



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4263

Introduced 12/16/2005, by Rep. Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

35 ILCS 105/9	from Ch. 120, par. 439.9
35 ILCS 110/9	from Ch. 120, par. 439.39
35 ILCS 115/9	from Ch. 120, par. 439.109
35 ILCS 120/3	from Ch. 120, par. 442

Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act. Provides that 0.4% of the net revenues realized for the preceding month from the State's portion of the general rate of tax imposed under the Acts shall be paid by the Department of Revenue into the Local Government Distributive Fund (reverting to the distribution in place prior to State fiscal year 2003). Effective July 1, 2006.

LRB094 15556 BDD 50755 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT in relation to taxes.

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

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

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

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

27 Where such tangible personal property is sold under a
28 conditional sales contract, or under any other form of sale
29 wherein the payment of the principal sum, or a part thereof, is
30 extended beyond the close of the period for which the return is
31 filed, the retailer, in collecting the tax (except as to motor
32 vehicles, watercraft, aircraft, and trailers that are required

1 to be registered with an agency of this State), may collect for
2 each tax return period, only the tax applicable to that part of
3 the selling price actually received during such tax return
4 period.

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

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

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

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

36 Beginning October 1, 1993, a taxpayer who has an average

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

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

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

33 All taxpayers required to make payment by electronic funds
34 transfer and any taxpayers authorized to voluntarily make
35 payments by electronic funds transfer shall make those payments
36 in the manner authorized by the Department.

1 The Department shall adopt such rules as are necessary to
2 effectuate a program of electronic funds transfer and the
3 requirements of this Section.

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

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

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

26 If any such payment provided for in this Section exceeds
27 the taxpayer's liabilities under this Act, the Retailers'
28 Occupation Tax Act, the Service Occupation Tax Act and the
29 Service Use Tax Act, as shown by an original monthly return,
30 the Department shall issue to the taxpayer a credit memorandum
31 no later than 30 days after the date of payment, which
32 memorandum may be submitted by the taxpayer to the Department
33 in payment of tax liability subsequently to be remitted by the
34 taxpayer to the Department or be assigned by the taxpayer to a
35 similar taxpayer under this Act, the Retailers' Occupation Tax
36 Act, the Service Occupation Tax Act or the Service Use Tax Act,

1 in accordance with reasonable rules and regulations to be
2 prescribed by the Department, except that if such excess
3 payment is shown on an original monthly return and is made
4 after December 31, 1986, no credit memorandum shall be issued,
5 unless requested by the taxpayer. If no such request is made,
6 the taxpayer may credit such excess payment against tax
7 liability subsequently to be remitted by the taxpayer to the
8 Department under this Act, the Retailers' Occupation Tax Act,
9 the Service Occupation Tax Act or the Service Use Tax Act, in
10 accordance with reasonable rules and regulations prescribed by
11 the Department. If the Department subsequently determines that
12 all or any part of the credit taken was not actually due to the
13 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall
14 be reduced by 2.1% or 1.75% of the difference between the
15 credit taken and that actually due, and the taxpayer shall be
16 liable for penalties and interest on such difference.

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

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

34 Such quarter annual and annual returns, as to form and
35 substance, shall be subject to the same requirements as monthly
36 returns.

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

8 In addition, with respect to motor vehicles, watercraft,
9 aircraft, and trailers that are required to be registered with
10 an agency of this State, every retailer selling this kind of
11 tangible personal property shall file, with the Department,
12 upon a form to be prescribed and supplied by the Department, a
13 separate return for each such item of tangible personal
14 property which the retailer sells, except that if, in the same
15 transaction, (i) a retailer of aircraft, watercraft, motor
16 vehicles or trailers transfers more than one aircraft,
17 watercraft, motor vehicle or trailer to another aircraft,
18 watercraft, motor vehicle or trailer retailer for the purpose
19 of resale or (ii) a retailer of aircraft, watercraft, motor
20 vehicles, or trailers transfers more than one aircraft,
21 watercraft, motor vehicle, or trailer to a purchaser for use as
22 a qualifying rolling stock as provided in Section 3-55 of this
23 Act, then that seller may report the transfer of all the
24 aircraft, watercraft, motor vehicles or trailers involved in
25 that transaction to the Department on the same uniform
26 invoice-transaction reporting return form. For purposes of
27 this Section, "watercraft" means a Class 2, Class 3, or Class 4
28 watercraft as defined in Section 3-2 of the Boat Registration
29 and Safety Act, a personal watercraft, or any boat equipped
30 with an inboard motor.

31 The transaction reporting return in the case of motor
32 vehicles or trailers that are required to be registered with an
33 agency of this State, shall be the same document as the Uniform
34 Invoice referred to in Section 5-402 of the Illinois Vehicle
35 Code and must show the name and address of the seller; the name
36 and address of the purchaser; the amount of the selling price

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

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

32 Such transaction reporting return shall be filed not later
33 than 20 days after the date of delivery of the item that is
34 being sold, but may be filed by the retailer at any time sooner
35 than that if he chooses to do so. The transaction reporting
36 return and tax remittance or proof of exemption from the tax

1 that is imposed by this Act may be transmitted to the
2 Department by way of the State agency with which, or State
3 officer with whom, the tangible personal property must be
4 titled or registered (if titling or registration is required)
5 if the Department and such agency or State officer determine
6 that this procedure will expedite the processing of
7 applications for title or registration.

