11 moneys received by the Department pursuant to the Tax Acts;
12 the "Annual Specified Amount" means the amounts specified
13 below for fiscal years 1986 through 1993:

| 14 | Fiscal Year | Annual Specified Amount |
|----|-------------|-------------------------|
| 15 | 1986 | \$54,800,000 |
| 16 | 1987 | \$76,650,000 |
| 17 | 1988 | \$80,480,000 |
| 18 | 1989 | \$88,510,000 |
| 19 | 1990 | \$115,330,000 |
| 20 | 1991 | \$145,470,000 |
| 21 | 1992 | \$182,730,000 |
| 22 | 1993 | \$206,520,000; |

23 and means the Certified Annual Debt Service Requirement (as
24 defined in Section 13 of the Build Illinois Bond Act) or the
25 Tax Act Amount, whichever is greater, for fiscal year 1994 and
26 each fiscal year thereafter; and further provided, that if on

1 the last business day of any month the sum of (1) the Tax Act
2 Amount required to be deposited into the Build Illinois Bond
3 Account in the Build Illinois Fund during such month and (2)
4 the amount transferred to the Build Illinois Fund from the
5 State and Local Sales Tax Reform Fund shall have been less than
6 1/12 of the Annual Specified Amount, an amount equal to the
7 difference shall be immediately paid into the Build Illinois
8 Fund from other moneys received by the Department pursuant to
9 the Tax Acts; and, further provided, that in no event shall the
10 payments required under the preceding proviso result in
11 aggregate payments into the Build Illinois Fund pursuant to
12 this clause (b) for any fiscal year in excess of the greater of
13 (i) the Tax Act Amount or (ii) the Annual Specified Amount for
14 such fiscal year. The amounts payable into the Build Illinois
15 Fund under clause (b) of the first sentence in this paragraph
16 shall be payable only until such time as the aggregate amount
17 on deposit under each trust indenture securing Bonds issued
18 and outstanding pursuant to the Build Illinois Bond Act is
19 sufficient, taking into account any future investment income,
20 to fully provide, in accordance with such indenture, for the
21 defeasance of or the payment of the principal of, premium, if
22 any, and interest on the Bonds secured by such indenture and on
23 any Bonds expected to be issued thereafter and all fees and
24 costs payable with respect thereto, all as certified by the
25 Director of the Bureau of the Budget (now Governor's Office of
26 Management and Budget). If on the last business day of any

1 month in which Bonds are outstanding pursuant to the Build
2 Illinois Bond Act, the aggregate of moneys deposited in the
3 Build Illinois Bond Account in the Build Illinois Fund in such
4 month shall be less than the amount required to be transferred
5 in such month from the Build Illinois Bond Account to the Build
6 Illinois Bond Retirement and Interest Fund pursuant to Section
7 13 of the Build Illinois Bond Act, an amount equal to such
8 deficiency shall be immediately paid from other moneys
9 received by the Department pursuant to the Tax Acts to the
10 Build Illinois Fund; provided, however, that any amounts paid
11 to the Build Illinois Fund in any fiscal year pursuant to this
12 sentence shall be deemed to constitute payments pursuant to
13 clause (b) of the first sentence of this paragraph and shall
14 reduce the amount otherwise payable for such fiscal year
15 pursuant to that clause (b). The moneys received by the
16 Department pursuant to this Act and required to be deposited
17 into the Build Illinois Fund are subject to the pledge, claim
18 and charge set forth in Section 12 of the Build Illinois Bond
19 Act.

20 Subject to payment of amounts into the Build Illinois Fund
21 as provided in the preceding paragraph or in any amendment
22 thereto hereafter enacted, the following specified monthly
23 installment of the amount requested in the certificate of the
24 Chairman of the Metropolitan Pier and Exposition Authority
25 provided under Section 8.25f of the State Finance Act, but not
26 in excess of sums designated as "Total Deposit", shall be

1 deposited in the aggregate from collections under Section 9 of
2 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
3 9 of the Service Occupation Tax Act, and Section 3 of the
4 Retailers' Occupation Tax Act into the McCormick Place
5 Expansion Project Fund in the specified fiscal years.

| 6 | Fiscal Year | Total Deposit |
|----|-------------|---------------|
| 7 | 1993 | \$0 |
| 8 | 1994 | 53,000,000 |
| 9 | 1995 | 58,000,000 |
| 10 | 1996 | 61,000,000 |
| 11 | 1997 | 64,000,000 |
| 12 | 1998 | 68,000,000 |
| 13 | 1999 | 71,000,000 |
| 14 | 2000 | 75,000,000 |
| 15 | 2001 | 80,000,000 |
| 16 | 2002 | 93,000,000 |
| 17 | 2003 | 99,000,000 |
| 18 | 2004 | 103,000,000 |
| 19 | 2005 | 108,000,000 |
| 20 | 2006 | 113,000,000 |
| 21 | 2007 | 119,000,000 |
| 22 | 2008 | 126,000,000 |
| 23 | 2009 | 132,000,000 |
| 24 | 2010 | 139,000,000 |
| 25 | 2011 | 146,000,000 |
| 26 | 2012 | 153,000,000 |

| | | |
|----|------------------|-------------|
| 1 | 2013 | 161,000,000 |
| 2 | 2014 | 170,000,000 |
| 3 | 2015 | 179,000,000 |
| 4 | 2016 | 189,000,000 |
| 5 | 2017 | 199,000,000 |
| 6 | 2018 | 210,000,000 |
| 7 | 2019 | 221,000,000 |
| 8 | 2020 | 233,000,000 |
| 9 | 2021 | 300,000,000 |
| 10 | 2022 | 300,000,000 |
| 11 | 2023 | 300,000,000 |
| 12 | 2024 | 300,000,000 |
| 13 | 2025 | 300,000,000 |
| 14 | 2026 | 300,000,000 |
| 15 | 2027 | 375,000,000 |
| 16 | 2028 | 375,000,000 |
| 17 | 2029 | 375,000,000 |
| 18 | 2030 | 375,000,000 |
| 19 | 2031 | 375,000,000 |
| 20 | 2032 | 375,000,000 |
| 21 | 2033 | 375,000,000 |
| 22 | 2034 | 375,000,000 |
| 23 | 2035 | 375,000,000 |
| 24 | 2036 | 450,000,000 |
| 25 | and | |
| 26 | each fiscal year | |

1 thereafter that bonds
2 are outstanding under
3 Section 13.2 of the
4 Metropolitan Pier and
5 Exposition Authority Act,
6 but not after fiscal year 2060.

7 Beginning July 20, 1993 and in each month of each fiscal
8 year thereafter, one-eighth of the amount requested in the
9 certificate of the Chairman of the Metropolitan Pier and
10 Exposition Authority for that fiscal year, less the amount
11 deposited into the McCormick Place Expansion Project Fund by
12 the State Treasurer in the respective month under subsection
13 (g) of Section 13 of the Metropolitan Pier and Exposition
14 Authority Act, plus cumulative deficiencies in the deposits
15 required under this Section for previous months and years,
16 shall be deposited into the McCormick Place Expansion Project
17 Fund, until the full amount requested for the fiscal year, but
18 not in excess of the amount specified above as "Total
19 Deposit", has been deposited.

20 Subject to payment of amounts into the Capital Projects
21 Fund, the Clean Air Act Permit Fund, the Build Illinois Fund,
22 and the McCormick Place Expansion Project Fund pursuant to the
23 preceding paragraphs or in any amendments thereto hereafter
24 enacted, for aviation fuel sold on or after December 1, 2019,
25 the Department shall each month deposit into the Aviation Fuel
26 Sales Tax Refund Fund an amount estimated by the Department to

1 be required for refunds of the 80% portion of the tax on
2 aviation fuel under this Act. The Department shall only
3 deposit moneys into the Aviation Fuel Sales Tax Refund Fund
4 under this paragraph for so long as the revenue use
5 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are
6 binding on the State.

7 Subject to payment of amounts into the Build Illinois Fund
8 and the McCormick Place Expansion Project Fund pursuant to the
9 preceding paragraphs or in any amendments thereto hereafter
10 enacted, beginning July 1, 1993 and ending on September 30,
11 2013, the Department shall each month pay into the Illinois
12 Tax Increment Fund 0.27% of 80% of the net revenue realized for
13 the preceding month from the 6.25% general rate on the selling
14 price of tangible personal property.

15 Subject to payment of amounts into the Build Illinois Fund
16 and the McCormick Place Expansion Project Fund pursuant to the
17 preceding paragraphs or in any amendments thereto hereafter
18 enacted, beginning with the receipt of the first report of
19 taxes paid by an eligible business and continuing for a
20 25-year period, the Department shall each month pay into the
21 Energy Infrastructure Fund 80% of the remaining net revenue
22 realized from the 6.25% general rate on the selling price of
23 Illinois-mined coal that was sold to an eligible business. For
24 purposes of this paragraph, the term "eligible business" means
25 a new electric generating facility certified pursuant to
26 Section 605-332 of the Department of Commerce and Economic

1 Opportunity Law of the Civil Administrative Code of Illinois.

2 Subject to payment of amounts into the Build Illinois
3 Fund, the McCormick Place Expansion Project Fund, the Illinois
4 Tax Increment Fund, and the Energy Infrastructure Fund
5 pursuant to the preceding paragraphs or in any amendments to
6 this Section hereafter enacted, beginning on the first day of
7 the first calendar month to occur on or after August 26, 2014
8 (the effective date of Public Act 98-1098), each month, from
9 the collections made under Section 9 of the Use Tax Act,
10 Section 9 of the Service Use Tax Act, Section 9 of the Service
11 Occupation Tax Act, and Section 3 of the Retailers' Occupation
12 Tax Act, the Department shall pay into the Tax Compliance and
13 Administration Fund, to be used, subject to appropriation, to
14 fund additional auditors and compliance personnel at the
15 Department of Revenue, an amount equal to 1/12 of 5% of 80% of
16 the cash receipts collected during the preceding fiscal year
17 by the Audit Bureau of the Department under the Use Tax Act,
18 the Service Use Tax Act, the Service Occupation Tax Act, the
19 Retailers' Occupation Tax Act, and associated local occupation
20 and use taxes administered by the Department.

21 Subject to payments of amounts into the Build Illinois
22 Fund, the McCormick Place Expansion Project Fund, the Illinois
23 Tax Increment Fund, the Energy Infrastructure Fund, and the
24 Tax Compliance and Administration Fund as provided in this
25 Section, beginning on July 1, 2018 the Department shall pay
26 each month into the Downstate Public Transportation Fund the

1 moneys required to be so paid under Section 2-3 of the
2 Downstate Public Transportation Act.

3 Subject to successful execution and delivery of a
4 public-private agreement between the public agency and private
5 entity and completion of the civic build, beginning on July 1,
6 2023, of the remainder of the moneys received by the
7 Department under the Use Tax Act, the Service Use Tax Act, the
8 Service Occupation Tax Act, and this Act, the Department shall
9 deposit the following specified deposits in the aggregate from
10 collections under the Use Tax Act, the Service Use Tax Act, the
11 Service Occupation Tax Act, and the Retailers' Occupation Tax
12 Act, as required under Section 8.25g of the State Finance Act
13 for distribution consistent with the Public-Private
14 Partnership for Civic and Transit Infrastructure Project Act.
15 The moneys received by the Department pursuant to this Act and
16 required to be deposited into the Civic and Transit
17 Infrastructure Fund are subject to the pledge, claim and
18 charge set forth in Section 25-55 of the Public-Private
19 Partnership for Civic and Transit Infrastructure Project Act.
20 As used in this paragraph, "civic build", "private entity",
21 "public-private agreement", and "public agency" have the
22 meanings provided in Section 25-10 of the Public-Private
23 Partnership for Civic and Transit Infrastructure Project Act.

| 24 | Fiscal Year..... | Total Deposit |
|----|------------------|---------------|
| 25 | 2024 | \$200,000,000 |
| 26 | 2025 | \$206,000,000 |

| | | | |
|----|------|-------|---------------|
| 1 | 2026 | ..... | \$212,200,000 |
| 2 | 2027 | ..... | \$218,500,000 |
| 3 | 2028 | ..... | \$225,100,000 |
| 4 | 2029 | ..... | \$288,700,000 |
| 5 | 2030 | ..... | \$298,900,000 |
| 6 | 2031 | ..... | \$309,300,000 |
| 7 | 2032 | ..... | \$320,100,000 |
| 8 | 2033 | ..... | \$331,200,000 |
| 9 | 2034 | ..... | \$341,200,000 |
| 10 | 2035 | ..... | \$351,400,000 |
| 11 | 2036 | ..... | \$361,900,000 |
| 12 | 2037 | ..... | \$372,800,000 |
| 13 | 2038 | ..... | \$384,000,000 |
| 14 | 2039 | ..... | \$395,500,000 |
| 15 | 2040 | ..... | \$407,400,000 |
| 16 | 2041 | ..... | \$419,600,000 |
| 17 | 2042 | ..... | \$432,200,000 |
| 18 | 2043 | ..... | \$445,100,000 |

