

1 AN ACT in relation to taxes.

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

4 Section 5. The Use Tax Act is amended by changing  
5 Section 9 as follows:

6 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

7 Sec. 9. Except as to motor vehicles, watercraft,  
8 aircraft, and trailers that are required to be registered  
9 with an agency of this State, each retailer required or  
10 authorized to collect the tax imposed by this Act shall pay  
11 to the Department the amount of such tax (except as otherwise  
12 provided) at the time when he is required to file his return  
13 for the period during which such tax was collected, less a  
14 discount of 2.1% prior to January 1, 1990, and 1.75% on and  
15 after January 1, 1990, or \$5 per calendar year, whichever is  
16 greater, which is allowed to reimburse the retailer for  
17 expenses incurred in collecting the tax, keeping records,  
18 preparing and filing returns, remitting the tax and supplying  
19 data to the Department on request. In the case of retailers  
20 who report and pay the tax on a transaction by transaction  
21 basis, as provided in this Section, such discount shall be  
22 taken with each such tax remittance instead of when such  
23 retailer files his periodic return. A retailer need not  
24 remit that part of any tax collected by him to the extent  
25 that he is required to remit and does remit the tax imposed  
26 by the Retailers' Occupation Tax Act, with respect to the  
27 sale of the same property.

28 Where such tangible personal property is sold under a  
29 conditional sales contract, or under any other form of sale  
30 wherein the payment of the principal sum, or a part thereof,  
31 is extended beyond the close of the period for which the

1 return is filed, the retailer, in collecting the tax (except  
2 as to motor vehicles, watercraft, aircraft, and trailers that  
3 are required to be registered with an agency of this State),  
4 may collect for each tax return period, only the tax  
5 applicable to that part of the selling price actually  
6 received during such tax return period.

7 Except as provided in this Section, on or before the  
8 twentieth day of each calendar month, such retailer shall  
9 file a return for the preceding calendar month. Such return  
10 shall be filed on forms prescribed by the Department and  
11 shall furnish such information as the Department may  
12 reasonably require.

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

- 21 1. The name of the seller;
- 22 2. The address of the principal place of business  
23 from which he engages in the business of selling tangible  
24 personal property at retail in this State;
- 25 3. The total amount of taxable receipts received by  
26 him during the preceding calendar month from sales of  
27 tangible personal property by him during such preceding  
28 calendar month, including receipts from charge and time  
29 sales, but less all deductions allowed by law;
- 30 4. The amount of credit provided in Section 2d of  
31 this Act;
- 32 5. The amount of tax due;
- 33 5-5. The signature of the taxpayer; and
- 34 6. Such other reasonable information as the

1 Department may require.

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

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

32 Before August 1 of each year beginning in 1993, the  
33 Department shall notify all taxpayers required to make  
34 payments by electronic funds transfer. All taxpayers required

1 to make payments by electronic funds transfer shall make  
2 those payments for a minimum of one year beginning on October  
3 1.

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

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

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

14 Before October 1, 2000, if the taxpayer's average monthly  
15 tax liability to the Department under this Act, the  
16 Retailers' Occupation Tax Act, the Service Occupation Tax  
17 Act, the Service Use Tax Act was \$10,000 or more during the  
18 preceding 4 complete calendar quarters, he shall file a  
19 return with the Department each month by the 20th day of the  
20 month next following the month during which such tax  
21 liability is incurred and shall make payments to the  
22 Department on or before the 7th, 15th, 22nd and last day of  
23 the month during which such liability is incurred. On and  
24 after October 1, 2000, if the taxpayer's average monthly tax  
25 liability to the Department under this Act, the Retailers'  
26 Occupation Tax Act, the Service Occupation Tax Act, and the  
27 Service Use Tax Act was \$20,000 or more during the preceding  
28 4 complete calendar quarters, he shall file a return with the  
29 Department each month by the 20th day of the month next  
30 following the month during which such tax liability is  
31 incurred and shall make payment to the Department on or  
32 before the 7th, 15th, 22nd and last day of the month during  
33 which such liability is incurred. If the month during which  
34 such tax liability is incurred began prior to January 1,

1 1985, each payment shall be in an amount equal to 1/4 of the  
2 taxpayer's actual liability for the month or an amount set by  
3 the Department not to exceed 1/4 of the average monthly  
4 liability of the taxpayer to the Department for the preceding  
5 4 complete calendar quarters (excluding the month of highest  
6 liability and the month of lowest liability in such 4 quarter  
7 period). If the month during which such tax liability is  
8 incurred begins on or after January 1, 1985, and prior to  
9 January 1, 1987, each payment shall be in an amount equal to  
10 22.5% of the taxpayer's actual liability for the month or  
11 27.5% of the taxpayer's liability for the same calendar month  
12 of the preceding year. If the month during which such tax  
13 liability is incurred begins on or after January 1, 1987, and  
14 prior to January 1, 1988, each payment shall be in an amount  
15 equal to 22.5% of the taxpayer's actual liability for the  
16 month or 26.25% of the taxpayer's liability for the same  
17 calendar month of the preceding year. If the month during  
18 which such tax liability is incurred begins on or after  
19 January 1, 1988, and prior to January 1, 1989, or begins on  
20 or after January 1, 1996, each payment shall be in an amount  
21 equal to 22.5% of the taxpayer's actual liability for the  
22 month or 25% 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, 1989, and prior to January 1, 1996, each payment  
26 shall be in an amount equal to 22.5% of the taxpayer's actual  
27 liability for the month or 25% of the taxpayer's liability  
28 for the same calendar month of the preceding year or 100% of  
29 the taxpayer's actual liability for the quarter monthly  
30 reporting period. The amount of such quarter monthly  
31 payments shall be credited against the final tax liability of  
32 the taxpayer's return for that month. Before October 1,  
33 2000, once applicable, the requirement of the making of  
34 quarter monthly payments to the Department shall continue

1 until such taxpayer's average monthly liability to the  
2 Department during the preceding 4 complete calendar quarters  
3 (excluding the month of highest liability and the month of  
4 lowest liability) is less than \$9,000, or until such  
5 taxpayer's average monthly liability to the Department as  
6 computed for each calendar quarter of the 4 preceding  
7 complete calendar quarter period is less than \$10,000.  
8 However, if a taxpayer can show the Department that a  
9 substantial change in the taxpayer's business has occurred  
10 which causes the taxpayer to anticipate that his average  
11 monthly tax liability for the reasonably foreseeable future  
12 will fall below the \$10,000 threshold stated above, then such  
13 taxpayer may petition the Department for change in such  
14 taxpayer's reporting status. On and after October 1, 2000,  
15 once applicable, the requirement of the making of quarter  
16 monthly payments to the Department shall continue until such  
17 taxpayer's average monthly liability to the Department during  
18 the preceding 4 complete calendar quarters (excluding the  
19 month of highest liability and the month of lowest liability)  
20 is less than \$19,000 or until such taxpayer's average monthly  
21 liability to the Department as computed for each calendar  
22 quarter of the 4 preceding complete calendar quarter period  
23 is less than \$20,000. However, if a taxpayer can show the  
24 Department that a substantial change in the taxpayer's  
25 business has occurred which causes the taxpayer to anticipate  
26 that his average monthly tax liability for the reasonably  
27 foreseeable future will fall below the \$20,000 threshold  
28 stated above, then such taxpayer may petition the Department  
29 for a change in such taxpayer's reporting status. The  
30 Department shall change such taxpayer's reporting status  
31 unless it finds that such change is seasonal in nature and  
32 not likely to be long term. If any such quarter monthly  
33 payment is not paid at the time or in the amount required by  
34 this Section, then the taxpayer shall be liable for penalties

1 and interest on the difference between the minimum amount due  
2 and the amount of such quarter monthly payment actually and  
3 timely paid, except insofar as the taxpayer has previously  
4 made payments for that month to the Department in excess of  
5 the minimum payments previously due as provided in this  
6 Section. The Department shall make reasonable rules and  
7 regulations to govern the quarter monthly payment amount and  
8 quarter monthly payment dates for taxpayers who file on other  
9 than a calendar monthly basis.

10 If any such payment provided for in this Section exceeds  
11 the taxpayer's liabilities under this Act, the Retailers'  
12 Occupation Tax Act, the Service Occupation Tax Act and the  
13 Service Use Tax Act, as shown by an original monthly return,  
14 the Department shall issue to the taxpayer a credit  
15 memorandum no later than 30 days after the date of payment,  
16 which memorandum may be submitted by the taxpayer to the  
17 Department in payment of tax liability subsequently to be  
18 remitted by the taxpayer to the Department or be assigned by  
19 the taxpayer to a similar taxpayer under this Act, the  
20 Retailers' Occupation Tax Act, the Service Occupation Tax Act  
21 or the Service Use Tax Act, in accordance with reasonable  
22 rules and regulations to be prescribed by the Department,  
23 except that if such excess payment is shown on an original  
24 monthly return and is made after December 31, 1986, no credit  
25 memorandum shall be issued, unless requested by the taxpayer.  
26 If no such request is made, the taxpayer may credit such  
27 excess payment against tax liability subsequently to be  
28 remitted by the taxpayer to the Department under this Act,  
29 the Retailers' Occupation Tax Act, the Service Occupation Tax  
30 Act or the Service Use Tax Act, in accordance with reasonable  
31 rules and regulations prescribed by the Department. If the  
32 Department subsequently determines that all or any part of  
33 the credit taken was not actually due to the taxpayer, the  
34 taxpayer's 2.1% or 1.75% vendor's discount shall be reduced

1 by 2.1% or 1.75% of the difference between the credit taken  
2 and that actually due, and the taxpayer shall be liable for  
3 penalties and interest on such difference.