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

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

29 If the user who would otherwise pay tax to the retailer
30 wants the transaction reporting return filed and the payment of
31 tax or proof of exemption made to the Department before the
32 retailer is willing to take these actions and such user has not
33 paid the tax to the retailer, such user may certify to the fact
34 of such delay by the retailer, and may (upon the Department
35 being satisfied of the truth of such certification) transmit
36 the information required by the transaction reporting return

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

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

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

35 If experience indicates such action to be practicable, the
36 Department may prescribe and furnish a combination or joint

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

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

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

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

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

35 Beginning August 1, 2000, each month the Department shall
36 pay into the State and Local Sales Tax Reform Fund 100% of the

1 net revenue realized for the preceding month from the 1.25%
2 rate on the selling price of motor fuel and gasohol.

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

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

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

1 Build Illinois Fund are subject to the pledge, claim and charge
 2 set forth in Section 12 of the Build Illinois Bond Act.

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

	Fiscal Year	Total Deposit
15		
16	1993	\$0
17	1994	53,000,000
18	1995	58,000,000
19	1996	61,000,000
20	1997	64,000,000
21	1998	68,000,000
22	1999	71,000,000
23	2000	75,000,000
24	2001	80,000,000
25	2002	93,000,000
26	2003	99,000,000
27	2004	103,000,000
28	2005	108,000,000
29	2006	113,000,000
30	2007	119,000,000
31	2008	126,000,000
32	2009	132,000,000
33	2010	139,000,000
34	2011	146,000,000
35	2012	153,000,000

1	2013	161,000,000
2	2014	170,000,000
3	2015	179,000,000
4	2016	189,000,000
5	2017	199,000,000
6	2018	210,000,000
7	2019	221,000,000
8	2020	233,000,000
9	2021	246,000,000
10	2022	260,000,000
11	2023 and	275,000,000

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

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

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

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

11 Subject to payment of amounts into the Build Illinois Fund,
12 ~~and~~ the McCormick Place Expansion Project Fund, and the Local
13 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% general
18 rate on the selling price of tangible personal property.

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

33 Of the remainder of the moneys received by the Department
34 pursuant to this Act, 75% thereof shall be paid into the State
35 Treasury and 25% shall be reserved in a special account and
36 used only for the transfer to the Common School Fund as part of

1 the monthly transfer from the General Revenue Fund in
2 accordance with Section 8a of the State Finance Act.

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

10 Net revenue realized for a month shall be the revenue
11 collected by the State pursuant to this Act, less the amount
12 paid out during that month as refunds to taxpayers for
13 overpayment of liability.

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

21 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101,
22 eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00;
23 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff. 6-28-01;
24 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; 92-600, eff. 6-28-02;
25 92-651, eff. 7-11-02; revised 10-15-03.)

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

28 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

29 Sec. 9. Each serviceman required or authorized to collect
30 the tax herein imposed shall pay to the Department the amount
31 of such tax (except as otherwise provided) at the time when he
32 is required to file his return for the period during which such
33 tax was collected, less a discount of 2.1% prior to January 1,
34 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar

1 year, whichever is greater, which is allowed to reimburse the
2 serviceman for expenses incurred in collecting the tax, keeping
3 records, preparing and filing returns, remitting the tax and
4 supplying data to the Department on request. A serviceman need
5 not remit that part of any tax collected by him to the extent
6 that he is required to pay and does pay the tax imposed by the
7 Service Occupation Tax Act with respect to his sale of service
8 involving the incidental transfer by him of the same property.

9 Except as provided hereinafter in this Section, on or
10 before the twentieth day of each calendar month, such
11 serviceman shall file a return for the preceding calendar month
12 in accordance with reasonable Rules and Regulations to be
13 promulgated by the Department. Such return shall be filed on a
14 form prescribed by the Department and shall contain such
15 information as the Department may reasonably require.

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

- 23 1. The name of the seller;
- 24 2. The address of the principal place of business from
25 which he engages in business as a serviceman in this State;
- 26 3. The total amount of taxable receipts received by him
27 during the preceding calendar month, including receipts
28 from charge and time sales, but less all deductions allowed
29 by law;
- 30 4. The amount of credit provided in Section 2d of this
31 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 Department
35 may require.

36 If a taxpayer fails to sign a return within 30 days after

1 the proper notice and demand for signature by the Department,
2 the return shall be considered valid and any amount shown to be
3 due on the return shall be deemed assessed.

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

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

34 Any taxpayer not required to make payments by electronic
35 funds transfer may make payments by electronic funds transfer
36 with the permission of the Department.

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

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

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

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

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

28 Notwithstanding any other provision in this Act concerning
29 the time within which a serviceman may file his return, in the
30 case of any serviceman who ceases to engage in a kind of
31 business which makes him responsible for filing returns under
32 this Act, such serviceman shall file a final return under this
33 Act with the Department not more than 1 month after
34 discontinuing such business.

35 Where a serviceman collects the tax with respect to the
36 selling price of property which he sells and the purchaser

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

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

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

27 Where the serviceman has more than one business registered
28 with the Department under separate registration hereunder,
29 such serviceman shall not file each return that is due as a
30 single return covering all such registered businesses, but
31 shall file separate returns for each such registered business.

32 Beginning January 1, 1990, each month the Department shall
33 pay into the State and Local Tax Reform Fund, a special fund in
34 the State Treasury, the net revenue realized for the preceding
35 month from the 1% tax on sales of food for human consumption
36 which is to be consumed off the premises where it is sold

1 (other than alcoholic beverages, soft drinks and food which has
2 been prepared for immediate consumption) and prescription and
3 nonprescription medicines, drugs, medical appliances and
4 insulin, urine testing materials, syringes and needles used by
5 diabetics.