19 Beginning July 1, 2021 and until July 1, 2022, subject to
20 the payment of amounts into the County and Mass Transit
21 District Fund, the Local Government Tax Fund, the Build
22 Illinois Fund, the McCormick Place Expansion Project Fund, the
23 Illinois Tax Increment Fund, the Energy Infrastructure Fund,
24 and the Tax Compliance and Administration Fund as provided in
25 this Section, the Department shall pay each month into the
26 Road Fund the amount estimated to represent 16% of the

1 remaining net revenue realized from the taxes imposed on motor
2 fuel and gasohol. Beginning July 1, 2022 and until July 1,
3 2023, subject to the payment of amounts into the County and
4 Mass Transit District Fund, the Local Government Tax Fund, the
5 Build Illinois Fund, the McCormick Place Expansion Project
6 Fund, the Illinois Tax Increment Fund, the Energy
7 Infrastructure Fund, and the Tax Compliance and Administration
8 Fund as provided in this Section, the Department shall pay
9 each month into the Road Fund the amount estimated to
10 represent 32% of the remaining net revenue realized from the
11 taxes imposed on motor fuel and gasohol. Beginning July 1,
12 2023 and until July 1, 2024, subject to the payment of amounts
13 into the County and Mass Transit District Fund, the Local
14 Government Tax Fund, the Build Illinois Fund, the McCormick
15 Place Expansion Project Fund, the Illinois Tax Increment Fund,
16 the Energy Infrastructure Fund, and the Tax Compliance and
17 Administration Fund as provided in this Section, the
18 Department shall pay each month into the Road Fund the amount
19 estimated to represent 48% of the remaining net revenue
20 realized from the taxes imposed on motor fuel and gasohol.
21 Beginning July 1, 2024 and until July 1, 2025, subject to the
22 payment of amounts into the County and Mass Transit District
23 Fund, the Local Government Tax Fund, the Build Illinois Fund,
24 the McCormick Place Expansion Project Fund, the Illinois Tax
25 Increment Fund, the Energy Infrastructure Fund, and the Tax
26 Compliance and Administration Fund as provided in this

1 Section, the Department shall pay each month into the Road
2 Fund the amount estimated to represent 64% of the remaining
3 net revenue realized from the taxes imposed on motor fuel and
4 gasohol. Beginning on July 1, 2025, subject to the payment of
5 amounts into the County and Mass Transit District Fund, the
6 Local Government Tax Fund, the Build Illinois Fund, the
7 McCormick Place Expansion Project Fund, the Illinois Tax
8 Increment Fund, the Energy Infrastructure Fund, and the Tax
9 Compliance and Administration Fund as provided in this
10 Section, the Department shall pay each month into the Road
11 Fund the amount estimated to represent 80% of the remaining
12 net revenue realized from the taxes imposed on motor fuel and
13 gasohol. As used in this paragraph "motor fuel" has the
14 meaning given to that term in Section 1.1 of the Motor Fuel Tax
15 Law, and "gasohol" has the meaning given to that term in
16 Section 3-40 of the Use Tax Act.

17 Of the remainder of the moneys received by the Department
18 pursuant to this Act, 75% thereof shall be paid into the State
19 treasury ~~Treasury~~ and 25% shall be reserved in a special
20 account and used only for the transfer to the Common School
21 Fund as part of the monthly transfer from the General Revenue
22 Fund in accordance with Section 8a of the State Finance Act.

23 The Department may, upon separate written notice to a
24 taxpayer, require the taxpayer to prepare and file with the
25 Department on a form prescribed by the Department within not
26 less than 60 days after receipt of the notice an annual

1 information return for the tax year specified in the notice.
2 Such annual return to the Department shall include a statement
3 of gross receipts as shown by the retailer's last Federal
4 income tax return. If the total receipts of the business as
5 reported in the Federal income tax return do not agree with the
6 gross receipts reported to the Department of Revenue for the
7 same period, the retailer shall attach to his annual return a
8 schedule showing a reconciliation of the 2 amounts and the
9 reasons for the difference. The retailer's annual return to
10 the Department shall also disclose the cost of goods sold by
11 the retailer during the year covered by such return, opening
12 and closing inventories of such goods for such year, costs of
13 goods used from stock or taken from stock and given away by the
14 retailer during such year, payroll information of the
15 retailer's business during such year and any additional
16 reasonable information which the Department deems would be
17 helpful in determining the accuracy of the monthly, quarterly
18 or annual returns filed by such retailer as provided for in
19 this Section.

20 If the annual information return required by this Section
21 is not filed when and as required, the taxpayer shall be liable
22 as follows:

23 (i) Until January 1, 1994, the taxpayer shall be
24 liable for a penalty equal to 1/6 of 1% of the tax due from
25 such taxpayer under this Act during the period to be
26 covered by the annual return for each month or fraction of

1 a month until such return is filed as required, the
2 penalty to be assessed and collected in the same manner as
3 any other penalty provided for in this Act.

4 (ii) On and after January 1, 1994, the taxpayer shall
5 be liable for a penalty as described in Section 3-4 of the
6 Uniform Penalty and Interest Act.

7 The chief executive officer, proprietor, owner or highest
8 ranking manager shall sign the annual return to certify the
9 accuracy of the information contained therein. Any person who
10 willfully signs the annual return containing false or
11 inaccurate information shall be guilty of perjury and punished
12 accordingly. The annual return form prescribed by the
13 Department shall include a warning that the person signing the
14 return may be liable for perjury.

15 The provisions of this Section concerning the filing of an
16 annual information return do not apply to a retailer who is not
17 required to file an income tax return with the United States
18 Government.

19 As soon as possible after the first day of each month, upon
20 certification of the Department of Revenue, the Comptroller
21 shall order transferred and the Treasurer shall transfer from
22 the General Revenue Fund to the Motor Fuel Tax Fund an amount
23 equal to 1.7% of 80% of the net revenue realized under this Act
24 for the second preceding month. Beginning April 1, 2000, this
25 transfer is no longer required and shall not be made.

26 Net revenue realized for a month shall be the revenue

1 collected by the State pursuant to this Act, less the amount
2 paid out during that month as refunds to taxpayers for
3 overpayment of liability. Remaining net revenue means net
4 revenue minus any amount paid into the Working Families Fund
5 pursuant to this Section.

6 For greater simplicity of administration, manufacturers,
7 importers and wholesalers whose products are sold at retail in
8 Illinois by numerous retailers, and who wish to do so, may
9 assume the responsibility for accounting and paying to the
10 Department all tax accruing under this Act with respect to
11 such sales, if the retailers who are affected do not make
12 written objection to the Department to this arrangement.

13 Any person who promotes, organizes, provides retail
14 selling space for concessionaires or other types of sellers at
15 the Illinois State Fair, DuQuoin State Fair, county fairs,
16 local fairs, art shows, flea markets and similar exhibitions
17 or events, including any transient merchant as defined by
18 Section 2 of the Transient Merchant Act of 1987, is required to
19 file a report with the Department providing the name of the
20 merchant's business, the name of the person or persons engaged
21 in merchant's business, the permanent address and Illinois
22 Retailers Occupation Tax Registration Number of the merchant,
23 the dates and location of the event and other reasonable
24 information that the Department may require. The report must
25 be filed not later than the 20th day of the month next
26 following the month during which the event with retail sales

1 was held. Any person who fails to file a report required by
2 this Section commits a business offense and is subject to a
3 fine not to exceed \$250.

4 Any person engaged in the business of selling tangible
5 personal property at retail as a concessionaire or other type
6 of seller at the Illinois State Fair, county fairs, art shows,
7 flea markets and similar exhibitions or events, or any
8 transient merchants, as defined by Section 2 of the Transient
9 Merchant Act of 1987, may be required to make a daily report of
10 the amount of such sales to the Department and to make a daily
11 payment of the full amount of tax due. The Department shall
12 impose this requirement when it finds that there is a
13 significant risk of loss of revenue to the State at such an
14 exhibition or event. Such a finding shall be based on evidence
15 that a substantial number of concessionaires or other sellers
16 who are not residents of Illinois will be engaging in the
17 business of selling tangible personal property at retail at
18 the exhibition or event, or other evidence of a significant
19 risk of loss of revenue to the State. The Department shall
20 notify concessionaires and other sellers affected by the
21 imposition of this requirement. In the absence of notification
22 by the Department, the concessionaires and other sellers shall
23 file their returns as otherwise required in this Section.

24 (Source: P.A. 101-10, Article 15, Section 15-25, eff. 6-5-19;
25 101-10, Article 25, Section 25-120, eff. 6-5-19; 101-27, eff.
26 6-25-19; 101-32, eff. 6-28-19; 101-604, eff. 12-13-19;

1 101-636, eff. 6-10-20; 102-634, eff. 8-27-21; 102-700, Article
2 60, Section 60-30, eff. 4-19-22; 102-700, Article 65, Section
3 65-10, eff. 4-19-22; 102-813, eff. 5-13-22; 102-1019, eff.
4 1-1-23; revised 12-13-22.)

5 Section 30. The Cigarette Tax Act is amended by changing
6 Section 2 as follows:

7 (35 ILCS 130/2) (from Ch. 120, par. 453.2)

8 Sec. 2. Tax imposed; rate; collection, payment, and
9 distribution; discount.

10 (a) Beginning on July 1, 2019, in place of the aggregate
11 tax rate of 99 mills previously imposed by this Act, a tax is
12 imposed upon any person engaged in business as a retailer of
13 cigarettes at the rate of 149 mills per cigarette sold or
14 otherwise disposed of in the course of such business in this
15 State.

16 (b) The payment of such taxes shall be evidenced by a stamp
17 affixed to each original package of cigarettes, or an
18 authorized substitute for such stamp imprinted on each
19 original package of such cigarettes underneath the sealed
20 transparent outside wrapper of such original package, as
21 hereinafter provided. However, such taxes are not imposed upon
22 any activity in such business in interstate commerce or
23 otherwise, which activity may not under the Constitution and
24 statutes of the United States be made the subject of taxation

1 by this State.

2 Beginning February 1, 2024, each month the Department
3 shall pay into the Working Families Fund an amount equal to any
4 net revenue realized for the preceding month as a result of
5 changes in this amendatory Act of the 103rd General Assembly
6 to the discount allowed to distributors under this Act and the
7 Cigarette Use Tax Act.

8 Out of the 149 mills per cigarette tax imposed by
9 subsection (a), net of any revenues paid into the Working
10 Families Fund, the revenues received from 4 mills shall be
11 paid into the Common School Fund each month, not to exceed
12 \$9,000,000 per month. Out of the 149 mills per cigarette tax
13 imposed by subsection (a), net of any revenues paid into the
14 Working Families Fund, all of the revenues received from 7
15 mills shall be paid into the Common School Fund each month. Out
16 of the 149 mills per cigarette tax imposed by subsection (a),
17 net of any revenues paid into the Working Families Fund, 50
18 mills per cigarette each month shall be paid into the
19 Healthcare Provider Relief Fund.

20 Beginning on July 1, 2006, all of the moneys received by
21 the Department of Revenue pursuant to this Act and the
22 Cigarette Use Tax Act, other than the moneys that are
23 dedicated to Working Families Fund or the Common School Fund
24 and, beginning on the effective date of this amendatory Act of
25 the 97th General Assembly, other than the moneys from the
26 additional taxes imposed by this amendatory Act of the 97th

1 General Assembly that must be paid each month into the
2 Healthcare Provider Relief Fund, and other than the moneys
3 from the additional taxes imposed by this amendatory Act of
4 the 101st General Assembly that must be paid each month under
5 subsection (c), shall be distributed each month as follows:
6 first, there shall be paid into the General Revenue Fund an
7 amount that, when added to the amount paid into the Common
8 School Fund for that month, equals \$29,200,000; then, from the
9 moneys remaining, if any amounts required to be paid into the
10 General Revenue Fund in previous months remain unpaid, those
11 amounts shall be paid into the General Revenue Fund; then from
12 the moneys remaining, \$5,000,000 per month shall be paid into
13 the School Infrastructure Fund; then, if any amounts required
14 to be paid into the School Infrastructure Fund in previous
15 months remain unpaid, those amounts shall be paid into the
16 School Infrastructure Fund; then the moneys remaining, if any,
17 shall be paid into the Long-Term Care Provider Fund.