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

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

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

24 Notwithstanding any other provision in this Act  
25 concerning the time within which a retailer may file his  
26 return, in the case of any retailer who ceases to engage in a  
27 kind of business which makes him responsible for filing  
28 returns under this Act, such retailer shall file a final  
29 return under this Act with the Department not more than one  
30 month after discontinuing such business.

31 In addition, with respect to motor vehicles, watercraft,  
32 aircraft, and trailers that are required to be registered  
33 with an agency of this State, every retailer selling this  
34 kind of tangible personal property shall file, with the



1 Department, upon a form to be prescribed and supplied by the  
2 Department, a separate return for each such item of tangible  
3 personal property which the retailer sells, except that if,  
4 in the same transaction, (i) a retailer of aircraft,  
5 watercraft, motor vehicles or trailers transfers more than  
6 one aircraft, watercraft, motor vehicle or trailer to another  
7 aircraft, watercraft, motor vehicle or trailer retailer for  
8 the purpose of resale or (ii) a retailer of aircraft,  
9 watercraft, motor vehicles, or trailers transfers more than  
10 one aircraft, watercraft, motor vehicle, or trailer to a  
11 purchaser for use as a qualifying rolling stock as provided  
12 in Section 3-55 of this Act, then that seller may report the  
13 transfer of all the aircraft, watercraft, motor vehicles or  
14 trailers involved in that transaction to the Department on  
15 the same uniform invoice-transaction reporting return form.  
16 For purposes of this Section, "watercraft" means a Class 2,  
17 Class 3, or Class 4 watercraft as defined in Section 3-2 of  
18 the Boat Registration and Safety Act, a personal watercraft,  
19 or any boat equipped with an inboard motor.

20 The transaction reporting return in the case of motor  
21 vehicles or trailers that are required to be registered with  
22 an agency of this State, shall be the same document as the  
23 Uniform Invoice referred to in Section 5-402 of the Illinois  
24 Vehicle Code and must show the name and address of the  
25 seller; the name and address of the purchaser; the amount of  
26 the selling price including the amount allowed by the  
27 retailer for traded-in property, if any; the amount allowed  
28 by the retailer for the traded-in tangible personal property,  
29 if any, to the extent to which Section 2 of this Act allows  
30 an exemption for the value of traded-in property; the balance  
31 payable after deducting such trade-in allowance from the  
32 total selling price; the amount of tax due from the retailer  
33 with respect to such transaction; the amount of tax collected  
34 from the purchaser by the retailer on such transaction (or

1 satisfactory evidence that such tax is not due in that  
2 particular instance, if that is claimed to be the fact); the  
3 place and date of the sale; a sufficient identification of  
4 the property sold; such other information as is required in  
5 Section 5-402 of the Illinois Vehicle Code, and such other  
6 information as the Department may reasonably require.

7 The transaction reporting return in the case of  
8 watercraft and aircraft must show the name and address of the  
9 seller; the name and address of the purchaser; the amount of  
10 the selling price including the amount allowed by the  
11 retailer for traded-in property, if any; the amount allowed  
12 by the retailer for the traded-in tangible personal property,  
13 if any, to the extent to which Section 2 of this Act allows  
14 an exemption for the value of traded-in property; the balance  
15 payable after deducting such trade-in allowance from the  
16 total selling price; the amount of tax due from the retailer  
17 with respect to such transaction; the amount of tax collected  
18 from the purchaser by the retailer on such transaction (or  
19 satisfactory evidence that such tax is not due in that  
20 particular instance, if that is claimed to be the fact); the  
21 place and date of the sale, a sufficient identification of  
22 the property sold, and such other information as the  
23 Department may reasonably require.

24 Such transaction reporting return shall be filed not  
25 later than 20 days after the date of delivery of the item  
26 that is being sold, but may be filed by the retailer at any  
27 time sooner than that if he chooses to do so. The  
28 transaction reporting return and tax remittance or proof of  
29 exemption from the tax that is imposed by this Act may be  
30 transmitted to the Department by way of the State agency with  
31 which, or State officer with whom, the tangible personal  
32 property must be titled or registered (if titling or  
33 registration is required) if the Department and such agency  
34 or State officer determine that this procedure will expedite

1 the processing of applications for title or registration.

2 With each such transaction reporting return, the retailer  
3 shall remit the proper amount of tax due (or shall submit  
4 satisfactory evidence that the sale is not taxable if that is  
5 the case), to the Department or its agents, whereupon the  
6 Department shall issue, in the purchaser's name, a tax  
7 receipt (or a certificate of exemption if the Department is  
8 satisfied that the particular sale is tax exempt) which such  
9 purchaser may submit to the agency with which, or State  
10 officer with whom, he must title or register the tangible  
11 personal property that is involved (if titling or  
12 registration is required) in support of such purchaser's  
13 application for an Illinois certificate or other evidence of  
14 title or registration to such tangible personal property.

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

23 If the user who would otherwise pay tax to the retailer  
24 wants the transaction reporting return filed and the payment  
25 of tax or proof of exemption made to the Department before  
26 the retailer is willing to take these actions and such user  
27 has not paid the tax to the retailer, such user may certify  
28 to the fact of such delay by the retailer, and may (upon the  
29 Department being satisfied of the truth of such  
30 certification) transmit the information required by the  
31 transaction reporting return and the remittance for tax or  
32 proof of exemption directly to the Department and obtain his  
33 tax receipt or exemption determination, in which event the  
34 transaction reporting return and tax remittance (if a tax

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

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

24 Any retailer filing a return under this Section shall  
25 also include (for the purpose of paying tax thereon) the  
26 total tax covered by such return upon the selling price of  
27 tangible personal property purchased by him at retail from a  
28 retailer, but as to which the tax imposed by this Act was not  
29 collected from the retailer filing such return, and such  
30 retailer shall remit the amount of such tax to the Department  
31 when filing such return.

32 If experience indicates such action to be practicable,  
33 the Department may prescribe and furnish a combination or  
34 joint return which will enable retailers, who are required to

1 file returns hereunder and also under the Retailers'  
2 Occupation Tax Act, to furnish all the return information  
3 required by both Acts on the one form.

4 Where the retailer has more than one business registered  
5 with the Department under separate registration under this  
6 Act, such retailer may not file each return that is due as a  
7 single return covering all such registered businesses, but  
8 shall file separate returns for each such registered  
9 business.

10 Beginning January 1, 1990, each month the Department  
11 shall pay into the State and Local Sales Tax Reform Fund, a  
12 special fund in the State Treasury which is hereby created,  
13 the net revenue realized for the preceding month from the 1%  
14 tax on sales of food for human consumption which is to be  
15 consumed off the premises where it is sold (other than  
16 alcoholic beverages, soft drinks and food which has been  
17 prepared for immediate consumption) and prescription and  
18 nonprescription medicines, drugs, medical appliances and  
19 insulin, urine testing materials, syringes and needles used  
20 by diabetics.

21 Beginning January 1, 1990, each month the Department  
22 shall pay into the County and Mass Transit District Fund 4%  
23 of the net revenue realized for the preceding month from the  
24 6.25% general rate on the selling price of tangible personal  
25 property which is purchased outside Illinois at retail from a  
26 retailer and which is titled or registered by an agency of  
27 this State's government.

28 Beginning January 1, 1990, each month the Department  
29 shall pay into the State and Local Sales Tax Reform Fund, a  
30 special fund in the State Treasury, 20% of the net revenue  
31 realized for the preceding month from the 6.25% general rate  
32 on the selling price of tangible personal property, other  
33 than tangible personal property which is purchased outside  
34 Illinois at retail from a retailer and which is titled or

1 registered by an agency of this State's government.

2 Beginning August 1, 2000, each month the Department shall  
3 pay into the State and Local Sales Tax Reform Fund 100% of  
4 the net revenue realized for the preceding month from the  
5 1.25% rate on the selling price of motor fuel and gasohol.

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

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

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

1 Fund; provided, however, that any amounts paid to the Build  
 2 Illinois Fund in any fiscal year pursuant to this sentence  
 3 shall be deemed to constitute payments pursuant to clause (b)  
 4 of the preceding sentence and shall reduce the amount  
 5 otherwise payable for such fiscal year pursuant to clause (b)  
 6 of the preceding sentence. The moneys received by the  
 7 Department pursuant to this Act and required to be deposited  
 8 into the Build Illinois Fund are subject to the pledge, claim  
 9 and charge set forth in Section 12 of the Build Illinois Bond  
 10 Act.