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

13 Beginning August 1, 2000, each month the Department shall
14 pay into the State and Local Sales Tax Reform Fund 100% of the
15 net revenue realized for the preceding month from the 1.25%
16 rate on the 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 the
19 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
20 and after July 1, 1989, 3.8% thereof shall be paid into the
21 Build Illinois Fund; provided, however, that if in any fiscal
22 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
23 may be, of the moneys received by the Department and required
24 to be paid into the Build Illinois Fund pursuant to Section 3
25 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
26 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
27 Service Occupation Tax Act, such Acts being hereinafter called
28 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
29 may be, of moneys being hereinafter called the "Tax Act
30 Amount", and (2) the amount transferred to the Build Illinois
31 Fund from the State and Local Sales Tax Reform Fund shall be
32 less than the Annual Specified Amount (as defined in Section 3
33 of the Retailers' Occupation Tax Act), an amount equal to the
34 difference shall be immediately paid into the Build Illinois
35 Fund from other moneys received by the Department pursuant to
36 the Tax Acts; and further provided, that if on the last

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

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

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

Fiscal Year	Total Deposit
1993	\$0
1994	53,000,000
1995	58,000,000
1996	61,000,000
1997	64,000,000
1998	68,000,000
1999	71,000,000
2000	75,000,000
2001	80,000,000
2002	93,000,000
2003	99,000,000
2004	103,000,000
2005	108,000,000

1	2006	113,000,000
2	2007	119,000,000
3	2008	126,000,000
4	2009	132,000,000
5	2010	139,000,000
6	2011	146,000,000
7	2012	153,000,000
8	2013	161,000,000
9	2014	170,000,000
10	2015	179,000,000
11	2016	189,000,000
12	2017	199,000,000
13	2018	210,000,000
14	2019	221,000,000
15	2020	233,000,000
16	2021	246,000,000
17	2022	260,000,000
18	2023 and	275,000,000

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

26 Beginning July 20, 1993 and in each month of each fiscal
 27 year thereafter, one-eighth of the amount requested in the
 28 certificate of the Chairman of the Metropolitan Pier and
 29 Exposition Authority for that fiscal year, less the amount
 30 deposited into the McCormick Place Expansion Project Fund by
 31 the State Treasurer in the respective month under subsection
 32 (g) of Section 13 of the Metropolitan Pier and Exposition
 33 Authority Act, plus cumulative deficiencies in the deposits
 34 required under this Section for previous months and years,
 35 shall be deposited into the McCormick Place Expansion Project
 36 Fund, until the full amount requested for the fiscal year, but

1 not in excess of the amount specified above as "Total Deposit",
2 has been deposited.

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

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

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

1 facility certified pursuant to Section 605-332 of the
2 Department of Commerce and Economic Opportunity Community
3 ~~Affairs~~ Law of the Civil Administrative Code of Illinois.

4 All remaining moneys received by the Department pursuant to
5 this Act shall be paid into the General Revenue Fund of the
6 State Treasury.

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

14 Net revenue realized for a month shall be the revenue
15 collected by the State pursuant to this Act, less the amount
16 paid out during that month as refunds to taxpayers for
17 overpayment of liability.

18 (Source: P.A. 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492,
19 eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02;
20 revised 10-15-03.)

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

23 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

24 Sec. 9. Each serviceman required or authorized to collect
25 the tax herein imposed shall pay to the Department the amount
26 of such tax at the time when he is required to file his return
27 for the period during which such tax was collectible, less a
28 discount of 2.1% prior to January 1, 1990, and 1.75% on and
29 after January 1, 1990, or \$5 per calendar year, whichever is
30 greater, which is allowed to reimburse the serviceman for
31 expenses incurred in collecting the tax, keeping records,
32 preparing and filing returns, remitting the tax and supplying
33 data to the Department on request.

34 Where such tangible personal property is sold under a

1 conditional sales contract, or under any other form of sale
2 wherein the payment of the principal sum, or a part thereof, is
3 extended beyond the close of the period for which the return is
4 filed, the serviceman, in collecting the tax may collect, for
5 each tax return period, only the tax applicable to the part of
6 the selling price actually received during such tax return
7 period.

8 Except as provided hereinafter in this Section, on or
9 before the twentieth day of each calendar month, such
10 serviceman shall file a return for the preceding calendar month
11 in accordance with reasonable rules and regulations to be
12 promulgated by the Department of Revenue. Such return shall be
13 filed on a form prescribed by the Department and shall contain
14 such information as the Department may reasonably require.

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

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

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

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

3 Prior to October 1, 2003, and on and after September 1,
4 2004 a serviceman may accept a Manufacturer's Purchase Credit
5 certification from a purchaser in satisfaction of Service Use
6 Tax as provided in Section 3-70 of the Service Use Tax Act if
7 the purchaser provides the appropriate documentation as
8 required by Section 3-70 of the Service Use Tax Act. A
9 Manufacturer's Purchase Credit certification, accepted prior
10 to October 1, 2003 or on or after September 1, 2004 by a
11 serviceman as provided in Section 3-70 of the Service Use Tax
12 Act, may be used by that serviceman to satisfy Service
13 Occupation Tax liability in the amount claimed in the
14 certification, not to exceed 6.25% of the receipts subject to
15 tax from a qualifying purchase. A Manufacturer's Purchase
16 Credit reported on any original or amended return filed under
17 this Act after October 20, 2003 for reporting periods prior to
18 September 1, 2004 shall be disallowed. Manufacturer's Purchase
19 Credit reported on annual returns due on or after January 1,
20 2005 will be disallowed for periods prior to September 1, 2004.
21 No Manufacturer's Purchase Credit may be used after September
22 30, 2003 through August 31, 2004 to satisfy any tax liability
23 imposed under this Act, including any audit liability.

24 If the serviceman's average monthly tax liability to the
25 Department does not exceed \$200, the Department may authorize
26 his returns to be filed on a quarter annual basis, with the
27 return for January, February and March of a given year being
28 due by April 20 of such year; with the return for April, May
29 and June of a given year being due by July 20 of such year; with
30 the return for July, August and September of a given year being
31 due by October 20 of such year, and with the return for
32 October, November and December of a given year being due by
33 January 20 of the following year.