18 (c) Beginning on July 1, 2019, all of the moneys from the
19 additional taxes imposed by Public Act 101-31, except for
20 moneys received from the tax on electronic cigarettes,
21 received by the Department of Revenue pursuant to this Act,
22 the Cigarette Use Tax Act, and the Tobacco Products Tax Act of
23 1995 shall be distributed each month into the Capital Projects
24 Fund.

25 (d) Except for moneys received from the additional taxes
26 imposed by Public Act 101-31, moneys collected from the tax

1 imposed on little cigars under Section 10-10 of the Tobacco
2 Products Tax Act of 1995 shall be included with the moneys
3 collected under the Cigarette Tax Act and the Cigarette Use
4 Tax Act when making distributions to the Common School Fund,
5 the Healthcare Provider Relief Fund, the General Revenue Fund,
6 the School Infrastructure Fund, and the Long-Term Care
7 Provider Fund under this Section.

8 (e) If the tax imposed herein terminates or has
9 terminated, distributors who have bought stamps while such tax
10 was in effect and who therefore paid such tax, but who can
11 show, to the Department's satisfaction, that they sold the
12 cigarettes to which they affixed such stamps after such tax
13 had terminated and did not recover the tax or its equivalent
14 from purchasers, shall be allowed by the Department to take
15 credit for such absorbed tax against subsequent tax stamp
16 purchases from the Department by such distributor.

17 (f) The impact of the tax levied by this Act is imposed
18 upon the retailer and shall be prepaid or pre-collected by the
19 distributor for the purpose of convenience and facility only,
20 and the amount of the tax shall be added to the price of the
21 cigarettes sold by such distributor. Collection of the tax
22 shall be evidenced by a stamp or stamps affixed to each
23 original package of cigarettes, as hereinafter provided. Any
24 distributor who purchases stamps may credit any excess
25 payments verified by the Department against amounts
26 subsequently due for the purchase of additional stamps, until

1 such time as no excess payment remains.

2 (g) Each distributor shall collect the tax from the
3 retailer at or before the time of the sale, shall affix the
4 stamps as hereinafter required, and shall remit the tax
5 collected from retailers to the Department, as hereinafter
6 provided. Any distributor who fails to properly collect and
7 pay the tax imposed by this Act shall be liable for the tax.

8 (h) Any distributor having cigarettes in his or her
9 possession on July 1, 2019 to which tax stamps have been
10 affixed, and any distributor having stamps in his or her
11 possession on July 1, 2019 that have not been affixed to
12 packages of cigarettes before July 1, 2019, is required to pay
13 the additional tax that begins on July 1, 2019 imposed by this
14 amendatory Act of the 101st General Assembly to the extent
15 that the volume of affixed and unaffixed stamps in the
16 distributor's possession on July 1, 2019 exceeds the average
17 monthly volume of cigarette stamps purchased by the
18 distributor in calendar year 2018. This payment, less the
19 discount provided in subsection (l), is due when the
20 distributor first makes a purchase of cigarette stamps on or
21 after July 1, 2019 or on the first due date of a return under
22 this Act occurring on or after July 1, 2019, whichever occurs
23 first. Those distributors may elect to pay the additional tax
24 on packages of cigarettes to which stamps have been affixed
25 and on any stamps in the distributor's possession that have
26 not been affixed to packages of cigarettes in their possession

1 on July 1, 2019 over a period not to exceed 12 months from the
2 due date of the additional tax by notifying the Department in
3 writing. The first payment for distributors making such
4 election is due when the distributor first makes a purchase of
5 cigarette tax stamps on or after July 1, 2019 or on the first
6 due date of a return under this Act occurring on or after July
7 1, 2019, whichever occurs first. Distributors making such an
8 election are not entitled to take the discount provided in
9 subsection (l) on such payments.

10 (i) Any retailer having cigarettes in its possession on
11 July 1, 2019 to which tax stamps have been affixed is not
12 required to pay the additional tax that begins on July 1, 2019
13 imposed by this amendatory Act of the 101st General Assembly
14 on those stamped cigarettes.

15 (j) Distributors making sales of cigarettes to secondary
16 distributors shall add the amount of the tax to the price of
17 the cigarettes sold by the distributors. Secondary
18 distributors making sales of cigarettes to retailers shall
19 include the amount of the tax in the price of the cigarettes
20 sold to retailers. The amount of tax shall not be less than the
21 amount of taxes imposed by the State and all local
22 jurisdictions. The amount of local taxes shall be calculated
23 based on the location of the retailer's place of business
24 shown on the retailer's certificate of registration or
25 sub-registration issued to the retailer pursuant to Section 2a
26 of the Retailers' Occupation Tax Act. The original packages of

1 cigarettes sold to the retailer shall bear all the required
2 stamps, or other indicia, for the taxes included in the price
3 of cigarettes.

4 (k) The amount of the Cigarette Tax imposed by this Act
5 shall be separately stated, apart from the price of the goods,
6 by distributors, manufacturer representatives, secondary
7 distributors, and retailers, in all bills and sales invoices.

8 (l) The distributor shall be required to collect the tax
9 provided under paragraph (a) hereof, and, to cover the costs
10 of such collection, shall be allowed a discount during any
11 year commencing July 1st and ending the following June 30th in
12 accordance with the schedule set out hereinbelow, which
13 discount shall be allowed at the time of purchase of the stamps
14 when purchase is required by this Act, or at the time when the
15 tax is remitted to the Department without the purchase of
16 stamps from the Department when that method of paying the tax
17 is required or authorized by this Act.

18 On and after December 1, 1985, and until January 1, 2024,
19 the a discount amount shall be equal to 1.75% of the amount of
20 the tax payable under this Act up to and including the first
21 \$3,000,000 paid hereunder by such distributor to the
22 Department during any such year and 1.5% of the amount of any
23 additional tax paid hereunder by such distributor to the
24 Department during any such year shall apply. On and after
25 January 1, 2024, the discount amount shall be 2% of the tax
26 payable under this Act during the calendar year; however, on

1 and after January 1, 2024, in no event shall the discount
2 allowed to any distributor be less than \$5 in any calendar year
3 or more than \$1,000 in any calendar year.

4 Two or more distributors that use a common means of
5 affixing revenue tax stamps or that are owned or controlled by
6 the same interests shall be treated as a single distributor
7 for the purpose of computing the discount.

8 (m) The taxes herein imposed are in addition to all other
9 occupation or privilege taxes imposed by the State of
10 Illinois, or by any political subdivision thereof, or by any
11 municipal corporation.

12 (Source: P.A. 100-1171, eff. 1-4-19; 101-31, eff. 6-28-19;
13 101-604, eff. 12-13-19.)

14 Section 35. The Cigarette Use Tax Act is amended by
15 changing Section 3 as follows:

16 (35 ILCS 135/3) (from Ch. 120, par. 453.33)

17 Sec. 3. Stamp payment. The tax hereby imposed shall be
18 collected by a distributor maintaining a place of business in
19 this State or a distributor authorized by the Department
20 pursuant to Section 7 hereof to collect the tax, and the amount
21 of the tax shall be added to the price of the cigarettes sold
22 by such distributor. Collection of the tax shall be evidenced
23 by a stamp or stamps affixed to each original package of
24 cigarettes or by an authorized substitute for such stamp

1 imprinted on each original package of such cigarettes
2 underneath the sealed transparent outside wrapper of such
3 original package, except as hereinafter provided. Each
4 distributor who is required or authorized to collect the tax
5 herein imposed, before delivering or causing to be delivered
6 any original packages of cigarettes in this State to any
7 purchaser, shall firmly affix a proper stamp or stamps to each
8 such package, or (in the case of manufacturers of cigarettes
9 in original packages which are contained inside a sealed
10 transparent wrapper) shall imprint the required language on
11 the original package of cigarettes beneath such outside
12 wrapper as hereinafter provided. Such stamp or stamps need not
13 be affixed to the original package of any cigarettes with
14 respect to which the distributor is required to affix a like
15 stamp or stamps by virtue of the Cigarette Tax Act, however,
16 and no tax imprint need be placed underneath the sealed
17 transparent wrapper of an original package of cigarettes with
18 respect to which the distributor is required or authorized to
19 employ a like tax imprint by virtue of the Cigarette Tax Act.
20 Any distributor who purchases stamps may credit any excess
21 payments verified by the Department against amounts
22 subsequently due for the purchase of additional stamps, until
23 such time as no excess payment remains.

24 No stamp or imprint may be affixed to, or made upon, any
25 package of cigarettes unless that package complies with all
26 requirements of the federal Cigarette Labeling and Advertising

1 Act, 15 U.S.C. 1331 and following, for the placement of
2 labels, warnings, or any other information upon a package of
3 cigarettes that is sold within the United States. Under the
4 authority of Section 6, the Department shall revoke the
5 license of any distributor that is determined to have violated
6 this paragraph. A person may not affix a stamp on a package of
7 cigarettes, cigarette papers, wrappers, or tubes if that
8 individual package has been marked for export outside the
9 United States with a label or notice in compliance with
10 Section 290.185 of Title 27 of the Code of Federal
11 Regulations. It is not a defense to a proceeding for violation
12 of this paragraph that the label or notice has been removed,
13 mutilated, obliterated, or altered in any manner.

14 Only distributors licensed under this Act and
15 transporters, as defined in Section 9c of the Cigarette Tax
16 Act, may possess unstamped original packages of cigarettes.
17 Prior to shipment to an Illinois retailer or secondary
18 distributor, a stamp shall be applied to each original package
19 of cigarettes sold to the retailer or secondary distributor. A
20 distributor may apply a tax stamp only to an original package
21 of cigarettes purchased or obtained directly from an in-state
22 maker, manufacturer, or fabricator licensed as a distributor
23 under Section 4 of this Act or an out-of-state maker,
24 manufacturer, or fabricator holding a permit under Section 7
25 of this Act. A licensed distributor may ship or otherwise
26 cause to be delivered unstamped original packages of

1 cigarettes in, into, or from this State. A licensed
2 distributor may transport unstamped original packages of
3 cigarettes to a facility, wherever located, owned or
4 controlled by such distributor; however, a distributor may not
5 transport unstamped original packages of cigarettes to a
6 facility where retail sales of cigarettes take place or to a
7 facility where a secondary distributor makes sales for resale.
8 Any licensed distributor that ships or otherwise causes to be
9 delivered unstamped original packages of cigarettes into,
10 within, or from this State shall ensure that the invoice or
11 equivalent documentation and the bill of lading or freight
12 bill for the shipment identifies the true name and address of
13 the consignor or seller, the true name and address of the
14 consignee or purchaser, and the quantity by brand style of the
15 cigarettes so transported, provided that this Section shall
16 not be construed as to impose any requirement or liability
17 upon any common or contract carrier.

18 Distributors making sales of cigarettes to secondary
19 distributors shall add the amount of the tax to the price of
20 the cigarettes sold by the distributors. Secondary
21 distributors making sales of cigarettes to retailers shall
22 include the amount of the tax in the price of the cigarettes
23 sold to retailers. The amount of tax shall not be less than the
24 amount of taxes imposed by the State and all local
25 jurisdictions. The amount of local taxes shall be calculated
26 based on the location of the retailer's place of business

1 shown on the retailer's certificate of registration or
2 sub-registration issued to the retailer pursuant to Section 2a
3 of the Retailers' Occupation Tax Act. The original packages of
4 cigarettes sold by the retailer shall bear all the required
5 stamps, or other indicia, for the taxes included in the price
6 of cigarettes.

7 Stamps, when required hereunder, shall be purchased from
8 the Department, or any person authorized by the Department, by
9 distributors. On and after July 1, 2003, payment for such
10 stamps must be made by means of electronic funds transfer. The
11 Department may refuse to sell stamps to any person who does not
12 comply with the provisions of this Act. Beginning on June 6,
13 2002 and through June 30, 2002, persons holding valid licenses
14 as distributors may purchase cigarette tax stamps up to an
15 amount equal to 115% of the distributor's average monthly
16 cigarette tax stamp purchases over the 12 calendar months
17 prior to June 6, 2002.

18 Prior to December 1, 1985, the Department shall allow a
19 distributor 21 days in which to make final payment of the
20 amount to be paid for such stamps, by allowing the distributor
21 to make payment for the stamps at the time of purchasing them
22 with a draft which shall be in such form as the Department
23 prescribes, and which shall be payable within 21 days
24 thereafter: Provided that such distributor has filed with the
25 Department, and has received the Department's approval of, a
26 bond, which is in addition to the bond required under Section 4

1 of this Act, payable to the Department in an amount equal to
2 80% of such distributor's average monthly tax liability to the
3 Department under this Act during the preceding calendar year
4 or \$500,000, whichever is less. The bond shall be joint and
5 several and shall be in the form of a surety company bond in
6 such form as the Department prescribes, or it may be in the
7 form of a bank certificate of deposit or bank letter of credit.
8 The bond shall be conditioned upon the distributor's payment
9 of the amount of any 21-day draft which the Department accepts
10 from that distributor for the delivery of stamps to that
11 distributor under this Act. The distributor's failure to pay
12 any such draft, when due, shall also make such distributor
13 automatically liable to the Department for a penalty equal to
14 25% of the amount of such draft.