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

24	Fiscal Year	Total Deposit
25	1993	\$0
26	1994	53,000,000
27	1995	58,000,000
28	1996	61,000,000
29	1997	64,000,000
30	1998	68,000,000
31	1999	71,000,000
32	2000	75,000,000
33	2001	80,000,000
34	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	246,000,000
20	2022	260,000,000
21	2023 and	275,000,000

22 each fiscal year  
23 thereafter that bonds  
24 are outstanding under  
25 Section 13.2 of the  
26 Metropolitan Pier and  
27 Exposition Authority  
28 Act, but not after fiscal year 2042.

29 Beginning July 20, 1993 and in each month of each fiscal  
30 year thereafter, one-eighth of the amount requested in the  
31 certificate of the Chairman of the Metropolitan Pier and  
32 Exposition Authority for that fiscal year, less the amount  
33 deposited into the McCormick Place Expansion Project Fund by  
34 the State Treasurer in the respective month under subsection

1 (g) of Section 13 of the Metropolitan Pier and Exposition  
2 Authority Act, plus cumulative deficiencies in the deposits  
3 required under this Section for previous months and years,  
4 shall be deposited into the McCormick Place Expansion Project  
5 Fund, until the full amount requested for the fiscal year,  
6 but not in excess of the amount specified above as "Total  
7 Deposit", has been deposited.

8 Subject to payment of amounts into the Build Illinois  
9 Fund and the McCormick Place Expansion Project Fund under the  
10 preceding paragraphs, each month the Department shall pay  
11 into the Local Government Distributive Fund 0.4% of the net  
12 revenue realized for the preceding month from the 5% general  
13 rate, or 0.4% of 80% of the net revenue realized for the  
14 preceding month from the 6.25% general rate, as the case may  
15 be, on the selling price of tangible personal property. That  
16 amount shall, subject to appropriation, be distributed as  
17 provided in Section 2 of the State Revenue Sharing Act. No  
18 payments or distributions under this paragraph shall be made  
19 if the tax imposed by this Act on photoprocessing products is  
20 declared unconstitutional or if the proceeds from that tax  
21 are unavailable for distribution because of litigation.

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

31 Subject to payment of amounts into the Build Illinois  
32 Fund, and the McCormick Place Expansion Project Fund, and the  
33 Local Government Distributive Fund pursuant to the preceding  
34 paragraphs or in any amendments thereto hereafter enacted,

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

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

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

25 Net revenue realized for a month shall be the revenue  
26 collected by the State pursuant to this Act, less the amount  
27 paid out during that month as refunds to taxpayers for  
28 overpayment of liability.

29 For greater simplicity of administration, manufacturers,  
30 importers and wholesalers whose products are sold at retail  
31 in Illinois by numerous retailers, and who wish to do so, may  
32 assume the responsibility for accounting and paying to the  
33 Department all tax accruing under this Act with respect to  
34 such sales, if the retailers who are affected do not make

1 written objection to the Department to this arrangement.  
2 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;  
3 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.  
4 7-1-00; 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff.  
5 6-28-01; 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; 92-600,  
6 eff. 6-28-02; 92-651, eff. 7-11-02.)

7 Section 10. The Service Use Tax Act is amended by  
8 changing Section 9 as follows:

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

10 Sec. 9. Each serviceman required or authorized to  
11 collect the tax herein imposed shall pay to the Department  
12 the amount of such tax (except as otherwise provided) at the  
13 time when he is required to file his return for the period  
14 during which such tax was collected, less a discount of 2.1%  
15 prior to January 1, 1990 and 1.75% on and after January 1,  
16 1990, or \$5 per calendar year, whichever is greater, which is  
17 allowed to reimburse the serviceman for expenses incurred in  
18 collecting the tax, keeping records, preparing and filing  
19 returns, remitting the tax and supplying data to the  
20 Department on request. A serviceman need not remit that part  
21 of any tax collected by him to the extent that he is required  
22 to pay and does pay the tax imposed by the Service Occupation  
23 Tax Act with respect to his sale of service involving the  
24 incidental transfer by him of the same property.

25 Except as provided hereinafter in this Section, on or  
26 before the twentieth day of each calendar month, such  
27 serviceman shall file a return for the preceding calendar  
28 month in accordance with reasonable Rules and Regulations to  
29 be promulgated by the Department. Such return shall be filed  
30 on a form prescribed by the Department and shall contain such  
31 information as the Department may reasonably require.

32 The Department may require returns to be filed on a

1 quarterly basis. If so required, a return for each calendar  
2 quarter shall be filed on or before the twentieth day of the  
3 calendar month following the end of such calendar quarter.  
4 The taxpayer shall also file a return with the Department for  
5 each of the first two months of each calendar quarter, on or  
6 before the twentieth day of the following calendar month,  
7 stating:

8 1. The name of the seller;

9 2. The address of the principal place of business  
10 from which he engages in business as a serviceman in this  
11 State;

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

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

18 5. The amount of tax due;

19 5-5. The signature of the taxpayer; and

20 6. Such other reasonable information as the  
21 Department may require.

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

26 Beginning October 1, 1993, a taxpayer who has an average  
27 monthly tax liability of \$150,000 or more shall make all  
28 payments required by rules of the Department by electronic  
29 funds transfer. Beginning October 1, 1994, a taxpayer who  
30 has an average monthly tax liability of \$100,000 or more  
31 shall make all payments required by rules of the Department  
32 by electronic funds transfer. Beginning October 1, 1995, a  
33 taxpayer who has an average monthly tax liability of \$50,000  
34 or more shall make all payments required by rules of the

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

18 Before August 1 of each year beginning in 1993, the  
19 Department shall notify all taxpayers required to make  
20 payments by electronic funds transfer. All taxpayers required  
21 to make payments by electronic funds transfer shall make  
22 those payments for a minimum of one year beginning on October  
23 1.

24 Any taxpayer not required to make payments by electronic  
25 funds transfer may make payments by electronic funds transfer  
26 with the permission of the Department.

27 All taxpayers required to make payment by electronic  
28 funds transfer and any taxpayers authorized to voluntarily  
29 make payments by electronic funds transfer shall make those  
30 payments in the manner authorized by the Department.

31 The Department shall adopt such rules as are necessary to  
32 effectuate a program of electronic funds transfer and the  
33 requirements of this Section.

34 If the serviceman is otherwise required to file a monthly

1 return and if the serviceman's average monthly tax liability  
2 to the Department does not exceed \$200, the Department may  
3 authorize his returns to be filed on a quarter annual basis,  
4 with the return for January, February and March of a given  
5 year being due by April 20 of such year; with the return for  
6 April, May and June of a given year being due by July 20 of  
7 such year; with the return for July, August and September of  
8 a given year being due by October 20 of such year, and with  
9 the return for October, November and December of a given year  
10 being due by January 20 of the following year.

11 If the serviceman is otherwise required to file a monthly  
12 or quarterly return and if the serviceman's average monthly  
13 tax liability to the Department does not exceed \$50, the  
14 Department may authorize his returns to be filed on an annual  
15 basis, with the return for a given year being due by January  
16 20 of the following year.

17 Such quarter annual and annual returns, as to form and  
18 substance, shall be subject to the same requirements as  
19 monthly returns.

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

27 Where a serviceman collects the tax with respect to the  
28 selling price of property which he sells and the purchaser  
29 thereafter returns such property and the serviceman refunds  
30 the selling price thereof to the purchaser, such serviceman  
31 shall also refund, to the purchaser, the tax so collected  
32 from the purchaser. When filing his return for the period in  
33 which he refunds such tax to the purchaser, the serviceman  
34 may deduct the amount of the tax so refunded by him to the

1 purchaser from any other Service Use Tax, Service Occupation  
2 Tax, retailers' occupation tax or use tax which such  
3 serviceman may be required to pay or remit to the Department,  
4 as shown by such return, provided that the amount of the tax  
5 to be deducted shall previously have been remitted to the  
6 Department by such serviceman. If the serviceman shall not  
7 previously have remitted the amount of such tax to the  
8 Department, he shall be entitled to no deduction hereunder  
9 upon refunding such tax to the purchaser.

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

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

21 Where the serviceman has more than one business  
22 registered with the Department under separate registration  
23 hereunder, such serviceman shall not file each return that is  
24 due as a single return covering all such registered  
25 businesses, but shall file separate returns for each such  
26 registered business.

27 Beginning January 1, 1990, each month the Department  
28 shall pay into the State and Local Tax Reform Fund, a special  
29 fund in the State Treasury, the net revenue realized for the  
30 preceding month from the 1% tax on sales of food for human  
31 consumption which is to be consumed off the premises where it  
32 is sold (other than alcoholic beverages, soft drinks and food  
33 which has been prepared for immediate consumption) and  
34 prescription and nonprescription medicines, drugs, medical



1 appliances and insulin, urine testing materials, syringes and  
2 needles used by diabetics.

3 Beginning January 1, 1990, each month the Department  
4 shall pay into the State and Local Sales Tax Reform Fund 20%  
5 of the net revenue realized for the preceding month from the  
6 6.25% general rate on transfers of tangible personal  
7 property, other than tangible personal property which is  
8 purchased outside Illinois at retail from a retailer and  
9 which is titled or registered by an agency of this State's  
10 government.