34 If the serviceman's average monthly tax liability to the
35 Department does not exceed \$50, the Department may authorize
36 his returns to be filed on an annual basis, with the return for

1 a given year being due by January 20 of the following year.

2 Such quarter annual and annual returns, as to form and
3 substance, shall be subject to the same requirements as monthly
4 returns.

5 Notwithstanding any other provision in this Act concerning
6 the time within which a serviceman may file his return, in the
7 case of any serviceman who ceases to engage in a kind of
8 business which makes him responsible for filing returns under
9 this Act, such serviceman shall file a final return under this
10 Act with the Department not more than 1 month after
11 discontinuing such business.

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

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

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

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

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

16 Where a serviceman collects the tax with respect to the
17 selling price of tangible personal property which he sells and
18 the purchaser thereafter returns such tangible personal
19 property and the serviceman refunds the selling price thereof
20 to the purchaser, such serviceman shall also refund, to the
21 purchaser, the tax so collected from the purchaser. When filing
22 his return for the period in which he refunds such tax to the
23 purchaser, the serviceman may deduct the amount of the tax so
24 refunded by him to the purchaser from any other Service
25 Occupation Tax, Service Use Tax, Retailers' Occupation Tax or
26 Use Tax which such serviceman may be required to pay or remit
27 to the Department, as shown by such return, provided that the
28 amount of the tax to be deducted shall previously have been
29 remitted to the Department by such serviceman. If the
30 serviceman shall not previously have remitted the amount of
31 such tax to the Department, he shall be entitled to no
32 deduction hereunder upon refunding such tax to the purchaser.

33 If experience indicates such action to be practicable, the
34 Department may prescribe and furnish a combination or joint
35 return which will enable servicemen, who are required to file
36 returns hereunder and also under the Retailers' Occupation Tax

1 Act, the Use Tax Act or the Service Use Tax Act, to furnish all
2 the return information required by all said Acts on the one
3 form.

4 Where the serviceman has more than one business registered
5 with the Department under separate registrations hereunder,
6 such serviceman shall file separate returns for each registered
7 business.

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

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

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

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

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

33 Of the remainder of the moneys received by the Department
34 pursuant to this Act, (a) 1.75% thereof shall be paid into the
35 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
36 and after July 1, 1989, 3.8% thereof shall be paid into the

1 Build Illinois Fund; provided, however, that if in any fiscal
2 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
3 may be, of the moneys received by the Department and required
4 to be paid into the Build Illinois Fund pursuant to Section 3
5 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
6 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
7 Service Occupation Tax Act, such Acts being hereinafter called
8 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
9 may be, of moneys being hereinafter called the "Tax Act
10 Amount", and (2) the amount transferred to the Build Illinois
11 Fund from the State and Local Sales Tax Reform Fund shall be
12 less than the Annual Specified Amount (as defined in Section 3
13 of the Retailers' Occupation Tax Act), an amount equal to the
14 difference shall be immediately paid into the Build Illinois
15 Fund from other moneys received by the Department pursuant to
16 the Tax Acts; and further provided, that if on the last
17 business day of any month the sum of (1) the Tax Act Amount
18 required to be deposited into the Build Illinois Account in the
19 Build Illinois Fund during such month and (2) the amount
20 transferred during such month to the Build Illinois Fund from
21 the State and Local Sales Tax Reform Fund shall have been less
22 than 1/12 of the Annual Specified Amount, an amount equal to
23 the difference shall be immediately paid into the Build
24 Illinois Fund from other moneys received by the Department
25 pursuant to the Tax Acts; and, further provided, that in no
26 event shall the payments required under the preceding proviso
27 result in aggregate payments into the Build Illinois Fund
28 pursuant to this clause (b) for any fiscal year in excess of
29 the greater of (i) the Tax Act Amount or (ii) the Annual
30 Specified Amount for such fiscal year; and, further provided,
31 that the amounts payable into the Build Illinois Fund under
32 this clause (b) shall be payable only until such time as the
33 aggregate amount on deposit under each trust indenture securing
34 Bonds issued and outstanding pursuant to the Build Illinois
35 Bond Act is sufficient, taking into account any future
36 investment income, to fully provide, in accordance with such

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

26 Subject to payment of amounts into the Build Illinois Fund
27 as provided in the preceding paragraph or in any amendment
28 thereto hereafter enacted, the following specified monthly
29 installment of the amount requested in the certificate of the
30 Chairman of the Metropolitan Pier and Exposition Authority
31 provided under Section 8.25f of the State Finance Act, but not
32 in excess of the sums designated as "Total Deposit", shall be
33 deposited in the aggregate from collections under Section 9 of
34 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
35 9 of the Service Occupation Tax Act, and Section 3 of the
36 Retailers' Occupation Tax Act into the McCormick Place

1 Expansion Project Fund in the specified fiscal years.

2	Fiscal Year	Total Deposit
3	1993	\$0
4	1994	53,000,000
5	1995	58,000,000
6	1996	61,000,000
7	1997	64,000,000
8	1998	68,000,000
9	1999	71,000,000
10	2000	75,000,000
11	2001	80,000,000
12	2002	93,000,000
13	2003	99,000,000
14	2004	103,000,000
15	2005	108,000,000
16	2006	113,000,000
17	2007	119,000,000
18	2008	126,000,000
19	2009	132,000,000
20	2010	139,000,000
21	2011	146,000,000
22	2012	153,000,000
23	2013	161,000,000
24	2014	170,000,000
25	2015	179,000,000
26	2016	189,000,000
27	2017	199,000,000
28	2018	210,000,000
29	2019	221,000,000
30	2020	233,000,000
31	2021	246,000,000
32	2022	260,000,000
33	2023 and	275,000,000
34	each fiscal year	
35	thereafter that bonds	

1 are outstanding under
2 Section 13.2 of the
3 Metropolitan Pier and
4 Exposition Authority Act,
5 but not after fiscal year 2042.