15 On and after December 1, 1985 and until July 1, 2003, the
16 Department shall allow a distributor 30 days in which to make
17 final payment of the amount to be paid for such stamps, by
18 allowing the distributor to make payment for the stamps at the
19 time of purchasing them with a draft which shall be in such
20 form as the Department prescribes, and which shall be payable
21 within 30 days thereafter, and beginning on January 1, 2003
22 and thereafter, the draft shall be payable by means of
23 electronic funds transfer: Provided that such distributor has
24 filed with the Department, and has received the Department's
25 approval of, a bond, which is in addition to the bond required
26 under Section 4 of this Act, payable to the Department in an

1 amount equal to 150% of such distributor's average monthly tax
2 liability to the Department under this Act during the
3 preceding calendar year or \$750,000, whichever is less, except
4 that as to bonds filed on or after January 1, 1987, such
5 additional bond shall be in an amount equal to 100% of such
6 distributor's average monthly tax liability under this Act
7 during the preceding calendar year or \$750,000, whichever is
8 less. The bond shall be joint and several and shall be in the
9 form of a surety company bond in such form as the Department
10 prescribes, or it may be in the form of a bank certificate of
11 deposit or bank letter of credit. The bond shall be
12 conditioned upon the distributor's payment of the amount of
13 any 30-day draft which the Department accepts from that
14 distributor for the delivery of stamps to that distributor
15 under this Act. The distributor's failure to pay any such
16 draft, when due, shall also make such distributor
17 automatically liable to the Department for a penalty equal to
18 25% of the amount of such draft.

19 Every prior continuous compliance taxpayer shall be exempt
20 from all requirements under this Section concerning the
21 furnishing of such bond, as defined in this Section, as a
22 condition precedent to his being authorized to engage in the
23 business licensed under this Act. This exemption shall
24 continue for each such taxpayer until such time as he may be
25 determined by the Department to be delinquent in the filing of
26 any returns, or is determined by the Department (either

1 through the Department's issuance of a final assessment which
2 has become final under the Act, or by the taxpayer's filing of
3 a return which admits tax to be due that is not paid) to be
4 delinquent or deficient in the paying of any tax under this
5 Act, at which time that taxpayer shall become subject to the
6 bond requirements of this Section and, as a condition of being
7 allowed to continue to engage in the business licensed under
8 this Act, shall be required to furnish bond to the Department
9 in such form as provided in this Section. Such taxpayer shall
10 furnish such bond for a period of 2 years, after which, if the
11 taxpayer has not been delinquent in the filing of any returns,
12 or delinquent or deficient in the paying of any tax under this
13 Act, the Department may reinstate such person as a prior
14 continuance compliance taxpayer. Any taxpayer who fails to pay
15 an admitted or established liability under this Act may also
16 be required to post bond or other acceptable security with the
17 Department guaranteeing the payment of such admitted or
18 established liability.

19 Except as otherwise provided in this Section, any person
20 aggrieved by any decision of the Department under this Section
21 may, within the time allowed by law, protest and request a
22 hearing before the Department, whereupon the Department shall
23 give notice and shall hold a hearing in conformity with the
24 provisions of this Act and then issue its final administrative
25 decision in the matter to such person. Effective July 1, 2013,
26 protests concerning matters that are subject to the

1 jurisdiction of the Illinois Independent Tax Tribunal shall be
2 filed in accordance with the Illinois Independent Tax Tribunal
3 Act of 2012, and hearings concerning those matters shall be
4 held before the Tribunal in accordance with that Act. With
5 respect to protests filed with the Department prior to July 1,
6 2013 that would otherwise be subject to the jurisdiction of
7 the Illinois Independent Tax Tribunal, the person filing the
8 protest may elect to be subject to the provisions of the
9 Illinois Independent Tax Tribunal Act of 2012 at any time on or
10 after July 1, 2013, but not later than 30 days after the date
11 on which the protest was filed. If made, the election shall be
12 irrevocable. In the absence of such a protest filed within the
13 time allowed by law, the Department's decision shall become
14 final without any further determination being made or notice
15 given.

16 The Department shall discharge any surety and shall
17 release and return any bond or security deposited, assigned,
18 pledged, or otherwise provided to it by a taxpayer under this
19 Section within 30 days after:

20 (1) such Taxpayer becomes a prior continuous
21 compliance taxpayer; or

22 (2) such taxpayer has ceased to collect receipts on
23 which he is required to remit tax to the Department, has
24 filed a final tax return, and has paid to the Department an
25 amount sufficient to discharge his remaining tax liability
26 as determined by the Department under this Act. The

1 Department shall make a final determination of the
2 taxpayer's outstanding tax liability as expeditiously as
3 possible after his final tax return has been filed. If the
4 Department cannot make such final determination within 45
5 days after receiving the final tax return, within such
6 period it shall so notify the taxpayer, stating its
7 reasons therefor.

8 At the time of purchasing such stamps from the Department
9 when purchase is required by this Act, or at the time when the
10 tax which he has collected is remitted by a distributor to the
11 Department without the purchase of stamps from the Department
12 when that method of remitting the tax that has been collected
13 is required or authorized by this Act, the distributor shall
14 be allowed a discount during any year commencing July 1 and
15 ending the following June 30 in accordance with the schedule
16 set out hereinbelow, from the amount to be paid by him to the
17 Department for such stamps, or to be paid by him to the
18 Department on the basis of monthly remittances (as the case
19 may be), to cover the cost, to such distributor, of collecting
20 the tax herein imposed by affixing such stamps to the original
21 packages of cigarettes sold by such distributor or by placing
22 tax imprints underneath the sealed transparent wrapper of
23 original packages of cigarettes sold by such distributor (as
24 the case may be). ~~.(1) Prior to December 1, 1985, a discount~~
25 ~~equal to 1-2/3% of the amount of the tax up to and including~~
26 ~~the first \$700,000 paid hereunder by such distributor to the~~

1 ~~Department during any such year; 1-1/3% of the next \$700,000~~
2 ~~of tax or any part thereof, paid hereunder by such distributor~~
3 ~~to the Department during any such year; 1% of the next \$700,000~~
4 ~~of tax, or any part thereof, paid hereunder by such~~
5 ~~distributor to the Department during any such year; and 2/3 of~~
6 ~~1% of the amount of any additional tax paid hereunder by such~~
7 ~~distributor to the Department during any such year or (2) On~~
8 and after December 1, 1985 and until January 1, 2024, a
9 discount equal to 1.75% of the amount of the tax payable under
10 this Act up to and including the first \$3,000,000 paid
11 hereunder by such distributor to the Department during any
12 such year and 1.5% of the amount of any additional tax paid
13 hereunder by such distributor to the Department during any
14 such year. On and after January 1, 2024, the discount shall be
15 equal to 2% of the tax paid by the distributor to the
16 Department under this Act during the calendar year; however,
17 on and after January 1, 2024, in no event shall the discount
18 allowed to any distributor be less than \$5 in any calendar year
19 or more than \$1,000 in any calendar year.

20 Two or more distributors that use a common means of
21 affixing revenue tax stamps or that are owned or controlled by
22 the same interests shall be treated as a single distributor
23 for the purpose of computing the discount.

24 Cigarette manufacturers who are distributors under Section
25 7(a) of this Act, and who place their cigarettes in original
26 packages which are contained inside a sealed transparent

1 wrapper, shall be required to remit the tax which they are
2 required to collect under this Act to the Department by
3 remitting the amount thereof to the Department by the 5th day
4 of each month, covering cigarettes shipped or otherwise
5 delivered to points in Illinois to purchasers during the
6 preceding calendar month, but a distributor need not remit to
7 the Department the tax so collected by him from purchasers
8 under this Act to the extent to which such distributor is
9 required to remit the tax imposed by the Cigarette Tax Act to
10 the Department with respect to the same cigarettes. All taxes
11 upon cigarettes under this Act are a direct tax upon the retail
12 consumer and shall conclusively be presumed to be precollected
13 for the purpose of convenience and facility only. Cigarette
14 manufacturers that are distributors licensed under Section
15 7(a) of this Act and who place their cigarettes in original
16 packages which are contained inside a sealed transparent
17 wrapper, before delivering such cigarettes or causing such
18 cigarettes to be delivered in this State to purchasers, shall
19 evidence their obligation to collect and remit the tax due
20 with respect to such cigarettes by imprinting language to be
21 prescribed by the Department on each original package of such
22 cigarettes underneath the sealed transparent outside wrapper
23 of such original package, in such place thereon and in such
24 manner as the Department may prescribe; provided (as stated
25 hereinbefore) that this requirement does not apply when such
26 distributor is required or authorized by the Cigarette Tax Act

1 to place the tax imprint provided for in the last paragraph of
2 Section 3 of that Act underneath the sealed transparent
3 wrapper of such original package of cigarettes. Such imprinted
4 language shall acknowledge the manufacturer's collection and
5 payment of or liability for the tax imposed by this Act with
6 respect to such cigarettes.

7 The Department shall adopt the design or designs of the
8 tax stamps and shall procure the printing of such stamps in
9 such amounts and denominations as it deems necessary to
10 provide for the affixation of the proper amount of tax stamps
11 to each original package of cigarettes.

12 Where tax stamps are required, the Department may
13 authorize distributors to affix revenue tax stamps by
14 imprinting tax meter stamps upon original packages of
15 cigarettes. The Department shall adopt rules and regulations
16 relating to the imprinting of such tax meter stamps as will
17 result in payment of the proper taxes as herein imposed. No
18 distributor may affix revenue tax stamps to original packages
19 of cigarettes by imprinting meter stamps thereon unless such
20 distributor has first obtained permission from the Department
21 to employ this method of affixation. The Department shall
22 regulate the use of tax meters and may, to assure the proper
23 collection of the taxes imposed by this Act, revoke or suspend
24 the privilege, theretofore granted by the Department to any
25 distributor, to imprint tax meter stamps upon original
26 packages of cigarettes.

1 The tax hereby imposed and not paid pursuant to this
2 Section shall be paid to the Department directly by any person
3 using such cigarettes within this State, pursuant to Section
4 12 hereof.

5 A distributor shall not affix, or cause to be affixed, any
6 stamp or imprint to a package of cigarettes, as provided for in
7 this Section, if the tobacco product manufacturer, as defined
8 in Section 10 of the Tobacco Product Manufacturers' Escrow
9 Act, that made or sold the cigarettes has failed to become a
10 participating manufacturer, as defined in subdivision (a)(1)
11 of Section 15 of the Tobacco Product Manufacturers' Escrow
12 Act, or has failed to create a qualified escrow fund for any
13 cigarettes manufactured by the tobacco product manufacturer
14 and sold in this State or otherwise failed to bring itself into
15 compliance with subdivision (a)(2) of Section 15 of the
16 Tobacco Product Manufacturers' Escrow Act.

17 (Source: P.A. 100-1171, eff. 1-4-19.)

18 Section 40. The Hotel Operators' Occupation Tax Act is
19 amended by changing Section 6 as follows:

20 (35 ILCS 145/6) (from Ch. 120, par. 481b.36)

21 Sec. 6. Filing of returns and distribution of proceeds.
22 Except as provided hereinafter in this Section, on or before
23 the last day of each calendar month, every person engaged in
24 the business of renting, leasing or letting rooms in a hotel in

1 this State during the preceding calendar month shall file a
2 return with the Department, stating:

3 1. The name of the operator;

4 2. His residence address and the address of his
5 principal place of business and the address of the
6 principal place of business (if that is a different
7 address) from which he engages in the business of renting,
8 leasing or letting rooms in a hotel in this State;

9 3. Total amount of rental receipts received by him
10 during the preceding calendar month from renting, leasing
11 or letting rooms during such preceding calendar month;

12 4. Total amount of rental receipts received by him
13 during the preceding calendar month from renting, leasing
14 or letting rooms to permanent residents during such
15 preceding calendar month;

16 5. Total amount of other exclusions from gross rental
17 receipts allowed by this Act;

18 6. Gross rental receipts which were received by him
19 during the preceding calendar month and upon the basis of
20 which the tax is imposed;

21 7. The amount of tax due;

22 8. Such other reasonable information as the Department
23 may require.