11 Beginning August 1, 2000, each month the Department shall  
12 pay into the State and Local Sales Tax Reform Fund 100% of  
13 the net revenue realized for the preceding month from the  
14 1.25% rate on the selling price of motor fuel and gasohol.

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

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

1 shall be immediately paid from other moneys received by the  
 2 Department pursuant to the Tax Acts to the Build Illinois  
 3 Fund; provided, however, that any amounts paid to the Build  
 4 Illinois Fund in any fiscal year pursuant to this sentence  
 5 shall be deemed to constitute payments pursuant to clause (b)  
 6 of the preceding sentence and shall reduce the amount  
 7 otherwise payable for such fiscal year pursuant to clause (b)  
 8 of the preceding sentence. The moneys received by the  
 9 Department pursuant to this Act and required to be deposited  
 10 into the Build Illinois Fund are subject to the pledge, claim  
 11 and charge set forth in Section 12 of the Build Illinois Bond  
 12 Act.

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

26	Fiscal Year	Total Deposit
27	1993	\$0
28	1994	53,000,000
29	1995	58,000,000
30	1996	61,000,000
31	1997	64,000,000
32	1998	68,000,000
33	1999	71,000,000
34	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	246,000,000
22	2022	260,000,000
23	2023 and	275,000,000

24 each fiscal year  
25 thereafter that bonds  
26 are outstanding under  
27 Section 13.2 of the  
28 Metropolitan Pier and  
29 Exposition Authority Act,  
30 but not after fiscal year 2042.

31 Beginning July 20, 1993 and in each month of each fiscal  
32 year thereafter, one-eighth of the amount requested in the  
33 certificate of the Chairman of the Metropolitan Pier and  
34 Exposition Authority for that fiscal year, less the amount

1 deposited into the McCormick Place Expansion Project Fund by  
2 the State Treasurer in the respective month under subsection  
3 (g) of Section 13 of the Metropolitan Pier and Exposition  
4 Authority Act, plus cumulative deficiencies in the deposits  
5 required under this Section for previous months and years,  
6 shall be deposited into the McCormick Place Expansion Project  
7 Fund, until the full amount requested for the fiscal year,  
8 but not in excess of the amount specified above as "Total  
9 Deposit", has been deposited.

10 Subject to payment of amounts into the Build Illinois  
11 Fund and the McCormick Place Expansion Project Fund under the  
12 preceding paragraphs, each month the Department shall pay  
13 into the Local Government Distributive Fund 0.4% of the net  
14 revenue realized for the preceding month from the 5% general  
15 rate, or 0.4% of 80% of the net revenue realized for the  
16 preceding month from the 6.25% general rate, as the case may  
17 be, on the selling price of tangible personal property. That  
18 amount shall, subject to appropriation, be distributed as  
19 provided in Section 2 of the State Revenue Sharing Act. No  
20 payments or distributions under this paragraph shall be made  
21 if the tax imposed by this Act on photoprocessing products is  
22 declared unconstitutional or if the proceeds from that tax  
23 are unavailable for distribution because of litigation.

24 Subject to payment of amounts into the Build Illinois  
25 Fund, and the McCormick Place Expansion Project Fund, and the  
26 Local Government Distributive Fund pursuant to the preceding  
27 paragraphs or in any amendments thereto hereafter enacted,  
28 beginning July 1, 1993, the Department shall each month pay  
29 into the Illinois Tax Increment Fund 0.27% of 80% of the net  
30 revenue realized for the preceding month from the 6.25%  
31 general rate on the selling price of tangible personal  
32 property.

33 Subject to payment of amounts into the Build Illinois  
34 Fund, and the McCormick Place Expansion Project Fund, and the

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

13 All remaining moneys received by the Department pursuant  
14 to this Act shall be paid into the General Revenue Fund of  
15 the State Treasury.

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

24 Net revenue realized for a month shall be the revenue  
25 collected by the State pursuant to this Act, less the amount  
26 paid out during that month as refunds to taxpayers for  
27 overpayment of liability.

28 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;  
29 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.  
30 7-1-00; 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492, eff.  
31 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02.)

32 Section 15. The Service Occupation Tax Act is amended by  
33 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  
3 collect the tax herein imposed shall pay to the Department  
4 the amount of such tax at the time when he is required to  
5 file his return for the period during which such tax was  
6 collectible, less a discount of 2.1% prior to January 1,  
7 1990, and 1.75% on and after January 1, 1990, or \$5 per  
8 calendar year, whichever is greater, which is allowed to  
9 reimburse the serviceman for expenses incurred in collecting  
10 the tax, keeping records, preparing and filing returns,  
11 remitting the tax and supplying data to the Department on  
12 request.

13 Where such tangible personal property is sold under a  
14 conditional sales contract, or under any other form of sale  
15 wherein the payment of the principal sum, or a part thereof,  
16 is extended beyond the close of the period for which the  
17 return is filed, the serviceman, in collecting the tax may  
18 collect, for each tax return period, only the tax applicable  
19 to the part of the selling price actually received during  
20 such tax return period.

21 Except as provided hereinafter in this Section, on or  
22 before the twentieth day of each calendar month, such  
23 serviceman shall file a return for the preceding calendar  
24 month in accordance with reasonable rules and regulations to  
25 be promulgated by the Department of Revenue. Such return  
26 shall be filed on a form prescribed by the Department and  
27 shall contain such information as the Department may  
28 reasonably require.

29 The Department may require returns to be filed on a  
30 quarterly basis. If so required, a return for each calendar  
31 quarter shall be filed on or before the twentieth day of the  
32 calendar month following the end of such calendar quarter.  
33 The taxpayer shall also file a return with the Department for  
34 each of the first two months of each calendar quarter, on or

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

- 3 1. The name of the seller;
- 4 2. The address of the principal place of business  
5 from which he engages in business as a serviceman in this  
6 State;
- 7 3. The total amount of taxable receipts received by  
8 him during the preceding calendar month, including  
9 receipts from charge and time sales, but less all  
10 deductions allowed by law;
- 11 4. The amount of credit provided in Section 2d of  
12 this Act;
- 13 5. The amount of tax due;
- 14 5-5. The signature of the taxpayer; and
- 15 6. Such other reasonable information as the  
16 Department may require.

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

21 A serviceman may accept a Manufacturer's Purchase Credit  
22 certification from a purchaser in satisfaction of Service Use  
23 Tax as provided in Section 3-70 of the Service Use Tax Act if  
24 the purchaser provides the appropriate documentation as  
25 required by Section 3-70 of the Service Use Tax Act. A  
26 Manufacturer's Purchase Credit certification, accepted by a  
27 serviceman as provided in Section 3-70 of the Service Use Tax  
28 Act, may be used by that serviceman to satisfy Service  
29 Occupation Tax liability in the amount claimed in the  
30 certification, not to exceed 6.25% of the receipts subject to  
31 tax from a qualifying purchase.

32 If the serviceman's average monthly tax liability to the  
33 Department does not exceed \$200, the Department may authorize  
34 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 20 of such year; with the return for April, May  
3 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  
5 year being due by October 20 of such year, and with the  
6 return for October, November and December of a given year  
7 being due by January 20 of the following year.

8 If the serviceman'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  
11 for a given year being due by January 20 of the following  
12 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  
17 concerning the time within which a serviceman may file his  
18 return, in the case of any serviceman who ceases to engage in  
19 a kind of business which makes him responsible for filing  
20 returns under this Act, such serviceman shall file a final  
21 return under this Act with the Department not more than 1  
22 month after discontinuing such business.

23 Beginning October 1, 1993, a taxpayer who has an average  
24 monthly tax liability of \$150,000 or more shall make all  
25 payments required by rules of the Department by electronic  
26 funds transfer. Beginning October 1, 1994, a taxpayer who  
27 has an average monthly tax liability of \$100,000 or more  
28 shall make all payments required by rules of the Department  
29 by electronic funds transfer. Beginning October 1, 1995, a  
30 taxpayer who has an average monthly tax liability of \$50,000  
31 or more shall make all payments required by rules of the  
32 Department by electronic funds transfer. Beginning October  
33 1, 2000, a taxpayer who has an annual tax liability of  
34 \$200,000 or more shall make all payments required by rules of

1 the Department by electronic funds transfer. The term  
2 "annual tax liability" shall be the sum of the taxpayer's  
3 liabilities under this Act, and under all other State and  
4 local occupation and use tax laws administered by the  
5 Department, for the immediately preceding calendar year. The  
6 term "average monthly tax liability" means the sum of the  
7 taxpayer's liabilities under this Act, and under all other  
8 State and local occupation and use tax laws administered by  
9 the Department, for the immediately preceding calendar year  
10 divided by 12. Beginning on October 1, 2002, a taxpayer who  
11 has a tax liability in the amount set forth in subsection (b)  
12 of Section 2505-210 of the Department of Revenue Law shall  
13 make all payments required by rules of the Department by  
14 electronic funds transfer.

15 Before August 1 of each year beginning in 1993, the  
16 Department shall notify all taxpayers required to make  
17 payments by electronic funds transfer. All taxpayers  
18 required to make payments by electronic funds transfer shall  
19 make those payments for a minimum of one year beginning on  
20 October 1.