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

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

34 Subject to payment of amounts into the Build Illinois Fund,
35 ~~and~~ the McCormick Place Expansion Project Fund, and the Local
36 Government Distributive Fund pursuant to the preceding

1 paragraphs or in any amendments thereto hereafter enacted,
2 beginning July 1, 1993, the Department shall each month pay
3 into the Illinois Tax Increment Fund 0.27% of 80% of the net
4 revenue realized for the preceding month from the 6.25% general
5 rate on the selling price of tangible personal property.

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

20 Remaining moneys received by the Department pursuant to
21 this Act shall be paid into the General Revenue Fund of the
22 State Treasury.

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

1 taxpayer during the year covered by such return, opening and
2 closing inventories of such goods for such year, cost of goods
3 used from stock or taken from stock and given away by the
4 taxpayer during such year, pay roll information of the
5 taxpayer's business during such year and any additional
6 reasonable information which the Department deems would be
7 helpful in determining the accuracy of the monthly, quarterly
8 or annual returns filed by such taxpayer as hereinbefore
9 provided for in this Section.

10 If the annual information return required by this Section
11 is not filed when and as required, the taxpayer shall be liable
12 as follows:

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

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

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

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

35 As soon as possible after the first day of each month, upon
36 certification of the Department of Revenue, the Comptroller

1 shall order transferred and the Treasurer shall transfer from
2 the General Revenue Fund to the Motor Fuel Tax Fund an amount
3 equal to 1.7% of 80% of the net revenue realized under this Act
4 for the second preceding month. Beginning April 1, 2000, this
5 transfer is no longer required 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 whose
12 products are sold by numerous servicemen in Illinois, and who
13 wish to do so, to assume the responsibility for accounting and
14 paying to the Department all tax accruing under this Act with
15 respect to such sales, if the servicemen who are affected do
16 not make written objection to the Department to this
17 arrangement.

18 (Source: P.A. 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492,
19 eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02; 93-24,
20 eff. 6-20-03; 93-840, eff. 7-30-04.)

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

23 (35 ILCS 120/3) (from Ch. 120, par. 442)

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

29 1. The name of the seller;

30 2. His residence address and the address of his
31 principal place of business and the address of the
32 principal place of business (if that is a different
33 address) from which he engages in the business of selling
34 tangible personal property at retail in this State;

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

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

11 5. Deductions allowed by law;

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

15 7. The amount of credit provided in Section 2d of this
16 Act;

17 8. The amount of tax due;

18 9. The signature of the taxpayer; and

19 10. Such other reasonable information as the
20 Department may require.

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

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

28 Prior to October 1, 2003, and on and after September 1,
29 2004 a retailer may accept a Manufacturer's Purchase Credit
30 certification from a purchaser in satisfaction of Use Tax as
31 provided in Section 3-85 of the Use Tax Act if the purchaser
32 provides the appropriate documentation as required by Section
33 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
34 certification, accepted by a retailer prior to October 1, 2003
35 and on and after September 1, 2004 as provided in Section 3-85
36 of the Use Tax Act, may be used by that retailer to satisfy

1 Retailers' Occupation Tax liability in the amount claimed in
2 the certification, not to exceed 6.25% of the receipts subject
3 to tax from a qualifying purchase. A Manufacturer's Purchase
4 Credit reported on any original or amended return filed under
5 this Act after October 20, 2003 for reporting periods prior to
6 September 1, 2004 shall be disallowed. Manufacturer's
7 Purchaser Credit reported on annual returns due on or after
8 January 1, 2005 will be disallowed for periods prior to
9 September 1, 2004. No Manufacturer's Purchase Credit may be
10 used after September 30, 2003 through August 31, 2004 to
11 satisfy any tax liability imposed under this Act, including any
12 audit liability.

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. The
17 taxpayer shall also file a return with the Department for each
18 of the first two months of each calendar quarter, on or before
19 the twentieth day of the following calendar month, stating:

20 1. The name of the seller;

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

24 3. The total amount of taxable receipts received by him
25 during the preceding calendar month from sales of tangible
26 personal property by him during such preceding calendar
27 month, including receipts from charge and time sales, but
28 less all deductions allowed by law;

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

31 5. The amount of tax due; and

32 6. Such other reasonable information as the Department
33 may require.

34 Beginning on October 1, 2003, any person who is not a
35 licensed distributor, importing distributor, or manufacturer,
36 as defined in the Liquor Control Act of 1934, but is engaged in

1 the business of selling, at retail, alcoholic liquor shall file
2 a statement with the Department of Revenue, in a format and at
3 a time prescribed by the Department, showing the total amount
4 paid for alcoholic liquor purchased during the preceding month
5 and such other information as is reasonably required by the
6 Department. The Department may adopt rules to require that this
7 statement be filed in an electronic or telephonic format. Such
8 rules may provide for exceptions from the filing requirements
9 of this paragraph. For the purposes of this paragraph, the term
10 "alcoholic liquor" shall have the meaning prescribed in the
11 Liquor Control Act of 1934.