24 If the operator's average monthly tax liability to the
25 Department does not exceed \$200, the Department may authorize
26 his returns to be filed on a quarter annual basis, with the

1 return for January, February and March of a given year being
2 due by April 30 of such year; with the return for April, May
3 and June of a given year being due by July 31 of such year;
4 with the return for July, August and September of a given year
5 being due by October 31 of such year, and with the return for
6 October, November and December of a given year being due by
7 January 31 of the following year.

8 If the operator's average monthly tax liability to the
9 Department does not exceed \$50, the Department may authorize
10 his returns to be filed on an annual basis, with the return for
11 a given year being due by January 31 of the following year.

12 Such quarter annual and annual returns, as to form and
13 substance, shall be subject to the same requirements as
14 monthly returns.

15 Notwithstanding any other provision in this Act concerning
16 the time within which an operator may file his return, in the
17 case of any operator who ceases to engage in a kind of business
18 which makes him responsible for filing returns under this Act,
19 such operator shall file a final return under this Act with the
20 Department not more than 1 month after discontinuing such
21 business.

22 Where the same person has more than 1 business registered
23 with the Department under separate registrations under this
24 Act, such person shall not file each return that is due as a
25 single return covering all such registered businesses, but
26 shall file separate returns for each such registered business.

1 In his return, the operator shall determine the value of
2 any consideration other than money received by him in
3 connection with the renting, leasing or letting of rooms in
4 the course of his business and he shall include such value in
5 his return. Such determination shall be subject to review and
6 revision by the Department in the manner hereinafter provided
7 for the correction of returns.

8 Where the operator is a corporation, the return filed on
9 behalf of such corporation shall be signed by the president,
10 vice-president, secretary or treasurer or by the properly
11 accredited agent of such corporation.

12 The person filing the return herein provided for shall, at
13 the time of filing such return, pay to the Department the
14 amount of tax herein imposed. The operator filing the return
15 under this Section shall, at the time of filing such return,
16 pay to the Department the amount of tax imposed by this Act
17 less the vendor discount amount ~~a discount of 2.1% or \$25 per~~
18 ~~calendar year, whichever is greater~~, which is allowed to
19 reimburse the operator for the expenses incurred in keeping
20 records, preparing and filing returns, remitting the tax and
21 supplying data to the Department on request. Prior to January
22 1, 2024, the vendor discount amount shall be 2.1% or \$25 per
23 calendar year, whichever is greater. On and after January 1,
24 2024, the vendor discount amount shall be 2% of the proceeds
25 collected during the calendar year; however, on and after
26 January 1, 2024, in no event shall the discount allowed to any

1 person be less than \$5 in any calendar year or more than \$1,000
2 in any calendar year.

3 If any payment provided for in this Section exceeds the
4 operator's liabilities under this Act, as shown on an original
5 return, the Department may authorize the operator to credit
6 such excess payment against liability subsequently to be
7 remitted to the Department under this Act, in accordance with
8 reasonable rules adopted by the Department. If the Department
9 subsequently determines that all or any part of the credit
10 taken was not actually due to the operator, the operator's
11 discount shall be reduced by an amount equal to the difference
12 between the discount as applied to the credit taken and that
13 actually due, and that operator shall be liable for penalties
14 and interest on such difference.

15 Beginning February 1, 2024, each month the Department
16 shall pay into the Working Families Fund an amount equal to any
17 net revenue realized for the preceding month as a result of the
18 limit on the vendor's discount of \$1,000 annually and the
19 difference between the vendor's discount of 2% and 2.1%.

20 There shall be deposited in the Build Illinois Fund in the
21 State Treasury for each State fiscal year 40% of the amount of
22 total net proceeds from the tax imposed by subsection (a) of
23 Section 3 net of any such proceeds paid into the Working
24 Families Fund. Of the remaining 60% net of any such proceeds
25 paid into the Working Families Fund, \$5,000,000 shall be
26 deposited in the Illinois Sports Facilities Fund and credited

1 to the Subsidy Account each fiscal year by making monthly
2 deposits in the amount of 1/8 of \$5,000,000 plus cumulative
3 deficiencies in such deposits for prior months, and an
4 additional \$8,000,000 shall be deposited in the Illinois
5 Sports Facilities Fund and credited to the Advance Account
6 each fiscal year by making monthly deposits in the amount of
7 1/8 of \$8,000,000 plus any cumulative deficiencies in such
8 deposits for prior months; provided, that for fiscal years
9 ending after June 30, 2001, the amount to be so deposited into
10 the Illinois Sports Facilities Fund and credited to the
11 Advance Account each fiscal year shall be increased from
12 \$8,000,000 to the then applicable Advance Amount and the
13 required monthly deposits beginning with July 2001 shall be in
14 the amount of 1/8 of the then applicable Advance Amount plus
15 any cumulative deficiencies in those deposits for prior
16 months. (The deposits of the additional \$8,000,000 or the then
17 applicable Advance Amount, as applicable, during each fiscal
18 year shall be treated as advances of funds to the Illinois
19 Sports Facilities Authority for its corporate purposes to the
20 extent paid to the Authority or its trustee and shall be repaid
21 into the General Revenue Fund in the State Treasury by the
22 State Treasurer on behalf of the Authority pursuant to Section
23 19 of the Illinois Sports Facilities Authority Act, as
24 amended. If in any fiscal year the full amount of the then
25 applicable Advance Amount is not repaid into the General
26 Revenue Fund, then the deficiency shall be paid from the

1 amount in the Local Government Distributive Fund that would
2 otherwise be allocated to the City of Chicago under the State
3 Revenue Sharing Act.)

4 For purposes of the foregoing paragraph, the term "Advance
5 Amount" means, for fiscal year 2002, \$22,179,000, and for
6 subsequent fiscal years through fiscal year 2033, 105.615% of
7 the Advance Amount for the immediately preceding fiscal year,
8 rounded up to the nearest \$1,000.

9 Of the remaining 60% of the amount of total net proceeds
10 prior to August 1, 2011 from the tax imposed by subsection (a)
11 of Section 3 after all required deposits in the Illinois
12 Sports Facilities Fund, the amount equal to 8% of the net
13 revenue realized from this Act plus an amount equal to 8% of
14 the net revenue realized from any tax imposed under Section
15 4.05 of the Chicago World's Fair-1992 Authority Act during the
16 preceding month shall be deposited in the Local Tourism Fund
17 each month for purposes authorized by Section 605-705 of the
18 Department of Commerce and Economic Opportunity Law (20 ILCS
19 605/605-705). Of the remaining 60% of the amount of total net
20 proceeds less any such proceeds paid into the Working Families
21 Fund beginning on August 1, 2011 from the tax imposed by
22 subsection (a) of Section 3 after all required deposits in the
23 Illinois Sports Facilities Fund, an amount equal to 8% of the
24 net revenue realized from this Act plus an amount equal to 8%
25 of the net revenue realized from any tax imposed under Section
26 4.05 of the Chicago World's Fair-1992 Authority Act during the

1 preceding month shall be deposited as follows: 18% of such
2 amount shall be deposited into the Chicago Travel Industry
3 Promotion Fund for the purposes described in subsection (n) of
4 Section 5 of the Metropolitan Pier and Exposition Authority
5 Act and the remaining 82% of such amount shall be deposited
6 into the Local Tourism Fund each month for purposes authorized
7 by Section 605-705 of the Department of Commerce and Economic
8 Opportunity Law. Beginning on August 1, 1999 and ending on
9 July 31, 2011, an amount equal to 4.5% of the net revenue
10 realized from the Hotel Operators' Occupation Tax Act during
11 the preceding month shall be deposited into the International
12 Tourism Fund for the purposes authorized in Section 605-707 of
13 the Department of Commerce and Economic Opportunity Law.
14 Beginning on August 1, 2011, an amount equal to 4.5% of the net
15 revenue realized from this Act net of any such proceeds paid
16 into the Working Families Fund during the preceding month
17 shall be deposited as follows: 55% of such amount shall be
18 deposited into the Chicago Travel Industry Promotion Fund for
19 the purposes described in subsection (n) of Section 5 of the
20 Metropolitan Pier and Exposition Authority Act and the
21 remaining 45% of such amount deposited into the International
22 Tourism Fund for the purposes authorized in Section 605-707 of
23 the Department of Commerce and Economic Opportunity Law. "Net
24 revenue realized for a month" means the revenue collected by
25 the State under that Act during the previous month less the
26 amount paid out during that same month as refunds to taxpayers

1 for overpayment of liability under that Act.

2 After making all these deposits, all other proceeds of the
3 tax imposed under subsection (a) of Section 3 shall be
4 deposited in the Tourism Promotion Fund in the State Treasury.
5 All moneys received by the Department from the additional tax
6 imposed under subsection (b) of Section 3 net of any such
7 proceeds paid into the Working Families Fund shall be
8 deposited into the Build Illinois Fund in the State Treasury.

9 The Department may, upon separate written notice to a
10 taxpayer, require the taxpayer to prepare and file with the
11 Department on a form prescribed by the Department within not
12 less than 60 days after receipt of the notice an annual
13 information return for the tax year specified in the notice.
14 Such annual return to the Department shall include a statement
15 of gross receipts as shown by the operator's last State income
16 tax return. If the total receipts of the business as reported
17 in the State income tax return do not agree with the gross
18 receipts reported to the Department for the same period, the
19 operator shall attach to his annual information return a
20 schedule showing a reconciliation of the 2 amounts and the
21 reasons for the difference. The operator's annual information
22 return to the Department shall also disclose pay roll
23 information of the operator's business during the year covered
24 by such return and any additional reasonable information which
25 the Department deems would be helpful in determining the
26 accuracy of the monthly, quarterly or annual tax returns by

1 such operator as hereinbefore provided for in this Section.

2 If the annual information return required by this Section
3 is not filed when and as required the taxpayer shall be liable
4 for a penalty in an amount determined in accordance with
5 Section 3-4 of the Uniform Penalty and Interest Act until such
6 return is filed as required, the penalty to be assessed and
7 collected in the same manner as any other penalty provided for
8 in this Act.

9 The chief executive officer, proprietor, owner or highest
10 ranking manager shall sign the annual return to certify the
11 accuracy of the information contained therein. Any person who
12 willfully signs the annual return containing false or
13 inaccurate information shall be guilty of perjury and punished
14 accordingly. The annual return form prescribed by the
15 Department shall include a warning that the person signing the
16 return may be liable for perjury.

17 The foregoing portion of this Section concerning the
18 filing of an annual information return shall not apply to an
19 operator who is not required to file an income tax return with
20 the United States Government.

21 (Source: P.A. 102-16, eff. 6-17-21.)

22 Section 45. The Motor Fuel Tax Law is amended by changing
23 Sections 2b, 6, and 6a as follows:

24 (35 ILCS 505/2b) (from Ch. 120, par. 418b)

1 Sec. 2b. Receiver's monthly return. In addition to the tax
2 collection and reporting responsibilities imposed elsewhere in
3 this Act, a person who is required to pay the tax imposed by
4 Section 2a of this Act shall pay the tax to the Department by
5 return showing all fuel purchased, acquired or received and
6 sold, distributed or used during the preceding calendar month
7 including losses of fuel as the result of evaporation or
8 shrinkage due to temperature variations, and such other
9 reasonable information as the Department may require. Losses
10 of fuel as the result of evaporation or shrinkage due to
11 temperature variations may not exceed 1% of the total gallons
12 in storage at the beginning of the month, plus the receipts of
13 gallonage during the month, minus the gallonage remaining in
14 storage at the end of the month. Any loss reported that is in
15 excess of this amount shall be subject to the tax imposed by
16 Section 2a of this Law. On and after July 1, 2001, for each
17 6-month period January through June, net losses of fuel (for
18 each category of fuel that is required to be reported on a
19 return) as the result of evaporation or shrinkage due to
20 temperature variations may not exceed 1% of the total gallons
21 in storage at the beginning of each January, plus the receipts
22 of gallonage each January through June, minus the gallonage
23 remaining in storage at the end of each June. On and after July
24 1, 2001, for each 6-month period July through December, net
25 losses of fuel (for each category of fuel that is required to
26 be reported on a return) as the result of evaporation or

1 shrinkage due to temperature variations may not exceed 1% of
2 the total gallons in storage at the beginning of each July,
3 plus the receipts of gallonage each July through December,
4 minus the gallonage remaining in storage at the end of each
5 December. Any net loss reported that is in excess of this
6 amount shall be subject to the tax imposed by Section 2a of
7 this Law. For purposes of this Section, "net loss" means the
8 number of gallons gained through temperature variations minus
9 the number of gallons lost through temperature variations or
10 evaporation for each of the respective 6-month periods.