21 Any taxpayer not required to make payments by electronic  
22 funds transfer may make payments by electronic funds transfer  
23 with the permission of the Department.

24 All taxpayers required to make payment by electronic  
25 funds transfer and any taxpayers authorized to voluntarily  
26 make payments by electronic funds transfer shall make those  
27 payments in the manner authorized by the Department.

28 The Department shall adopt such rules as are necessary to  
29 effectuate a program of electronic funds transfer and the  
30 requirements of this Section.

31 Where a serviceman collects the tax with respect to the  
32 selling price of tangible personal property which he sells  
33 and the purchaser thereafter returns such tangible personal  
34 property and the serviceman refunds the selling price thereof

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

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

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

26 Beginning January 1, 1990, each month the Department  
27 shall pay into the Local Government Tax Fund the revenue  
28 realized for the preceding month from the 1% tax on sales of  
29 food for human consumption which is to be consumed off the  
30 premises where it is sold (other than alcoholic beverages,  
31 soft drinks and food which has been prepared for immediate  
32 consumption) and prescription and nonprescription medicines,  
33 drugs, medical appliances and insulin, urine testing  
34 materials, syringes and needles used by diabetics.

1           Beginning January 1, 1990, each month the Department  
2 shall pay into the County and Mass Transit District Fund 4%  
3 of the revenue realized for the preceding month from the  
4 6.25% general rate.

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

9           Beginning January 1, 1990, each month the Department  
10 shall pay into the Local Government Tax Fund 16% of the  
11 revenue realized for the preceding month from the 6.25%  
12 general rate on transfers of tangible personal property.

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

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

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

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

15 Subject to payment of amounts into the Build Illinois  
 16 Fund as provided in the preceding paragraph or in any  
 17 amendment thereto hereafter enacted, the following specified  
 18 monthly installment of the amount requested in the  
 19 certificate of the Chairman of the Metropolitan Pier and  
 20 Exposition Authority provided under Section 8.25f of the  
 21 State Finance Act, but not in excess of the sums designated  
 22 as "Total Deposit", shall be deposited in the aggregate from  
 23 collections under Section 9 of the Use Tax Act, Section 9 of  
 24 the Service Use Tax Act, Section 9 of the Service Occupation  
 25 Tax Act, and Section 3 of the Retailers' Occupation Tax Act  
 26 into the McCormick Place Expansion Project Fund in the  
 27 specified fiscal years.

28	Fiscal Year	Total Deposit
29	1993	\$0
30	1994	53,000,000
31	1995	58,000,000
32	1996	61,000,000
33	1997	64,000,000
34	1998	68,000,000

1	1999	71,000,000
2	2000	75,000,000
3	2001	80,000,000
4	2002	93,000,000
5	2003	99,000,000
6	2004	103,000,000
7	2005	108,000,000
8	2006	113,000,000
9	2007	119,000,000
10	2008	126,000,000
11	2009	132,000,000
12	2010	139,000,000
13	2011	146,000,000
14	2012	153,000,000
15	2013	161,000,000
16	2014	170,000,000
17	2015	179,000,000
18	2016	189,000,000
19	2017	199,000,000
20	2018	210,000,000
21	2019	221,000,000
22	2020	233,000,000
23	2021	246,000,000
24	2022	260,000,000
25	2023 and	275,000,000

26 each fiscal year  
27 thereafter that bonds  
28 are outstanding under  
29 Section 13.2 of the  
30 Metropolitan Pier and  
31 Exposition Authority  
32 Act, but not after fiscal year 2042.

33 Beginning July 20, 1993 and in each month of each fiscal  
34 year thereafter, one-eighth of the amount requested in the

1 certificate of the Chairman of the Metropolitan Pier and  
2 Exposition Authority for that fiscal year, less the amount  
3 deposited into the McCormick Place Expansion Project Fund by  
4 the State Treasurer in the respective month under subsection  
5 (g) of Section 13 of the Metropolitan Pier and Exposition  
6 Authority Act, plus cumulative deficiencies in the deposits  
7 required under this Section for previous months and years,  
8 shall be deposited into the McCormick Place Expansion Project  
9 Fund, until the full amount requested for the fiscal year,  
10 but not in excess of the amount specified above as "Total  
11 Deposit", has been deposited.

12 Subject to payment of amounts into the Build Illinois  
13 Fund and the McCormick Place Expansion Project Fund under the  
14 preceding paragraphs, each month the Department shall pay  
15 into the Local Government Distributive Fund 0.4% of the net  
16 revenue realized for the preceding month from the 5% general  
17 rate or 0.4% of 80% of the net revenue realized for the  
18 preceding month from the 6.25% general rate, as the case may  
19 be, on the selling price of tangible personal property. That  
20 amount shall, subject to appropriation, be distributed as  
21 provided in Section 2 of the State Revenue Sharing Act. No  
22 payments or distributions under this paragraph shall be made  
23 if the tax imposed by this Act on photoprocessing products is  
24 declared unconstitutional or if the proceeds from that tax  
25 are unavailable for distribution because of litigation.

26 Subject to payment of amounts into the Build Illinois  
27 Fund, and the McCormick Place Expansion Project Fund, and the  
28 Local Government Distributive Fund pursuant to the preceding  
29 paragraphs or in any amendments thereto hereafter enacted,  
30 beginning July 1, 1993, the Department shall each month pay  
31 into the Illinois Tax Increment Fund 0.27% of 80% of the net  
32 revenue realized for the preceding month from the 6.25%  
33 general rate on the selling price of tangible personal  
34 property.



1           Subject to payment of amounts into the Build Illinois  
2 Fund, and the McCormick Place Expansion Project Fund, and the  
3 Local Government Distributive Fund pursuant to the preceding  
4 paragraphs or in any amendments thereto hereafter enacted,  
5 beginning with the receipt of the first report of taxes paid  
6 by an eligible business and continuing for a 25-year period,  
7 the Department shall each month pay into the Energy  
8 Infrastructure Fund 80% of the net revenue realized from the  
9 6.25% general rate on the selling price of Illinois-mined  
10 coal that was sold to an eligible business. For purposes of  
11 this paragraph, the term "eligible business" means a new  
12 electric generating facility certified pursuant to Section  
13 605-332 of the Department of Commerce and Community Affairs  
14 Law of the Civil Administrative Code of Illinois.

15           Remaining moneys received by the Department pursuant to  
16 this Act shall be paid into the General Revenue Fund of the  
17 State Treasury.

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

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

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

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

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

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

28 The foregoing portion of this Section concerning the  
29 filing of an annual information return shall not apply to a  
30 serviceman who is not required to file an income tax return  
31 with the United States Government.

32 As soon as possible after the first day of each month,  
33 upon certification of the Department of Revenue, the  
34 Comptroller shall order transferred and the Treasurer shall

1 transfer from the General Revenue Fund to the Motor Fuel Tax  
2 Fund an amount equal to 1.7% of 80% of the net revenue  
3 realized under this Act for the second preceding month.  
4 Beginning April 1, 2000, this transfer is no longer required  
5 and shall not be made.

6 Net revenue realized for a month shall be the revenue  
7 collected by the State pursuant to this Act, less the amount  
8 paid out during that month as refunds to taxpayers for  
9 overpayment of liability.

10 For greater simplicity of administration, it shall be  
11 permissible for manufacturers, importers and wholesalers  
12 whose products are sold by numerous servicemen in Illinois,  
13 and who wish to do so, to assume the responsibility for  
14 accounting and paying to the Department all tax accruing  
15 under this Act with respect to such sales, if the servicemen  
16 who are affected do not make written objection to the  
17 Department to this arrangement.

18 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;  
19 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.  
20 7-1-00; 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492, eff.  
21 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02.)

22 Section 20. The Retailers' Occupation Tax Act is amended  
23 by changing Section 3 as follows:

24 (35 ILCS 120/3) (from Ch. 120, par. 442)

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

- 30 1. The name of the seller;
- 31 2. His residence address and the address of his  
32 principal place of business and the address of the

1 principal place of business (if that is a different  
2 address) from which he engages in the business of selling  
3 tangible personal property at retail in this State;

4 3. Total amount of receipts received by him during  
5 the preceding calendar month or quarter, as the case may  
6 be, from sales of tangible personal property, and from  
7 services furnished, by him during such preceding calendar  
8 month or quarter;

9 4. Total amount received by him during the  
10 preceding calendar month or quarter on charge and time  
11 sales of tangible personal property, and from services  
12 furnished, by him prior to the month or quarter for which  
13 the return is filed;

14 5. Deductions allowed by law;

15 6. Gross receipts which were received by him during  
16 the preceding calendar month or quarter and upon the  
17 basis of which the tax is imposed;

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

20 8. The amount of tax due;

21 9. The signature of the taxpayer; and

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

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

28 Each return shall be accompanied by the statement of  
29 prepaid tax issued pursuant to Section 2e for which credit is  
30 claimed.