12 Beginning on October 1, 2003, every distributor, importing
13 distributor, and manufacturer of alcoholic liquor as defined in
14 the Liquor Control Act of 1934, shall file a statement with the
15 Department of Revenue, no later than the 10th day of the month
16 for the preceding month during which transactions occurred, by
17 electronic means, showing the total amount of gross receipts
18 from the sale of alcoholic liquor sold or distributed during
19 the preceding month to purchasers; identifying the purchaser to
20 whom it was sold or distributed; the purchaser's tax
21 registration number; and such other information reasonably
22 required by the Department. A distributor, importing
23 distributor, or manufacturer of alcoholic liquor must
24 personally deliver, mail, or provide by electronic means to
25 each retailer listed on the monthly statement a report
26 containing a cumulative total of that distributor's, importing
27 distributor's, or manufacturer's total sales of alcoholic
28 liquor to that retailer no later than the 10th day of the month
29 for the preceding month during which the transaction occurred.
30 The distributor, importing distributor, or manufacturer shall
31 notify the retailer as to the method by which the distributor,
32 importing distributor, or manufacturer will provide the sales
33 information. If the retailer is unable to receive the sales
34 information by electronic means, the distributor, importing
35 distributor, or manufacturer shall furnish the sales
36 information by personal delivery or by mail. For purposes of

1 this paragraph, the term "electronic means" includes, but is
2 not limited to, the use of a secure Internet website, e-mail,
3 or facsimile.

4 If a total amount of less than \$1 is payable, refundable or
5 creditable, such amount shall be disregarded if it is less than
6 50 cents and shall be increased to \$1 if it is 50 cents or more.

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

32 Before August 1 of each year beginning in 1993, the
33 Department shall notify all taxpayers required to make payments
34 by electronic funds transfer. All taxpayers required to make
35 payments by electronic funds transfer shall make those payments
36 for a minimum of one year beginning on October 1.

1 Any taxpayer not required to make payments by electronic
2 funds transfer may make payments by electronic funds transfer
3 with the permission of the Department.

4 All taxpayers required to make payment by electronic funds
5 transfer and any taxpayers authorized to voluntarily make
6 payments by electronic funds transfer shall make those payments
7 in the manner authorized by the Department.

8 The Department shall adopt such rules as are necessary to
9 effectuate a program of electronic funds transfer and the
10 requirements of this Section.

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

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

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

35 Such quarter annual and annual returns, as to form and
36 substance, shall be subject to the same requirements as monthly

1 returns.

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

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

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

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

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

30 The transaction reporting return in the case of watercraft
31 or aircraft must show the name and address of the seller; the
32 name and address of the purchaser; the amount of the selling
33 price including the amount allowed by the retailer for
34 traded-in property, if any; the amount allowed by the retailer
35 for the traded-in tangible personal property, if any, to the
36 extent to which Section 1 of this Act allows an exemption for

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

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

22 With each such transaction reporting return, the retailer
23 shall remit the proper amount of tax due (or shall submit
24 satisfactory evidence that the sale is not taxable if that is
25 the case), to the Department or its agents, whereupon the
26 Department shall issue, in the purchaser's name, a use tax
27 receipt (or a certificate of exemption if the Department is
28 satisfied that the particular sale is tax exempt) which such
29 purchaser may submit to the agency with which, or State officer
30 with whom, he must title or register the tangible personal
31 property that is involved (if titling or registration is
32 required) in support of such purchaser's application for an
33 Illinois certificate or other evidence of title or registration
34 to such tangible personal property.

35 No retailer's failure or refusal to remit tax under this
36 Act precludes a user, who has paid the proper tax to the

1 retailer, from obtaining his certificate of title or other
2 evidence of title or registration (if titling or registration
3 is required) upon satisfying the Department that such user has
4 paid the proper tax (if tax is due) to the retailer. The
5 Department shall adopt appropriate rules to carry out the
6 mandate of this paragraph.

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

25 Refunds made by the seller during the preceding return
26 period to purchasers, on account of tangible personal property
27 returned to the seller, shall be allowed as a deduction under
28 subdivision 5 of his monthly or quarterly return, as the case
29 may be, in case the seller had theretofore included the
30 receipts from the sale of such tangible personal property in a
31 return filed by him and had paid the tax imposed by this Act
32 with respect to such receipts.

33 Where the seller is a corporation, the return filed on
34 behalf of such corporation shall be signed by the president,
35 vice-president, secretary or treasurer or by the properly
36 accredited agent of such corporation.

1 Where the seller is a limited liability company, the return
2 filed on behalf of the limited liability company shall be
3 signed by a manager, member, or properly accredited agent of
4 the limited liability company.

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

20 Before October 1, 2000, if the taxpayer's average monthly
21 tax liability to the Department under this Act, the Use Tax
22 Act, the Service Occupation Tax Act, and the Service Use Tax
23 Act, excluding any liability for prepaid sales tax to be
24 remitted in accordance with Section 2d of this Act, was \$10,000
25 or more during the preceding 4 complete calendar quarters, he
26 shall file a return with the Department each month by the 20th
27 day of the month next following the month during which such tax
28 liability is incurred and shall make payments to the Department
29 on or before the 7th, 15th, 22nd and last day of the month
30 during which such liability is incurred. On and after October
31 1, 2000, if the taxpayer's average monthly tax liability to the
32 Department under this Act, the Use Tax Act, the Service
33 Occupation Tax Act, and the Service Use Tax Act, excluding any
34 liability for prepaid sales tax to be remitted in accordance
35 with Section 2d of this Act, was \$20,000 or more during the
36 preceding 4 complete calendar quarters, he shall file a return

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

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

1 long term. If any such quarter monthly payment is not paid at
2 the time or in the amount required by this Section, then the
3 taxpayer shall be liable for penalties and interest on the
4 difference between the minimum amount due as a payment and the
5 amount of such quarter monthly payment actually and timely
6 paid, except insofar as the taxpayer has previously made
7 payments for that month to the Department in excess of the
8 minimum payments previously due as provided in this Section.
9 The Department shall make reasonable rules and regulations to
10 govern the quarter monthly payment amount and quarter monthly
11 payment dates for taxpayers who file on other than a calendar
12 monthly basis.