11 The return shall be prescribed by the Department and shall
12 be filed between the 1st and 20th days of each calendar month.
13 The Department may, in its discretion, combine the returns
14 filed under this Section, Section 5, and Section 5a of this
15 Act. The return must be accompanied by appropriate
16 computer-generated magnetic media supporting schedule data in
17 the format required by the Department, unless, as provided by
18 rule, the Department grants an exception upon petition of a
19 taxpayer. If the return is filed timely, the seller shall take
20 a discount ~~of 2% through June 30, 2003 and 1.75% thereafter~~
21 which is allowed to reimburse the seller for the expenses
22 incurred in keeping records, preparing and filing returns,
23 collecting and remitting the tax and supplying data to the
24 Department on request. Prior to January 1, 2024, the vendor
25 discount amount shall be 1.75%. On and after January 1, 2024,
26 the vendor discount amount shall be 2% of the proceeds

1 collected during the calendar year; however, on and after
2 January 1, 2024, in no event shall the discount allowed to any
3 person be less than \$5 in any calendar year or more than \$1,000
4 in any calendar year. The discount, however, shall be
5 applicable only to the amount of payment which accompanies a
6 return that is filed timely in accordance with this Section.
7 The discount under this Section is not allowed for taxes paid
8 on aviation fuel that are subject to the revenue use
9 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133.

10 Beginning on January 1, 2020 and ending with returns due
11 on January 20, 2021, each person who is required to pay the tax
12 imposed under Section 2a of this Act on aviation fuel sold or
13 used in this State during the preceding calendar month shall,
14 instead of reporting and paying tax on aviation fuel as
15 otherwise required by this Section, report and pay such tax on
16 a separate aviation fuel tax return or a separate line on the
17 return. The requirements related to the return shall be as
18 otherwise provided in this Section. Notwithstanding any other
19 provisions of this Act to the contrary, a person required to
20 pay the tax imposed by Section 2a of this Act on aviation fuel
21 shall file all aviation fuel tax returns and shall make all
22 aviation fuel tax payments by electronic means in the manner
23 and form required by the Department. For purposes of this Law,
24 "aviation fuel" means jet fuel and aviation gasoline.

25 If any payment provided for in this Section exceeds the
26 receiver's liabilities under this Act, as shown on an original

1 return, the Department may authorize the receiver to credit
2 such excess payment against liability subsequently to be
3 remitted to the Department under this Act, in accordance with
4 reasonable rules adopted by the Department. If the Department
5 subsequently determines that all or any part of the credit
6 taken was not actually due to the receiver, the receiver's
7 discount shall be reduced by an amount equal to the difference
8 between the discount as applied to the credit taken and that
9 actually due, and that receiver shall be liable for penalties
10 and interest on such difference.

11 (Source: P.A. 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19;
12 101-604, eff. 12-13-19.)

13 (35 ILCS 505/6) (from Ch. 120, par. 422)

14 Sec. 6. Collection of tax; distributors. A distributor who
15 sells or distributes any motor fuel, which he is required by
16 Section 5 to report to the Department when filing a return,
17 shall (except as hereinafter provided) collect at the time of
18 such sale and distribution, the amount of tax imposed under
19 this Act on all such motor fuel sold and distributed, and at
20 the time of making a return, the distributor shall pay to the
21 Department the amount so collected less a discount ~~of 2%~~
22 ~~through June 30, 2003 and 1.75% thereafter~~ which is allowed to
23 reimburse the distributor for the expenses incurred in keeping
24 records, preparing and filing returns, collecting and
25 remitting the tax and supplying data to the Department on

1 request, and shall also pay to the Department an amount equal
2 to the amount that would be collectible as a tax in the event
3 of a sale thereof on all such motor fuel used by said
4 distributor during the period covered by the return. Prior to
5 July 1, 2003, the discount amount shall be 2%. From July 1,
6 2003 through December 31, 2023, the discount amount shall be
7 1.75%. On and after January 1, 2024, the discount amount shall
8 be 2% of the proceeds collected during the calendar year;
9 however, on and after January 1, 2024, in no event shall the
10 discount allowed to any distributor be less than \$5 in any
11 calendar year or more than \$1,000 in any calendar year.
12 However, no payment shall be made based upon dyed diesel fuel
13 used by the distributor for non-highway purposes. The discount
14 shall only be applicable to the amount of tax payment which
15 accompanies a return which is filed timely in accordance with
16 Section 5 of this Act. In each subsequent sale of motor fuel on
17 which the amount of tax imposed under this Act has been
18 collected as provided in this Section, the amount so collected
19 shall be added to the selling price, so that the amount of tax
20 is paid ultimately by the user of the motor fuel. However, no
21 collection or payment shall be made in the case of the sale or
22 use of any motor fuel to the extent to which such sale or use
23 of motor fuel may not, under the constitution and statutes of
24 the United States, be made the subject of taxation by this
25 State. A person whose license to act as a distributor of fuel
26 has been revoked shall, at the time of making a return, also

1 pay to the Department an amount equal to the amount that would
2 be collectible as a tax in the event of a sale thereof on all
3 motor fuel, which he is required by the second paragraph of
4 Section 5 to report to the Department in making a return, and
5 which he had on hand on the date on which the license was
6 revoked, and with respect to which no tax had been previously
7 paid under this Act.

8 A distributor may make tax free sales of motor fuel, with
9 respect to which he is otherwise required to collect the tax,
10 only as specified in the following items 1 through 7.

11 1. When the sale is made to a person holding a valid
12 unrevoked license as a distributor, by making a specific
13 notation thereof on invoices or sales slip covering each
14 sale.

15 2. When the sale is made with delivery to a purchaser
16 outside of this State.

17 3. When the sale is made to the Federal Government or
18 its instrumentalities.

19 4. When the sale is made to a municipal corporation
20 owning and operating a local transportation system for
21 public service in this State when an official certificate
22 of exemption is obtained in lieu of the tax.

23 5. When the sale is made to a privately owned public
24 utility owning and operating 2 axle vehicles designed and
25 used for transporting more than 7 passengers, which
26 vehicles are used as common carriers in general

1 transportation of passengers, are not devoted to any
2 specialized purpose and are operated entirely within the
3 territorial limits of a single municipality or of any
4 group of contiguous municipalities, or in a close radius
5 thereof, and the operations of which are subject to the
6 regulations of the Illinois Commerce Commission, when an
7 official certificate of exemption is obtained in lieu of
8 the tax.

9 6. When a sale of special fuel is made to a person
10 holding a valid, unrevoked license as a supplier, by
11 making a specific notation thereof on the invoice or sales
12 slip covering each such sale.

13 7. When a sale of dyed diesel fuel is made by the
14 licensed distributor to the end user of the fuel who is not
15 a licensed distributor or a licensed supplier for
16 non-highway purposes and the fuel is (i) delivered from a
17 vehicle designed for the specific purpose of such sales
18 and delivered directly into a stationary bulk storage tank
19 that displays the notice required by Section 4f of this
20 Act, (ii) delivered from a vehicle designed for the
21 specific purpose of such sales and delivered directly into
22 the fuel supply tanks of non-highway vehicles that are not
23 required to be registered for highway use, or (iii)
24 dispensed from a dyed diesel fuel dispensing facility that
25 has withdrawal facilities that are not readily accessible
26 to and are not capable of dispensing dyed diesel fuel into

1 the fuel supply tank of a motor vehicle.

2 A specific notation is required on the invoice or
3 sales slip covering such sales, and any supporting
4 documentation that may be required by the Department must
5 be obtained by the distributor. The distributor shall
6 obtain and keep the supporting documentation in such form
7 as the Department may require by rule.

8 For purposes of this item 7, a dyed diesel fuel
9 dispensing facility is considered to have withdrawal
10 facilities that are "not readily accessible to and not
11 capable of dispensing dyed diesel fuel into the fuel
12 supply tank of a motor vehicle" only if the dyed diesel
13 fuel is delivered from: (i) a dispenser hose that is short
14 enough so that it will not reach the fuel supply tank of a
15 motor vehicle or (ii) a dispenser that is enclosed by a
16 fence or other physical barrier so that a vehicle cannot
17 pull alongside the dispenser to permit fueling.

18 8. (Blank).

19 All special fuel sold or used for non-highway purposes
20 must have a dye added in accordance with Section 4d of this
21 Law.

22 All suits or other proceedings brought for the purpose of
23 recovering any taxes, interest or penalties due the State of
24 Illinois under this Act may be maintained in the name of the
25 Department.

26 (Source: P.A. 102-1019, eff. 5-27-22.)

1 (35 ILCS 505/6a) (from Ch. 120, par. 422a)

2 Sec. 6a. Collection of tax; suppliers. A supplier, other
3 than a licensed distributor, who sells or distributes any
4 special fuel, which he is required by Section 5a to report to
5 the Department when filing a return, shall (except as
6 hereinafter provided) collect at the time of such sale and
7 distribution, the amount of tax imposed under this Act on all
8 such special fuel sold and distributed, and at the time of
9 making a return, the supplier shall pay to the Department the
10 amount so collected less a discount ~~of 2% through June 30, 2003~~
11 ~~and 1.75% thereafter~~ which is allowed to reimburse the
12 supplier for the expenses incurred in keeping records,
13 preparing and filing returns, collecting and remitting the tax
14 and supplying data to the Department on request, and shall
15 also pay to the Department an amount equal to the amount that
16 would be collectible as a tax in the event of a sale thereof on
17 all such special fuel used by said supplier during the period
18 covered by the return. Prior to July 1, 2003, the discount
19 amount shall be 2%. From July 1, 2003 through December 31,
20 2023, the discount amount shall be 1.75%. On and after January
21 1, 2024, the discount amount shall be 2% of the proceeds
22 collected during the calendar year; however, on and after
23 January 1, 2024, in no event shall the discount allowed to any
24 distributor be less than \$5 in any calendar year or more than
25 \$1,000 in any calendar year. However, no payment shall be made

1 based upon dyed diesel fuel used by said supplier for
2 non-highway purposes. The discount shall only be applicable to
3 the amount of tax payment which accompanies a return which is
4 filed timely in accordance with Section 5(a) of this Act. In
5 each subsequent sale of special fuel on which the amount of tax
6 imposed under this Act has been collected as provided in this
7 Section, the amount so collected shall be added to the selling
8 price, so that the amount of tax is paid ultimately by the user
9 of the special fuel. However, no collection or payment shall
10 be made in the case of the sale or use of any special fuel to
11 the extent to which such sale or use of motor fuel may not,
12 under the Constitution and statutes of the United States, be
13 made the subject of taxation by this State.

14 A person whose license to act as supplier of special fuel
15 has been revoked shall, at the time of making a return, also
16 pay to the Department an amount equal to the amount that would
17 be collectible as a tax in the event of a sale thereof on all
18 special fuel, which he is required by the 1st paragraph of
19 Section 5a to report to the Department in making a return.

20 A supplier may make tax-free sales of special fuel, with
21 respect to which he is otherwise required to collect the tax,
22 only as specified in the following items 1 through 7.

23 1. When the sale is made to the federal government or
24 its instrumentalities.

25 2. When the sale is made to a municipal corporation
26 owning and operating a local transportation system for

1 public service in this State when an official certificate
2 of exemption is obtained in lieu of the tax.

3 3. When the sale is made to a privately owned public
4 utility owning and operating 2 axle vehicles designed and
5 used for transporting more than 7 passengers, which
6 vehicles are used as common carriers in general
7 transportation of passengers, are not devoted to any
8 specialized purpose and are operated entirely within the
9 territorial limits of a single municipality or of any
10 group of contiguous municipalities, or in a close radius
11 thereof, and the operations of which are subject to the
12 regulations of the Illinois Commerce Commission, when an
13 official certificate of exemption is obtained in lieu of
14 the tax.

15 4. When a sale is made to a person holding a valid
16 unrevoked license as a supplier or a distributor by making
17 a specific notation thereof on invoice or sales slip
18 covering each such sale.

19 5. When a sale of dyed diesel fuel is made by the
20 licensed supplier to the end user of the fuel who is not a
21 licensed distributor or licensed supplier for non-highway
22 purposes and the fuel is (i) delivered from a vehicle
23 designed for the specific purpose of such sales and
24 delivered directly into a stationary bulk storage tank
25 that displays the notice required by Section 4f of this
26 Act, (ii) delivered from a vehicle designed for the

1 specific purpose of such sales and delivered directly into
2 the fuel supply tanks of non-highway vehicles that are not
3 required to be registered for highway use, or (iii)
4 dispensed from a dyed diesel fuel dispensing facility that
5 has withdrawal facilities that are not readily accessible
6 to and are not capable of dispensing dyed diesel fuel into
7 the fuel supply tank of a motor vehicle.