31 A retailer may accept a Manufacturer's Purchase Credit  
32 certification from a purchaser in satisfaction of Use Tax as  
33 provided in Section 3-85 of the Use Tax Act if the purchaser  
34 provides the appropriate documentation as required by Section

1 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit  
2 certification, accepted by a retailer as provided in Section  
3 3-85 of the Use Tax Act, may be used by that retailer to  
4 satisfy Retailers' Occupation Tax liability in the amount  
5 claimed in the certification, not to exceed 6.25% of the  
6 receipts subject to tax from a qualifying purchase.

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

- 15 1. The name of the seller;
- 16 2. The address of the principal place of business  
17 from which he engages in the business of selling tangible  
18 personal property at retail in this State;
- 19 3. The total amount of taxable receipts received by  
20 him during the preceding calendar month from sales of  
21 tangible personal property by him during such preceding  
22 calendar month, including receipts from charge and time  
23 sales, but less all deductions allowed by law;
- 24 4. The amount of credit provided in Section 2d of  
25 this Act;
- 26 5. The amount of tax due; and
- 27 6. Such other reasonable information as the  
28 Department may require.

29 If a total amount of less than \$1 is payable, refundable  
30 or creditable, such amount shall be disregarded if it is less  
31 than 50 cents and shall be increased to \$1 if it is 50 cents  
32 or more.

33 Beginning October 1, 1993, a taxpayer who has an average  
34 monthly tax liability of \$150,000 or more shall make all

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

25 Before August 1 of each year beginning in 1993, the  
26 Department shall notify all taxpayers required to make  
27 payments by electronic funds transfer. All taxpayers  
28 required to make payments by electronic funds transfer shall  
29 make those payments for a minimum of one year beginning on  
30 October 1.

31 Any taxpayer not required to make payments by electronic  
32 funds transfer may make payments by electronic funds transfer  
33 with the permission of the Department.

34 All taxpayers required to make payment by electronic

1 funds transfer and any taxpayers authorized to voluntarily  
2 make payments by electronic funds transfer shall make those  
3 payments in the manner authorized by the Department.

4 The Department shall adopt such rules as are necessary to  
5 effectuate a program of electronic funds transfer and the  
6 requirements of this Section.

7 Any amount which is required to be shown or reported on  
8 any return or other document under this Act shall, if such  
9 amount is not a whole-dollar amount, be increased to the  
10 nearest whole-dollar amount in any case where the fractional  
11 part of a dollar is 50 cents or more, and decreased to the  
12 nearest whole-dollar amount where the fractional part of a  
13 dollar is less than 50 cents.

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

25 If the retailer is otherwise required to file a monthly  
26 or quarterly return and if the retailer's average monthly tax  
27 liability with the Department does not exceed \$50, the  
28 Department may authorize his returns to be filed on an annual  
29 basis, with the return for a given year being due by January  
30 20 of the following year.

31 Such quarter annual and annual returns, as to form and  
32 substance, shall be subject to the same requirements as  
33 monthly returns.

34 Notwithstanding any other provision in this Act

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

7 Where the same person has more than one business  
8 registered with the Department under separate registrations  
9 under this Act, such person may not file each return that is  
10 due as a single return covering all such registered  
11 businesses, but shall file separate returns for each such  
12 registered business.

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



1 personal watercraft, or any boat equipped with an inboard  
2 motor.

3 Any retailer who sells only motor vehicles, watercraft,  
4 aircraft, or trailers that are required to be registered with  
5 an agency of this State, so that all retailers' occupation  
6 tax liability is required to be reported, and is reported, on  
7 such transaction reporting returns and who is not otherwise  
8 required to file monthly or quarterly returns, need not file  
9 monthly or quarterly returns. However, those retailers shall  
10 be required to file returns on an annual basis.

11 The transaction reporting return, in the case of motor  
12 vehicles or trailers that are required to be registered with  
13 an agency of this State, shall be the same document as the  
14 Uniform Invoice referred to in Section 5-402 of The Illinois  
15 Vehicle Code and must show the name and address of the  
16 seller; the name and address of the purchaser; the amount of  
17 the selling price including the amount allowed by the  
18 retailer for traded-in property, if any; the amount allowed  
19 by the retailer for the traded-in tangible personal property,  
20 if any, to the extent to which Section 1 of this Act allows  
21 an exemption for the value of traded-in property; the balance  
22 payable after deducting such trade-in allowance from the  
23 total selling price; the amount of tax due from the retailer  
24 with respect to such transaction; the amount of tax collected  
25 from the purchaser by the retailer on such transaction (or  
26 satisfactory evidence that such tax is not due in that  
27 particular instance, if that is claimed to be the fact); the  
28 place and date of the sale; a sufficient identification of  
29 the property sold; such other information as is required in  
30 Section 5-402 of The Illinois Vehicle Code, and such other  
31 information as the Department may reasonably require.

32 The transaction reporting return in the case of  
33 watercraft or aircraft must show the name and address of the  
34 seller; the name and address of the purchaser; the amount of

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

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

27 With each such transaction reporting return, the retailer  
28 shall remit the proper amount of tax due (or shall submit  
29 satisfactory evidence that the sale is not taxable if that is  
30 the case), to the Department or its agents, whereupon the  
31 Department shall issue, in the purchaser's name, a use tax  
32 receipt (or a certificate of exemption if the Department is  
33 satisfied that the particular sale is tax exempt) which such  
34 purchaser may submit to the agency with which, or State

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

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

14 If the user who would otherwise pay tax to the retailer  
15 wants the transaction reporting return filed and the payment  
16 of the tax or proof of exemption made to the Department  
17 before the retailer is willing to take these actions and such  
18 user has not paid the tax to the retailer, such user may  
19 certify to the fact of such delay by the retailer and may  
20 (upon the Department being satisfied of the truth of such  
21 certification) transmit the information required by the  
22 transaction reporting return and the remittance for tax or  
23 proof of exemption directly to the Department and obtain his  
24 tax receipt or exemption determination, in which event the  
25 transaction reporting return and tax remittance (if a tax  
26 payment was required) shall be credited by the Department to  
27 the proper retailer's account with the Department, but  
28 without the 2.1% or 1.75% discount provided for in this  
29 Section being allowed. When the user pays the tax directly  
30 to the Department, he shall pay the tax in the same amount  
31 and in the same form in which it would be remitted if the tax  
32 had been remitted to the Department by the retailer.

33 Refunds made by the seller during the preceding return  
34 period to purchasers, on account of tangible personal

1 property returned to the seller, shall be allowed as a  
2 deduction under subdivision 5 of his monthly or quarterly  
3 return, as the case may be, in case the seller had  
4 theretofore included the receipts from the sale of such  
5 tangible personal property in a return filed by him and had  
6 paid the tax imposed by this Act with respect to such  
7 receipts.

8 Where the seller 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 Where the seller is a limited liability company, the  
13 return filed on behalf of the limited liability company shall  
14 be signed by a manager, member, or properly accredited agent  
15 of the limited liability company.

16 Except as provided in this Section, the retailer filing  
17 the return under this Section shall, at the time of filing  
18 such return, pay to the Department the amount of tax imposed  
19 by this Act less a discount of 2.1% prior to January 1, 1990  
20 and 1.75% on and after January 1, 1990, or \$5 per calendar  
21 year, whichever is greater, which is allowed to reimburse the  
22 retailer for the expenses incurred in keeping records,  
23 preparing and filing returns, remitting the tax and supplying  
24 data to the Department on request. Any prepayment made  
25 pursuant to Section 2d of this Act shall be included in the  
26 amount on which such 2.1% or 1.75% discount is computed. In  
27 the case of retailers who report and pay the tax on a  
28 transaction by transaction basis, as provided in this  
29 Section, such discount shall be taken with each such tax  
30 remittance instead of when such retailer files his periodic  
31 return.

32 Before October 1, 2000, if the taxpayer's average monthly  
33 tax liability to the Department under this Act, the Use Tax  
34 Act, the Service Occupation Tax Act, and the Service Use Tax

1 Act, excluding any liability for prepaid sales tax to be  
2 remitted in accordance with Section 2d of this Act, was  
3 \$10,000 or more during the preceding 4 complete calendar  
4 quarters, he shall file a return with the Department each  
5 month by the 20th day of the month next following the month  
6 during which such tax liability is incurred and shall make  
7 payments to the Department on or before the 7th, 15th, 22nd  
8 and last day of the month during which such liability is  
9 incurred. On and after October 1, 2000, if the taxpayer's  
10 average monthly tax liability to the Department under this  
11 Act, the Use Tax Act, the Service Occupation Tax Act, and the  
12 Service Use Tax Act, excluding any liability for prepaid  
13 sales tax to be remitted in accordance with Section 2d of  
14 this Act, was \$20,000 or more during the preceding 4 complete  
15 calendar quarters, he shall file a return with the Department  
16 each month by the 20th day of the month next following the  
17 month during which such tax liability is incurred and shall  
18 make payment to the Department on or before the 7th, 15th,  
19 22nd and last day of the month during which such liability is  
20 incurred. If the month during which such tax liability is  
21 incurred began prior to January 1, 1985, each payment shall  
22 be in an amount equal to 1/4 of the taxpayer's actual  
23 liability for the month or an amount set by the Department  
24 not to exceed 1/4 of the average monthly liability of the  
25 taxpayer to the Department for the preceding 4 complete  
26 calendar quarters (excluding the month of highest liability  
27 and the month of lowest liability in such 4 quarter period).  
28 If the month during which such tax liability is incurred  
29 begins on or after January 1, 1985 and prior to January 1,  
30 1987, each payment shall be in an amount equal to 22.5% of  
31 the taxpayer's actual liability for the month or 27.5% of the  
32 taxpayer's liability for the same calendar month of the  
33 preceding year. If the month during which such tax liability  
34 is incurred begins on or after January 1, 1987 and prior to