13 The provisions of this paragraph apply before October 1,
14 2001. Without regard to whether a taxpayer is required to make
15 quarter monthly payments as specified above, any taxpayer who
16 is required by Section 2d of this Act to collect and remit
17 prepaid taxes and has collected prepaid taxes which average in
18 excess of \$25,000 per month during the preceding 2 complete
19 calendar quarters, shall file a return with the Department as
20 required by Section 2f and shall make payments to the
21 Department on or before the 7th, 15th, 22nd and last day of the
22 month during which such liability is incurred. If the month
23 during which such tax liability is incurred began prior to the
24 effective date of this amendatory Act of 1985, each payment
25 shall be in an amount not less than 22.5% of the taxpayer's
26 actual liability under Section 2d. If the month during which
27 such tax liability is incurred begins on or after January 1,
28 1986, each payment shall be in an amount equal to 22.5% of the
29 taxpayer's actual liability for the month or 27.5% of the
30 taxpayer's liability for the same calendar month of the
31 preceding calendar year. If the month during which such tax
32 liability is incurred begins on or after January 1, 1987, each
33 payment shall be in an amount equal to 22.5% of the taxpayer's
34 actual liability for the month or 26.25% of the taxpayer's
35 liability for the same calendar month of the preceding year.
36 The amount of such quarter monthly payments shall be credited

1 against the final tax liability of the taxpayer's return for
2 that month filed under this Section or Section 2f, as the case
3 may be. Once applicable, the requirement of the making of
4 quarter monthly payments to the Department pursuant to this
5 paragraph shall continue until such taxpayer's average monthly
6 prepaid tax collections during the preceding 2 complete
7 calendar quarters is \$25,000 or less. If any such quarter
8 monthly payment is not paid at the time or in the amount
9 required, the taxpayer shall be liable for penalties and
10 interest on such difference, except insofar as the taxpayer has
11 previously made payments for that month in excess of the
12 minimum payments previously due.

13 The provisions of this paragraph apply on and after October
14 1, 2001. Without regard to whether a taxpayer is required to
15 make quarter monthly payments as specified above, any taxpayer
16 who is required by Section 2d of this Act to collect and remit
17 prepaid taxes and has collected prepaid taxes that average in
18 excess of \$20,000 per month during the preceding 4 complete
19 calendar quarters shall file a return with the Department as
20 required by Section 2f and shall make payments to the
21 Department on or before the 7th, 15th, 22nd and last day of the
22 month during which the liability is incurred. Each payment
23 shall be in an amount equal to 22.5% of the taxpayer's actual
24 liability for the month or 25% of the taxpayer's liability for
25 the same calendar month of the preceding year. The amount of
26 the quarter monthly payments shall be credited against the
27 final tax liability of the taxpayer's return for that month
28 filed under this Section or Section 2f, as the case may be.
29 Once applicable, the requirement of the making of quarter
30 monthly payments to the Department pursuant to this paragraph
31 shall continue until the taxpayer's average monthly prepaid tax
32 collections during the preceding 4 complete calendar quarters
33 (excluding the month of highest liability and the month of
34 lowest liability) is less than \$19,000 or until such taxpayer's
35 average monthly liability to the Department as computed for
36 each calendar quarter of the 4 preceding complete calendar

1 quarters is less than \$20,000. If any such quarter monthly
2 payment is not paid at the time or in the amount required, the
3 taxpayer shall be liable for penalties and interest on such
4 difference, except insofar as the taxpayer has previously made
5 payments for that month in excess of the minimum payments
6 previously due.

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

29 If a retailer of motor fuel is entitled to a credit under
30 Section 2d of this Act which exceeds the taxpayer's liability
31 to the Department under this Act for the month which the
32 taxpayer is filing a return, the Department shall issue the
33 taxpayer a credit memorandum for the excess.

34 Beginning January 1, 1990, each month the Department shall
35 pay into the Local Government Tax Fund, a special fund in the
36 State treasury which is hereby created, the net revenue

1 realized for the preceding month from the 1% tax on sales of
2 food for human consumption which is to be consumed off the
3 premises where it is sold (other than alcoholic beverages, soft
4 drinks and food which has been prepared for immediate
5 consumption) and prescription and nonprescription medicines,
6 drugs, medical appliances and insulin, urine testing
7 materials, syringes and needles used by diabetics.

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

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

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

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

25 Of the remainder of the moneys received by the Department
26 pursuant to this Act, (a) 1.75% thereof shall be paid into the
27 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
28 and after July 1, 1989, 3.8% thereof shall be paid into the
29 Build Illinois Fund; provided, however, that if in any fiscal
30 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
31 may be, of the moneys received by the Department and required
32 to be paid into the Build Illinois Fund pursuant to this Act,
33 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
34 Act, and Section 9 of the Service Occupation Tax Act, such Acts
35 being hereinafter called the "Tax Acts" and such aggregate of
36 2.2% or 3.8%, as the case may be, of moneys being hereinafter

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

9	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 and
 21 each fiscal year thereafter; and further provided, that if on
 22 the last business day of any month the sum of (1) the Tax Act
 23 Amount required to be deposited into the Build Illinois Bond
 24 Account in the Build Illinois Fund during such month and (2)
 25 the amount transferred to the Build Illinois Fund from the
 26 State and Local Sales Tax Reform Fund shall have been less than
 27 1/12 of the Annual Specified Amount, an amount equal to the
 28 difference shall be immediately paid into the Build Illinois
 29 Fund from other moneys received by the Department pursuant to
 30 the Tax Acts; and, further provided, that in no event shall the
 31 payments required under the preceding proviso result in
 32 aggregate payments into the Build Illinois Fund pursuant to
 33 this clause (b) for any fiscal year in excess of the greater of
 34 (i) the Tax Act Amount or (ii) the Annual Specified Amount for
 35 such fiscal year. The amounts payable into the Build Illinois
 36 Fund under clause (b) of the first sentence in this paragraph