8 A specific notation is required on the invoice or
9 sales slip covering such sales, and any supporting
10 documentation that may be required by the Department must
11 be obtained by the supplier. The supplier shall obtain and
12 keep the supporting documentation in such form as the
13 Department may require by rule.

14 For purposes of this item 5, a dyed diesel fuel
15 dispensing facility is considered to have withdrawal
16 facilities that are "not readily accessible to and not
17 capable of dispensing dyed diesel fuel into the fuel
18 supply tank of a motor vehicle" only if the dyed diesel
19 fuel is delivered from: (i) a dispenser hose that is short
20 enough so that it will not reach the fuel supply tank of a
21 motor vehicle or (ii) a dispenser that is enclosed by a
22 fence or other physical barrier so that a vehicle cannot
23 pull alongside the dispenser to permit fueling.

24 6. (Blank).

25 7. When a sale of special fuel is made to a person
26 where delivery is made outside of this State.

1 All special fuel sold or used for non-highway purposes
2 must have a dye added in accordance with Section 4d of this
3 Law.

4 All suits or other proceedings brought for the purpose of
5 recovering any taxes, interest or penalties due the State of
6 Illinois under this Act may be maintained in the name of the
7 Department.

8 (Source: P.A. 102-1019, eff. 5-27-22.)

9 Section 50. The Telecommunications Excise Tax Act is
10 amended by changing Section 6 as follows:

11 (35 ILCS 630/6) (from Ch. 120, par. 2006)

12 Sec. 6. Returns; payments. Except as provided hereinafter
13 in this Section, on or before the last day of each month, each
14 retailer maintaining a place of business in this State shall
15 make a return to the Department for the preceding calendar
16 month, stating:

17 1. His name;

18 2. The address of his principal place of business, or
19 the address of the principal place of business (if that is
20 a different address) from which he engages in the business
21 of transmitting telecommunications;

22 3. Total amount of gross charges billed by him during
23 the preceding calendar month for providing
24 telecommunications during such calendar month;

1 4. Total amount received by him during the preceding
2 calendar month on credit extended;

3 5. Deductions allowed by law;

4 6. Gross charges which were billed by him during the
5 preceding calendar month and upon the basis of which the
6 tax is imposed;

7 7. Amount of tax (computed upon Item 6);

8 8. Such other reasonable information as the Department
9 may require.

10 Any taxpayer required to make payments under this Section
11 may make the payments by electronic funds transfer. The
12 Department shall adopt rules necessary to effectuate a program
13 of electronic funds transfer. Any taxpayer who has average
14 monthly tax billings due to the Department under this Act and
15 the Simplified Municipal Telecommunications Tax Act that
16 exceed \$1,000 shall make all payments by electronic funds
17 transfer as required by rules of the Department and shall file
18 the return required by this Section by electronic means as
19 required by rules of the Department.

20 If the retailer's average monthly tax billings due to the
21 Department under this Act and the Simplified Municipal
22 Telecommunications Tax Act do not exceed \$1,000, the
23 Department may authorize his returns to be filed on a quarter
24 annual basis, with the return for January, February and March
25 of a given year being due by April 30 of such year; with the
26 return for April, May and June of a given year being due by

1 July 31st of such year; with the return for July, August and
2 September of a given year being due by October 31st of such
3 year; and with the return of October, November and December of
4 a given year being due by January 31st of the following year.

5 If the retailer is otherwise required to file a monthly or
6 quarterly return and if the retailer's average monthly tax
7 billings due to the Department under this Act and the
8 Simplified Municipal Telecommunications Tax Act do not exceed
9 \$400, the Department may authorize his or her return to be
10 filed on an annual basis, with the return for a given year
11 being due by January 31st of the following year.

12 Notwithstanding any other provision of this Article
13 containing the time within which a retailer may file his
14 return, in the case of any retailer who ceases to engage in a
15 kind of business which makes him responsible for filing
16 returns under this Article, such retailer shall file a final
17 return under this Article with the Department not more than
18 one month after discontinuing such business.

19 In making such return, the retailer shall determine the
20 value of any consideration other than money received by him
21 and he shall include such value in his return. Such
22 determination shall be subject to review and revision by the
23 Department in the manner hereinafter provided for the
24 correction of returns.

25 Each retailer whose average monthly liability to the
26 Department under this Article and the Simplified Municipal

1 Telecommunications Tax Act was \$25,000 or more during the
2 preceding calendar year, excluding the month of highest
3 liability and the month of lowest liability in such calendar
4 year, and who is not operated by a unit of local government,
5 shall make estimated payments to the Department on or before
6 the 7th, 15th, 22nd and last day of the month during which tax
7 collection liability to the Department is incurred in an
8 amount not less than the lower of either 22.5% of the
9 retailer's actual tax collections for the month or 25% of the
10 retailer's actual tax collections for the same calendar month
11 of the preceding year. The amount of such quarter monthly
12 payments shall be credited against the final liability of the
13 retailer's return for that month. Any outstanding credit,
14 approved by the Department, arising from the retailer's
15 overpayment of its final liability for any month may be
16 applied to reduce the amount of any subsequent quarter monthly
17 payment or credited against the final liability of the
18 retailer's return for any subsequent month. If any quarter
19 monthly payment is not paid at the time or in the amount
20 required by this Section, the retailer shall be liable for
21 penalty and interest on the difference between the minimum
22 amount due as a payment and the amount of such payment actually
23 and timely paid, except insofar as the retailer has previously
24 made payments for that month to the Department in excess of the
25 minimum payments previously due.

26 The retailer making the return herein provided for shall,

1 at the time of making such return, pay to the Department the
2 amount of tax herein imposed, less a discount of 1% prior to
3 January 1, 2024 and 2% on and after January 1, 2024 which is
4 allowed to reimburse the retailer for the expenses incurred in
5 keeping records, billing the customer, preparing and filing
6 returns, remitting the tax, and supplying data to the
7 Department upon request. No discount may be claimed by a
8 retailer on returns not timely filed and for taxes not timely
9 remitted. On and after January 1, 2024, in no event shall the
10 discount allowed to any retailer be more than \$1,000 in any
11 calendar year.

12 If any payment provided for in this Section exceeds the
13 retailer's liabilities under this Act, as shown on an original
14 return, the Department may authorize the retailer to credit
15 such excess payment against liability subsequently to be
16 remitted to the Department under this Act, in accordance with
17 reasonable rules adopted by the Department. If the Department
18 subsequently determines that all or any part of the credit
19 taken was not actually due to the retailer, the retailer's
20 discount shall be reduced by an amount equal to the difference
21 between the discount as applied to the credit taken and that
22 actually due, and that retailer shall be liable for penalties
23 and interest on such difference.

24 Beginning February 1, 2024, each month the Department
25 shall pay into the Working Families Fund an amount equal to any
26 net revenue realized for the preceding month as a result of the

1 limit on the vendor's discount of \$1,000 annually, net of the
2 difference between 1% and the vendor's discount of 2%.

3 On and after the effective date of this Article of 1985, of
4 the moneys received by the Department of Revenue pursuant to
5 this Article, other than moneys received pursuant to the
6 additional taxes imposed by Public Act 90-548 and net of any
7 amount paid into the Working Families Fund:

8 (1) \$1,000,000 shall be paid each month into the
9 Common School Fund;

10 (2) beginning on the first day of the first calendar
11 month to occur on or after the effective date of this
12 amendatory Act of the 98th General Assembly, an amount
13 equal to 1/12 of 5% of the cash receipts collected during
14 the preceding fiscal year by the Audit Bureau of the
15 Department from the tax under this Act and the Simplified
16 Municipal Telecommunications Tax Act shall be paid each
17 month into the Tax Compliance and Administration Fund;
18 those moneys shall be used, subject to appropriation, to
19 fund additional auditors and compliance personnel at the
20 Department of Revenue; and

21 (3) the remainder shall be deposited into the General
22 Revenue Fund.

23 On and after February 1, 1998, however, of the moneys
24 received by the Department of Revenue pursuant to the
25 additional taxes imposed by Public Act 90-548 net of any
26 amount paid into the Working Families Fund, one-half shall be

1 deposited into the School Infrastructure Fund and one-half
2 shall be deposited into the Common School Fund. On and after
3 the effective date of this amendatory Act of the 91st General
4 Assembly, if in any fiscal year the total of the moneys
5 deposited into the School Infrastructure Fund under this Act
6 is less than the total of the moneys deposited into that Fund
7 from the additional taxes imposed by Public Act 90-548 during
8 fiscal year 1999, then, as soon as possible after the close of
9 the fiscal year, the Comptroller shall order transferred and
10 the Treasurer shall transfer from the General Revenue Fund to
11 the School Infrastructure Fund an amount equal to the
12 difference between the fiscal year total deposits and the
13 total amount deposited into the Fund in fiscal year 1999.

14 (Source: P.A. 100-1171, eff. 1-4-19.)

15 Section 55. The Liquor Control Act of 1934 is amended by
16 changing Sections 8-1 and 8-2 as follows:

17 (235 ILCS 5/8-1)

18 Sec. 8-1. A tax is imposed upon the privilege of engaging
19 in business as a manufacturer or as an importing distributor
20 of alcoholic liquor other than beer at the rate of \$0.185 per
21 gallon until September 1, 2009 and \$0.231 per gallon beginning
22 September 1, 2009 for cider containing not less than 0.5%
23 alcohol by volume nor more than 7% alcohol by volume, \$0.73 per
24 gallon until September 1, 2009 and \$1.39 per gallon beginning

1 September 1, 2009 for wine other than cider containing less
2 than 7% alcohol by volume, and \$4.50 per gallon until
3 September 1, 2009 and \$8.55 per gallon beginning September 1,
4 2009 on alcohol and spirits manufactured and sold or used by
5 such manufacturer, or as agent for any other person, or sold or
6 used by such importing distributor, or as agent for any other
7 person. A tax is imposed upon the privilege of engaging in
8 business as a manufacturer of beer or as an importing
9 distributor of beer at the rate of \$0.185 per gallon until
10 September 1, 2009 and \$0.231 per gallon beginning September 1,
11 2009 on all beer, regardless of alcohol by volume,
12 manufactured and sold or used by such manufacturer, or as
13 agent for any other person, or sold or used by such importing
14 distributor, or as agent for any other person. Any brewer
15 manufacturing beer in this State shall be entitled to and
16 given a credit or refund of 75% of the tax imposed on each
17 gallon of beer up to 4.9 million gallons per year in any given
18 calendar year for tax paid or payable on beer produced and sold
19 in the State of Illinois.

20 For purposes of this Section, "beer" means beer, ale,
21 porter, stout, and other similar fermented beverages of any
22 name or description containing one-half of one percent or more
23 of alcohol by volume, brewed or produced from malt, wholly or
24 in part, or from any substitute for malt.

25 For the purpose of this Section, "cider" means any
26 alcoholic beverage obtained by the alcohol fermentation of the

1 juice of apples or pears including, but not limited to,
2 flavored, sparkling, or carbonated cider.

3 The credit or refund created by this Act shall apply to all
4 beer taxes in the calendar years 1982 through 1986.

5 The increases made by this amendatory Act of the 91st
6 General Assembly in the rates of taxes imposed under this
7 Section shall apply beginning on July 1, 1999.

8 A tax at the rate of 1¢ per gallon on beer and 48¢ per
9 gallon on alcohol and spirits is also imposed upon the
10 privilege of engaging in business as a retailer or as a
11 distributor who is not also an importing distributor with
12 respect to all beer and all alcohol and spirits owned or
13 possessed by such retailer or distributor when this amendatory
14 Act of 1969 becomes effective, and with respect to which the
15 additional tax imposed by this amendatory Act upon
16 manufacturers and importing distributors does not apply.
17 Retailers and distributors who are subject to the additional
18 tax imposed by this paragraph of this Section shall be
19 required to inventory such alcoholic liquor and to pay this
20 additional tax in a manner prescribed by the Department.

21 The provisions of this Section shall be construed to apply
22 to any importing distributor engaging in business in this
23 State, whether licensed or not.