1 January 1, 1988, each payment shall be in an amount equal to  
2 22.5% of the taxpayer's actual liability for the month or  
3 26.25% of the taxpayer's liability for the same calendar  
4 month of the preceding year. If the month during which such  
5 tax liability is incurred begins on or after January 1, 1988,  
6 and prior to January 1, 1989, or begins on or after January  
7 1, 1996, each payment shall be in an amount equal to 22.5% of  
8 the taxpayer's actual liability for the month or 25% of the  
9 taxpayer's liability for the same calendar month of the  
10 preceding year. If the month during which such tax liability  
11 is incurred begins on or after January 1, 1989, and prior to  
12 January 1, 1996, each payment shall be in an amount equal to  
13 22.5% of the taxpayer's actual liability for the month or 25%  
14 of the taxpayer's liability for the same calendar month of  
15 the preceding year or 100% of the taxpayer's actual liability  
16 for the quarter monthly reporting period. The amount of such  
17 quarter monthly payments shall be credited against the final  
18 tax liability of the taxpayer's return for that month.  
19 Before October 1, 2000, once applicable, the requirement of  
20 the making of quarter monthly payments to the Department by  
21 taxpayers having an average monthly tax liability of \$10,000  
22 or more as determined in the manner provided above shall  
23 continue until such taxpayer's average monthly liability to  
24 the Department during the preceding 4 complete calendar  
25 quarters (excluding the month of highest liability and the  
26 month of lowest liability) is less than \$9,000, or until such  
27 taxpayer's average monthly liability to the Department as  
28 computed for each calendar quarter of the 4 preceding  
29 complete calendar quarter period is less than \$10,000.  
30 However, if a taxpayer can show the Department that a  
31 substantial change in the taxpayer's business has occurred  
32 which causes the taxpayer to anticipate that his average  
33 monthly tax liability for the reasonably foreseeable future  
34 will fall below the \$10,000 threshold stated above, then such

1 taxpayer may petition the Department for a change in such  
2 taxpayer's reporting status. On and after October 1, 2000,  
3 once applicable, the requirement of the making of quarter  
4 monthly payments to the Department by taxpayers having an  
5 average monthly tax liability of \$20,000 or more as  
6 determined in the manner provided above shall continue until  
7 such taxpayer's average monthly liability to the Department  
8 during the preceding 4 complete calendar quarters (excluding  
9 the month of highest liability and the month of lowest  
10 liability) is less than \$19,000 or until such taxpayer's  
11 average monthly liability to the Department as computed for  
12 each calendar quarter of the 4 preceding complete calendar  
13 quarter period is less than \$20,000. However, if a taxpayer  
14 can show the Department that a substantial change in the  
15 taxpayer's business has occurred which causes the taxpayer to  
16 anticipate that his average monthly tax liability for the  
17 reasonably foreseeable future will fall below the \$20,000  
18 threshold stated above, then such taxpayer may petition the  
19 Department for a change in such taxpayer's reporting status.  
20 The Department shall change such taxpayer's reporting status  
21 unless it finds that such change is seasonal in nature and  
22 not likely to be long term. If any such quarter monthly  
23 payment is not paid at the time or in the amount required by  
24 this Section, then the taxpayer shall be liable for penalties  
25 and interest on the difference between the minimum amount due  
26 as a payment and the amount of such quarter monthly payment  
27 actually and timely paid, except insofar as the taxpayer has  
28 previously made payments for that month to the Department in  
29 excess of the minimum payments previously due as provided in  
30 this Section. The Department shall make reasonable rules and  
31 regulations to govern the quarter monthly payment amount and  
32 quarter monthly payment dates for taxpayers who file on other  
33 than a calendar monthly basis.

34 The provisions of this paragraph apply before October 1,

1 2001. Without regard to whether a taxpayer is required to  
2 make quarter monthly payments as specified above, any  
3 taxpayer who is required by Section 2d of this Act to collect  
4 and remit prepaid taxes and has collected prepaid taxes which  
5 average in excess of \$25,000 per month during the preceding 2  
6 complete calendar quarters, shall file a return with the  
7 Department as required by Section 2f and shall make payments  
8 to the Department on or before the 7th, 15th, 22nd and last  
9 day of the month during which such liability is incurred. If  
10 the month during which such tax liability is incurred began  
11 prior to the effective date of this amendatory Act of 1985,  
12 each payment shall be in an amount not less than 22.5% of the  
13 taxpayer's actual liability under Section 2d. If the month  
14 during which such tax liability is incurred begins on or  
15 after January 1, 1986, each payment shall be in an amount  
16 equal to 22.5% of the taxpayer's actual liability for the  
17 month or 27.5% of the taxpayer's liability for the same  
18 calendar month of the preceding calendar year. If the month  
19 during which such tax liability is incurred begins on or  
20 after 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 26.25% of the taxpayer's liability for the same  
23 calendar month of the preceding year. The amount of such  
24 quarter monthly payments shall be credited against the final  
25 tax liability of the taxpayer's return for that month filed  
26 under this Section or Section 2f, as the case may be. Once  
27 applicable, the requirement of the making of quarter monthly  
28 payments to the Department pursuant to this paragraph shall  
29 continue until such taxpayer's average monthly prepaid tax  
30 collections during the preceding 2 complete calendar quarters  
31 is \$25,000 or less. If any such quarter monthly payment is  
32 not paid at the time or in the amount required, the taxpayer  
33 shall be liable for penalties and interest on such  
34 difference, except insofar as the taxpayer has previously



1 made payments for that month in excess of the minimum  
2 payments previously due.

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

34 If any payment provided for in this Section exceeds the

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

23 If a retailer of motor fuel is entitled to a credit under  
24 Section 2d of this Act which exceeds the taxpayer's liability  
25 to the Department under this Act for the month which the  
26 taxpayer is filing a return, the Department shall issue the  
27 taxpayer a credit memorandum for the excess.

28 Beginning January 1, 1990, each month the Department  
29 shall pay into the Local Government Tax Fund, a special fund  
30 in the State treasury which is hereby created, the net  
31 revenue realized for the preceding month from the 1% tax on  
32 sales of food for human consumption which is to be consumed  
33 off the premises where it is sold (other than alcoholic  
34 beverages, soft drinks and food which has been prepared for

1 immediate consumption) and prescription and nonprescription  
2 medicines, drugs, medical appliances and insulin, urine  
3 testing materials, syringes and needles used by diabetics.

4 Beginning January 1, 1990, each month the Department  
5 shall pay into the County and Mass Transit District Fund, a  
6 special fund in the State treasury which is hereby created,  
7 4% of the net revenue realized for the preceding month from  
8 the 6.25% general rate.

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

13 Beginning January 1, 1990, each month the Department  
14 shall pay into the Local Government Tax Fund 16% of the net  
15 revenue realized for the preceding month from the 6.25%  
16 general rate on the selling price of tangible personal  
17 property.

18 Beginning August 1, 2000, each month the Department shall  
19 pay into the Local Government Tax Fund 80% of the net revenue  
20 realized for the preceding month from the 1.25% rate on the  
21 selling price of motor fuel and gasohol.

22 Of the remainder of the moneys received by the Department  
23 pursuant to this Act, (a) 1.75% thereof shall be paid into  
24 the Build Illinois Fund and (b) prior to July 1, 1989, 2.2%  
25 and on and after July 1, 1989, 3.8% thereof shall be paid  
26 into the Build Illinois Fund; provided, however, that if in  
27 any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%,  
28 as the case may be, of the moneys received by the Department  
29 and required to be paid into the Build Illinois Fund pursuant  
30 to this Act, Section 9 of the Use Tax Act, Section 9 of the  
31 Service Use Tax Act, and Section 9 of the Service Occupation  
32 Tax Act, such Acts being hereinafter called the "Tax Acts"  
33 and such aggregate of 2.2% or 3.8%, as the case may be, of  
34 moneys being hereinafter called the "Tax Act Amount", and (2)

1 the amount transferred to the Build Illinois Fund from the  
 2 State and Local Sales Tax Reform Fund shall be less than the  
 3 Annual Specified Amount (as hereinafter defined), an amount  
 4 equal to the difference shall be immediately paid into the  
 5 Build Illinois Fund from other moneys received by the  
 6 Department pursuant to the Tax Acts; the "Annual Specified  
 7 Amount" means the amounts specified below for fiscal years  
 8 1986 through 1993:

	Fiscal Year	Annual Specified Amount
10	1986	\$54,800,000
11	1987	\$76,650,000
12	1988	\$80,480,000
13	1989	\$88,510,000
14	1990	\$115,330,000
15	1991	\$145,470,000
16	1992	\$182,730,000
17	1993	\$206,520,000;