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

31 Subject to payment of amounts into the Build Illinois Fund
32 as provided in the preceding paragraph or in any amendment
33 thereto hereafter enacted, the following specified monthly
34 installment of the amount requested in the certificate of the
35 Chairman of the Metropolitan Pier and Exposition Authority
36 provided under Section 8.25f of the State Finance Act, but not

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

	Fiscal Year	Total Deposit
7		
8	1993	\$0
9	1994	53,000,000
10	1995	58,000,000
11	1996	61,000,000
12	1997	64,000,000
13	1998	68,000,000
14	1999	71,000,000
15	2000	75,000,000
16	2001	80,000,000
17	2002	93,000,000
18	2003	99,000,000
19	2004	103,000,000
20	2005	108,000,000
21	2006	113,000,000
22	2007	119,000,000
23	2008	126,000,000
24	2009	132,000,000
25	2010	139,000,000
26	2011	146,000,000
27	2012	153,000,000
28	2013	161,000,000
29	2014	170,000,000
30	2015	179,000,000
31	2016	189,000,000
32	2017	199,000,000
33	2018	210,000,000
34	2019	221,000,000
35	2020	233,000,000

1	2021	246,000,000
2	2022	260,000,000
3	2023 and	275,000,000

4 each fiscal year
 5 thereafter that bonds
 6 are outstanding under
 7 Section 13.2 of the
 8 Metropolitan Pier and
 9 Exposition Authority Act,
 10 but not after fiscal year 2042.

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

24 Subject to payment of amounts into the Build Illinois Fund
 25 and the McCormick Place Expansion Project Fund under the
 26 preceding paragraphs, each month the Department shall, subject
 27 to appropriation, pay into the Local Government Distributive
 28 Fund 0.4% of the net revenue realized for the preceding month
 29 from the 5% general rate, or 0.4% of 80% of the net revenue
 30 realized for the preceding month from the 6.25% general rate,
 31 as the case may be, on the selling price of tangible personal
 32 property. That amount shall, subject to appropriation, be
 33 distributed as provided in Section 2 of the State Revenue
 34 Sharing Act. No payments or distributions under this paragraph
 35 shall be made if the tax imposed by this Act on photoprocessing
 36 products is declared unconstitutional or if the proceeds from

1 that tax are unavailable for distribution because of
2 litigation.

3 Subject to payment of amounts into the Build Illinois Fund,
4 ~~and~~ the McCormick Place Expansion Project Fund, and the Local
5 Government Distributive Fund pursuant to the preceding
6 paragraphs or in any amendments thereto hereafter enacted,
7 beginning July 1, 1993, the Department shall each month pay
8 into the Illinois Tax Increment Fund 0.27% of 80% of the net
9 revenue realized for the preceding month from the 6.25% general
10 rate on the selling price of tangible personal property.

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

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

31 The Department may, upon separate written notice to a
32 taxpayer, require the taxpayer to prepare and file with the
33 Department on a form prescribed by the Department within not
34 less than 60 days after receipt of the notice an annual
35 information return for the tax year specified in the notice.
36 Such annual return to the Department shall include a statement

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

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

21 (i) Until January 1, 1994, the taxpayer shall be liable
22 for a penalty equal to 1/6 of 1% of the tax due from such
23 taxpayer under this Act during the period to be covered by
24 the annual return for each month or fraction of a month
25 until such return is filed as required, the penalty to be
26 assessed and collected in the same manner as any other
27 penalty provided for in this Act.

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

31 The chief executive officer, proprietor, owner or highest
32 ranking manager shall sign the annual return to certify the
33 accuracy of the information contained therein. Any person who
34 willfully signs the annual return containing false or
35 inaccurate information shall be guilty of perjury and punished
36 accordingly. The annual return form prescribed by the

1 Department shall include a warning that the person signing the
2 return may be liable for perjury.

3 The provisions of this Section concerning the filing of an
4 annual information return do not apply to a retailer who is not
5 required to file an income tax return with the United States
6 Government.

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

14 Net revenue realized for a month shall be the revenue
15 collected by the State pursuant to this Act, less the amount
16 paid out during that month as refunds to taxpayers for
17 overpayment of liability.

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

25 Any person who promotes, organizes, provides retail
26 selling space for concessionaires or other types of sellers at
27 the Illinois State Fair, DuQuoin State Fair, county fairs,
28 local fairs, art shows, flea markets and similar exhibitions or
29 events, including any transient merchant as defined by Section
30 2 of the Transient Merchant Act of 1987, is required to file a
31 report with the Department providing the name of the merchant's
32 business, the name of the person or persons engaged in
33 merchant's business, the permanent address and Illinois
34 Retailers Occupation Tax Registration Number of the merchant,
35 the dates and location of the event and other reasonable
36 information that the Department may require. The report must be

1 filed not later than the 20th day of the month next following
2 the month during which the event with retail sales was held.
3 Any person who fails to file a report required by this Section
4 commits a business offense and is subject to a fine not to
5 exceed \$250.

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

26 (Source: P.A. 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-208,
27 eff. 8-2-01; 92-484, eff. 8-23-01; 92-492, eff. 1-1-02; 92-600,
28 eff. 6-28-02; 92-651, eff. 7-11-02; 93-22, eff. 6-20-03; 93-24,
29 eff. 6-20-03; 93-840, eff. 7-30-04; 93-926, eff. 8-12-04;
30 93-1057, eff. 12-2-04; revised 12-6-04.)

31 Section 99. Effective date. This Act takes effect July 1,
32 2006.