24 However, such tax is not imposed upon any such business as
25 to any alcoholic liquor shipped outside Illinois by an
26 Illinois licensed manufacturer or importing distributor, nor

1 as to any alcoholic liquor delivered in Illinois by an
2 Illinois licensed manufacturer or importing distributor to a
3 purchaser for immediate transportation by the purchaser to
4 another state into which the purchaser has a legal right,
5 under the laws of such state, to import such alcoholic liquor,
6 nor as to any alcoholic liquor other than beer sold by one
7 Illinois licensed manufacturer or importing distributor to
8 another Illinois licensed manufacturer or importing
9 distributor to the extent to which the sale of alcoholic
10 liquor other than beer by one Illinois licensed manufacturer
11 or importing distributor to another Illinois licensed
12 manufacturer or importing distributor is authorized by the
13 licensing provisions of this Act, nor to alcoholic liquor
14 whether manufactured in or imported into this State when sold
15 to a "non-beverage user" licensed by the State for use in the
16 manufacture of any of the following when they are unfit for
17 beverage purposes:

18 Patent and proprietary medicines and medicinal,
19 antiseptic, culinary and toilet preparations;

20 Flavoring extracts and syrups and food products;

21 Scientific, industrial and chemical products, excepting
22 denatured alcohol;

23 Or for scientific, chemical, experimental or mechanical
24 purposes;

25 Nor is the tax imposed upon the privilege of engaging in
26 any business in interstate commerce or otherwise, which

1 business may not, under the Constitution and Statutes of the
2 United States, be made the subject of taxation by this State.

3 The tax herein imposed shall be in addition to all other
4 occupation or privilege taxes imposed by the State of Illinois
5 or political subdivision thereof.

6 If any alcoholic liquor manufactured in or imported into
7 this State is sold to a licensed manufacturer or importing
8 distributor by a licensed manufacturer or importing
9 distributor to be used solely as an ingredient in the
10 manufacture of any beverage for human consumption, the tax
11 imposed upon such purchasing manufacturer or importing
12 distributor shall be reduced by the amount of the taxes which
13 have been paid by the selling manufacturer or importing
14 distributor under this Act as to such alcoholic liquor so used
15 to the Department of Revenue.

16 If any person received any alcoholic liquors from a
17 manufacturer or importing distributor, with respect to which
18 alcoholic liquors no tax is imposed under this Article, and
19 such alcoholic liquor shall thereafter be disposed of in such
20 manner or under such circumstances as may cause the same to
21 become the base for the tax imposed by this Article, such
22 person shall make the same reports and returns, pay the same
23 taxes and be subject to all other provisions of this Article
24 relating to manufacturers and importing distributors.

25 Nothing in this Article shall be construed to require the
26 payment to the Department of the taxes imposed by this Article

1 more than once with respect to any quantity of alcoholic
2 liquor sold or used within this State.

3 No tax is imposed by this Act on sales of alcoholic liquor
4 by Illinois licensed foreign importers to Illinois licensed
5 importing distributors.

6 Beginning February 1, 2024, each month the Department
7 shall pay into the Working Families Fund an amount equal to any
8 net proceeds for the preceding month as a result of changes in
9 this amendatory Act of the 103rd General Assembly to the
10 discount allowed to distributors under Section 8-2 this Act.

11 All of the proceeds of the additional tax imposed by Public Act
12 96-34 net of any portion paid into the Working Families Fund
13 shall be deposited by the Department into the Capital Projects
14 Fund. The remainder of the tax imposed by this Act shall be
15 deposited by the Department into the General Revenue Fund.

16 A manufacturer of beer that imports or transfers beer into
17 this State must comply with the provisions of this Section
18 with regard to the beer imported into this State.

19 The provisions of this Section 8-1 are severable under
20 Section 1.31 of the Statute on Statutes.

21 (Source: P.A. 100-885, eff. 8-14-18; 101-16, eff. 6-14-19.)

22 (235 ILCS 5/8-2) (from Ch. 43, par. 159)

23 Sec. 8-2. Payments; reports. It is the duty of each
24 manufacturer with respect to alcoholic liquor produced or
25 imported by such manufacturer, or purchased tax-free by such

1 manufacturer from another manufacturer or importing
2 distributor, and of each importing distributor as to alcoholic
3 liquor purchased by such importing distributor from foreign
4 importers or from anyone from any point in the United States
5 outside of this State or purchased tax-free from another
6 manufacturer or importing distributor, to pay the tax imposed
7 by Section 8-1 to the Department of Revenue on or before the
8 15th day of the calendar month following the calendar month in
9 which such alcoholic liquor is sold or used by such
10 manufacturer or by such importing distributor other than in an
11 authorized tax-free manner or to pay that tax electronically
12 as provided in this Section.

13 Each manufacturer and each importing distributor shall
14 make payment under one of the following methods: (1) on or
15 before the 15th day of each calendar month, file in person or
16 by United States first-class mail, postage pre-paid, with the
17 Department of Revenue, on forms prescribed and furnished by
18 the Department, a report in writing in such form as may be
19 required by the Department in order to compute, and assure the
20 accuracy of, the tax due on all taxable sales and uses of
21 alcoholic liquor occurring during the preceding month. Payment
22 of the tax in the amount disclosed by the report shall
23 accompany the report or, (2) on or before the 15th day of each
24 calendar month, electronically file with the Department of
25 Revenue, on forms prescribed and furnished by the Department,
26 an electronic report in such form as may be required by the

1 Department in order to compute, and assure the accuracy of,
2 the tax due on all taxable sales and uses of alcoholic liquor
3 occurring during the preceding month. An electronic payment of
4 the tax in the amount disclosed by the report shall accompany
5 the report. A manufacturer or distributor who files an
6 electronic report and electronically pays the tax imposed
7 pursuant to Section 8-1 to the Department of Revenue on or
8 before the 15th day of the calendar month following the
9 calendar month in which such alcoholic liquor is sold or used
10 by that manufacturer or importing distributor other than in an
11 authorized tax-free manner shall pay to the Department the
12 amount of the tax imposed pursuant to Section 8-1, less a
13 discount which is allowed to reimburse the manufacturer or
14 importing distributor for the expenses incurred in keeping and
15 maintaining records, preparing and filing the electronic
16 returns, remitting the tax, and supplying data to the
17 Department upon request.

18 The discount shall be in an amount as follows:

19 (1) For original returns due on or after January 1,
20 2003 through September 30, 2003, the discount shall be
21 1.75% or \$1,250 per return, whichever is less;

22 (2) For original returns due on or after October 1,
23 2003 through September 30, 2004, the discount shall be 2%
24 or \$3,000 per return, whichever is less; ~~and~~

25 (3) For original returns due on or after October 1,
26 2004, the discount shall be 2% or \$2,000 per return,

1 whichever is less; ~~and~~

2 (4) For original returns due on or after January 1,
3 2024, 2% of the proceeds collected during the calendar
4 year; however, on and after January 1, 2024, in no event
5 shall the discount allowed to any manufacturer or
6 distributor be less than \$5 in any calendar year or more
7 than \$1,000 in any calendar year.

8 The Department may, if it deems it necessary in order to
9 insure the payment of the tax imposed by this Article, require
10 returns to be made more frequently than and covering periods
11 of less than a month. Such return shall contain such further
12 information as the Department may reasonably require.

13 It shall be presumed that all alcoholic liquors acquired
14 or made by any importing distributor or manufacturer have been
15 sold or used by him in this State and are the basis for the tax
16 imposed by this Article unless proven, to the satisfaction of
17 the Department, that such alcoholic liquors are (1) still in
18 the possession of such importing distributor or manufacturer,
19 or (2) prior to the termination of possession have been lost by
20 theft or through unintentional destruction, or (3) that such
21 alcoholic liquors are otherwise exempt from taxation under
22 this Act.

23 If any payment provided for in this Section exceeds the
24 manufacturer's or importing distributor's liabilities under
25 this Act, as shown on an original report, the manufacturer or
26 importing distributor may credit such excess payment against

1 liability subsequently to be remitted to the Department under
2 this Act, in accordance with reasonable rules adopted by the
3 Department. If the Department subsequently determines that all
4 or any part of the credit taken was not actually due to the
5 manufacturer or importing distributor, the manufacturer's or
6 importing distributor's discount shall be reduced by an amount
7 equal to the difference between the discount as applied to the
8 credit taken and that actually due, and the manufacturer or
9 importing distributor shall be liable for penalties and
10 interest on such difference.

11 The Department may require any foreign importer to file
12 monthly information returns, by the 15th day of the month
13 following the month which any such return covers, if the
14 Department determines this to be necessary to the proper
15 performance of the Department's functions and duties under
16 this Act. Such return shall contain such information as the
17 Department may reasonably require.

18 Every manufacturer and importing distributor, except for a
19 manufacturer or importing distributor that in the preceding
20 year had less than \$50,000 of tax liability under this
21 Article, shall also file, with the Department, a bond in an
22 amount not less than \$1,000 and not to exceed \$100,000 on a
23 form to be approved by, and with a surety or sureties
24 satisfactory to, the Department. Such bond shall be
25 conditioned upon the manufacturer or importing distributor
26 paying to the Department all monies becoming due from such

1 manufacturer or importing distributor under this Article. The
2 Department shall fix the penalty of such bond in each case,
3 taking into consideration the amount of alcoholic liquor
4 expected to be sold and used by such manufacturer or importing
5 distributor, and the penalty fixed by the Department shall be
6 sufficient, in the Department's opinion, to protect the State
7 of Illinois against failure to pay any amount due under this
8 Article, but the amount of the penalty fixed by the Department
9 shall not exceed twice the amount of tax liability of a monthly
10 return, nor shall the amount of such penalty be less than
11 \$1,000. The Department shall notify the State Commission of
12 the Department's approval or disapproval of any such
13 manufacturer's or importing distributor's bond, or of the
14 termination or cancellation of any such bond, or of the
15 Department's direction to a manufacturer or importing
16 distributor that he must file additional bond in order to
17 comply with this Section. The Commission shall not issue a
18 license to any applicant for a manufacturer's or importing
19 distributor's license unless the Commission has received a
20 notification from the Department showing that such applicant
21 has filed a satisfactory bond with the Department hereunder
22 and that such bond has been approved by the Department.
23 Failure by any licensed manufacturer or importing distributor
24 to keep a satisfactory bond in effect with the Department or to
25 furnish additional bond to the Department, when required
26 hereunder by the Department to do so, shall be grounds for the

1 revocation or suspension of such manufacturer's or importing
2 distributor's license by the Commission. If a manufacturer or
3 importing distributor fails to pay any amount due under this
4 Article, his bond with the Department shall be deemed
5 forfeited, and the Department may institute a suit in its own
6 name on such bond.

7 After notice and opportunity for a hearing the State
8 Commission may revoke or suspend the license of any
9 manufacturer or importing distributor who fails to comply with
10 the provisions of this Section. Notice of such hearing and the
11 time and place thereof shall be in writing and shall contain a
12 statement of the charges against the licensee. Such notice may
13 be given by United States registered or certified mail with
14 return receipt requested, addressed to the person concerned at
15 his last known address and shall be given not less than 7 days
16 prior to the date fixed for the hearing. An order revoking or
17 suspending a license under the provisions of this Section may
18 be reviewed in the manner provided in Section 7-10 of this Act.
19 No new license shall be granted to a person whose license has
20 been revoked for a violation of this Section or, in case of
21 suspension, shall such suspension be terminated until he has
22 paid to the Department all taxes and penalties which he owes
23 the State under the provisions of this Act.

24 Every manufacturer or importing distributor who has, as
25 verified by the Department, continuously complied with the
26 conditions of the bond under this Act for a period of 2 years

1 shall be considered to be a prior continuous compliance
2 taxpayer. In determining the consecutive period of time for
3 qualification as a prior continuous compliance taxpayer, any
4 consecutive period of time of qualifying compliance
5 immediately prior to the effective date of this amendatory Act
6 of 1987 shall be credited to any manufacturer or importing
7 distributor.

8 A manufacturer or importing distributor that is a prior
9 continuous compliance taxpayer under this Section and becomes
10 a successor as the result of an acquisition, merger, or
11 consolidation of a manufacturer or importing distributor shall
12 be deemed to be a prior continuous compliance taxpayer with
13 respect to the acquired, merged, or consolidated entity.

14 Every prior continuous compliance taxpayer shall be exempt
15 from the bond requirements of this Act until the Department
16 has determined the taxpayer to be delinquent in the filing of
17 any return or deficient in the payment of any tax under this
18 Act. Any taxpayer who fails to pay an admitted or established
19 liability under this Act may also be required to post bond or
20 other acceptable security with the Department guaranteeing the
21 payment of such admitted or established liability.

22 The Department shall discharge any surety and shall
23 release and return any bond or security deposit assigned,
24 pledged or otherwise provided to it by a taxpayer under this
25 Section within 30 days after: (1) such taxpayer becomes a
26 prior continuous compliance taxpayer; or (2) such taxpayer has

1 ceased to collect receipts on which he is required to remit tax
2 to the Department, has filed a final tax return, and has paid
3 to the Department an amount sufficient to discharge his
4 remaining tax liability as determined by the Department under
5 this Act.

6 (Source: P.A. 100-1171, eff. 1-4-19; 101-37, eff. 7-3-19.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.