18 and means the Certified Annual Debt Service Requirement (as  
 19 defined in Section 13 of the Build Illinois Bond Act) or the  
 20 Tax Act Amount, whichever is greater, for fiscal year 1994  
 21 and each fiscal year thereafter; and further provided, that  
 22 if on the last business day of any month the sum of (1) the  
 23 Tax Act Amount required to be deposited into the Build  
 24 Illinois Bond Account in the Build Illinois Fund during such  
 25 month and (2) the amount transferred to the Build Illinois  
 26 Fund from the State and Local Sales Tax Reform Fund shall  
 27 have been less than 1/12 of the Annual Specified Amount, an  
 28 amount equal to the difference shall be immediately paid into  
 29 the Build Illinois Fund from other moneys received by the  
 30 Department pursuant to the Tax Acts; and, further provided,  
 31 that in no event shall the payments required under the  
 32 preceding proviso result in aggregate payments into the Build  
 33 Illinois Fund pursuant to this clause (b) for any fiscal year  
 34 in excess of the greater of (i) the Tax Act Amount or (ii)

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

34 Subject to payment of amounts into the Build Illinois

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

13	Fiscal Year	Total Deposit
14	1993	\$0
15	1994	53,000,000
16	1995	58,000,000
17	1996	61,000,000
18	1997	64,000,000
19	1998	68,000,000
20	1999	71,000,000
21	2000	75,000,000
22	2001	80,000,000
23	2002	93,000,000
24	2003	99,000,000
25	2004	103,000,000
26	2005	108,000,000
27	2006	113,000,000
28	2007	119,000,000
29	2008	126,000,000
30	2009	132,000,000
31	2010	139,000,000
32	2011	146,000,000
33	2012	153,000,000
34	2013	161,000,000

1	2014	170,000,000
2	2015	179,000,000
3	2016	189,000,000
4	2017	199,000,000
5	2018	210,000,000
6	2019	221,000,000
7	2020	233,000,000
8	2021	246,000,000
9	2022	260,000,000
10	2023 and	275,000,000

11 each fiscal year  
 12 thereafter that bonds  
 13 are outstanding under  
 14 Section 13.2 of the  
 15 Metropolitan Pier and  
 16 Exposition Authority  
 17 Act, but not after fiscal year 2042.

18 Beginning July 20, 1993 and in each month of each fiscal  
 19 year thereafter, one-eighth of the amount requested in the  
 20 certificate of the Chairman of the Metropolitan Pier and  
 21 Exposition Authority for that fiscal year, less the amount  
 22 deposited into the McCormick Place Expansion Project Fund by  
 23 the State Treasurer in the respective month under subsection  
 24 (g) of Section 13 of the Metropolitan Pier and Exposition  
 25 Authority Act, plus cumulative deficiencies in the deposits  
 26 required under this Section for previous months and years,  
 27 shall be deposited into the McCormick Place Expansion Project  
 28 Fund, until the full amount requested for the fiscal year,  
 29 but not in excess of the amount specified above as "Total  
 30 Deposit", has been deposited.

31 Subject to payment of amounts into the Build Illinois  
 32 Fund and the McCormick Place Expansion Project Fund under the  
 33 preceding paragraphs, each month the Department shall pay  
 34 into the Local Government Distributive Fund 0.4% of the net

1 revenue realized for the preceding month from the 5% general  
2 rate or 0.4% of 80% of the net revenue realized for the  
3 preceding month from the 6.25% general rate, as the case may  
4 be, on the selling price of tangible personal property. That  
5 amount shall, subject to appropriation, be distributed as  
6 provided in Section 2 of the State Revenue Sharing Act. No  
7 payments or distributions under this paragraph shall be made  
8 if the tax imposed by this Act on photoprocessing products is  
9 declared unconstitutional or if the proceeds from that tax  
10 are unavailable for distribution because of litigation.

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

20 Subject to payment of amounts into the Build Illinois  
21 Fund, and the McCormick Place Expansion Project Fund, and the  
22 Local Government Distributive Fund pursuant to the preceding  
23 paragraphs or in any amendments thereto hereafter enacted,  
24 beginning with the receipt of the first report of taxes paid  
25 by an eligible business and continuing for a 25-year period,  
26 the Department shall each month pay into the Energy  
27 Infrastructure Fund 80% of the net revenue realized from the  
28 6.25% general rate on the selling price of Illinois-mined  
29 coal that was sold to an eligible business. For purposes of  
30 this paragraph, the term "eligible business" means a new  
31 electric generating facility certified pursuant to Section  
32 605-332 of the Department of Commerce and Community Affairs  
33 Law of the Civil Administrative Code of Illinois.

34 Of the remainder of the moneys received by the Department



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

6 The Department may, upon separate written notice to a  
7 taxpayer, require the taxpayer to prepare and file with the  
8 Department on a form prescribed by the Department within not  
9 less than 60 days after receipt of the notice an annual  
10 information return for the tax year specified in the notice.  
11 Such annual return to the Department shall include a  
12 statement of gross receipts as shown by the retailer's last  
13 Federal income tax return. If the total receipts of the  
14 business as reported in the Federal income tax return do not  
15 agree with the gross receipts reported to the Department of  
16 Revenue for the same period, the retailer shall attach to his  
17 annual return a schedule showing a reconciliation of the 2  
18 amounts and the reasons for the difference. The retailer's  
19 annual return to the Department shall also disclose the cost  
20 of goods sold by the retailer during the year covered by such  
21 return, opening and closing inventories of such goods for  
22 such year, costs of goods used from stock or taken from stock  
23 and given away by the retailer during such year, payroll  
24 information of the retailer's business during such year and  
25 any additional reasonable information which the Department  
26 deems would be helpful in determining the accuracy of the  
27 monthly, quarterly or annual returns filed by such retailer  
28 as provided for in this Section.

29 If the annual information return required by this Section  
30 is not filed when and as required, the taxpayer shall be  
31 liable as follows:

32 (i) Until January 1, 1994, the taxpayer shall be  
33 liable for a penalty equal to 1/6 of 1% of the tax due  
34 from such taxpayer under this Act during the period to be

1 covered by the annual return for each month or fraction  
2 of a month until such return is filed as required, the  
3 penalty to be assessed and collected in the same manner  
4 as any other penalty provided for in this Act.

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

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

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

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

28 Net revenue realized for a month shall be the revenue  
29 collected by the State pursuant to this Act, less the amount  
30 paid out during that month as refunds to taxpayers for  
31 overpayment of liability.

32 For greater simplicity of administration, manufacturers,  
33 importers and wholesalers whose products are sold at retail  
34 in Illinois by numerous retailers, and who wish to do so, may

1 assume the responsibility for accounting and paying to the  
2 Department all tax accruing under this Act with respect to  
3 such sales, if the retailers who are affected do not make  
4 written objection to the Department to this arrangement.

5 Any person who promotes, organizes, provides retail  
6 selling space for concessionaires or other types of sellers  
7 at the Illinois State Fair, DuQuoin State Fair, county fairs,  
8 local fairs, art shows, flea markets and similar exhibitions  
9 or events, including any transient merchant as defined by  
10 Section 2 of the Transient Merchant Act of 1987, is required  
11 to file a report with the Department providing the name of  
12 the merchant's business, the name of the person or persons  
13 engaged in merchant's business, the permanent address and  
14 Illinois Retailers Occupation Tax Registration Number of the  
15 merchant, the dates and location of the event and other  
16 reasonable information that the Department may require. The  
17 report must be filed not later than the 20th day of the month  
18 next following the month during which the event with retail  
19 sales was held. Any person who fails to file a report  
20 required by this Section commits a business offense and is  
21 subject to a fine not to exceed \$250.

22 Any person engaged in the business of selling tangible  
23 personal property at retail as a concessionaire or other type  
24 of seller at the Illinois State Fair, county fairs, art  
25 shows, flea markets and similar exhibitions or events, or any  
26 transient merchants, as defined by Section 2 of the Transient  
27 Merchant Act of 1987, may be required to make a daily report  
28 of the amount of such sales to the Department and to make a  
29 daily payment of the full amount of tax due. The Department  
30 shall impose this requirement when it finds that there is a  
31 significant risk of loss of revenue to the State at such an  
32 exhibition or event. Such a finding shall be based on  
33 evidence that a substantial number of concessionaires or  
34 other sellers who are not residents of Illinois will be

1 engaging in the business of selling tangible personal  
2 property at retail at the exhibition or event, or other  
3 evidence of a significant risk of loss of revenue to the  
4 State. The Department shall notify concessionaires and other  
5 sellers affected by the imposition of this requirement. In  
6 the absence of notification by the Department, the  
7 concessionaires and other sellers shall file their returns as  
8 otherwise required in this Section.

9 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;  
10 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.  
11 7-1-00; 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff.  
12 6-28-01; 92-208, eff. 8-2-01; 92-484, eff. 8-23-01; 92-492,  
13 eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02.)

14 Section 99. Effective date. This Act takes effect on  
15 July 1, 2003.