



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2133

Introduced 10/19/2005, by Sen. Dan Cronin

SYNOPSIS AS INTRODUCED:

35 ILCS 105/3-10	from Ch. 120, par. 439.3-10
35 ILCS 105/9	from Ch. 120, par. 439.9
35 ILCS 120/2-10	from Ch. 120, par. 441-10
35 ILCS 120/3	from Ch. 120, par. 442

Amends the Use Tax Act and the Retailers' Occupation Tax Act. Provides that, beginning on January 1, 2006, the tax on motor fuel and gasohol that is used in a school bus is imposed at the rate of 1.25% (now, 6.25%). Sets forth provisions for the distribution of these tax proceeds into the Local Government Tax Fund and the County and Mass Transit District Fund. Effective immediately.

LRB094 14230 BDD 49141 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning revenue.

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

4 Section 5. The Use Tax Act is amended by changing Sections
5 3-10 and 9 as follows:

6 (35 ILCS 105/3-10) (from Ch. 120, par. 439.3-10)

7 Sec. 3-10. Rate of tax. Unless otherwise provided in this
8 Section, the tax imposed by this Act is at the rate of 6.25% of
9 either the selling price or the fair market value, if any, of
10 the tangible personal property. In all cases where property
11 functionally used or consumed is the same as the property that
12 was purchased at retail, then the tax is imposed on the selling
13 price of the property. In all cases where property functionally
14 used or consumed is a by-product or waste product that has been
15 refined, manufactured, or produced from property purchased at
16 retail, then the tax is imposed on the lower of the fair market
17 value, if any, of the specific property so used in this State
18 or on the selling price of the property purchased at retail.
19 For purposes of this Section "fair market value" means the
20 price at which property would change hands between a willing
21 buyer and a willing seller, neither being under any compulsion
22 to buy or sell and both having reasonable knowledge of the
23 relevant facts. The fair market value shall be established by
24 Illinois sales by the taxpayer of the same property as that
25 functionally used or consumed, or if there are no such sales by
26 the taxpayer, then comparable sales or purchases of property of
27 like kind and character in Illinois.

28 Beginning on July 1, 2000 and through December 31, 2000,
29 with respect to motor fuel, as defined in Section 1.1 of the
30 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
31 the Use Tax Act, the tax is imposed at the rate of 1.25%.

32 Beginning on January 1, 2006, with respect to motor fuel

1 and gasohol that are used in a school bus, as defined in
2 Section 1-182 of the Illinois Vehicle Code, the tax is imposed
3 at the rate of 1.25%.

4 With respect to gasohol, the tax imposed by this Act
5 applies to (i) 70% of the proceeds of sales made on or after
6 January 1, 1990, and before July 1, 2003, (ii) 80% of the
7 proceeds of sales made on or after July 1, 2003 and on or
8 before December 31, 2013, and (iii) 100% of the proceeds of
9 sales made thereafter. If, at any time, however, the tax under
10 this Act on sales of gasohol is imposed at the rate of 1.25%,
11 then the tax imposed by this Act applies to 100% of the
12 proceeds of sales of gasohol made during that time.

13 With respect to majority blended ethanol fuel, the tax
14 imposed by this Act does not apply to the proceeds of sales
15 made on or after July 1, 2003 and on or before December 31,
16 2013 but applies to 100% of the proceeds of sales made
17 thereafter.

18 With respect to biodiesel blends with no less than 1% and
19 no more than 10% biodiesel, the tax imposed by this Act applies
20 to (i) 80% of the proceeds of sales made on or after July 1,
21 2003 and on or before December 31, 2013 and (ii) 100% of the
22 proceeds of sales made thereafter. If, at any time, however,
23 the tax under this Act on sales of biodiesel blends with no
24 less than 1% and no more than 10% biodiesel is imposed at the
25 rate of 1.25%, then the tax imposed by this Act applies to 100%
26 of the proceeds of sales of biodiesel blends with no less than
27 1% and no more than 10% biodiesel made during that time.

28 With respect to 100% biodiesel and biodiesel blends with
29 more than 10% but no more than 99% biodiesel, the tax imposed
30 by this Act does not apply to the proceeds of sales made on or
31 after July 1, 2003 and on or before December 31, 2013 but
32 applies to 100% of the proceeds of sales made thereafter.

33 With respect to food for human consumption that is to be
34 consumed off the premises where it is sold (other than
35 alcoholic beverages, soft drinks, and food that has been
36 prepared for immediate consumption) and prescription and

1 nonprescription medicines, drugs, medical appliances,
2 modifications to a motor vehicle for the purpose of rendering
3 it usable by a disabled person, and insulin, urine testing
4 materials, syringes, and needles used by diabetics, for human
5 use, the tax is imposed at the rate of 1%. For the purposes of
6 this Section, the term "soft drinks" means any complete,
7 finished, ready-to-use, non-alcoholic drink, whether
8 carbonated or not, including but not limited to soda water,
9 cola, fruit juice, vegetable juice, carbonated water, and all
10 other preparations commonly known as soft drinks of whatever
11 kind or description that are contained in any closed or sealed
12 bottle, can, carton, or container, regardless of size. "Soft
13 drinks" does not include coffee, tea, non-carbonated water,
14 infant formula, milk or milk products as defined in the Grade A
15 Pasteurized Milk and Milk Products Act, or drinks containing
16 50% or more natural fruit or vegetable juice.

17 Notwithstanding any other provisions of this Act, "food for
18 human consumption that is to be consumed off the premises where
19 it is sold" includes all food sold through a vending machine,
20 except soft drinks and food products that are dispensed hot
21 from a vending machine, regardless of the location of the
22 vending machine.

23 If the property that is purchased at retail from a retailer
24 is acquired outside Illinois and used outside Illinois before
25 being brought to Illinois for use here and is taxable under
26 this Act, the "selling price" on which the tax is computed
27 shall be reduced by an amount that represents a reasonable
28 allowance for depreciation for the period of prior out-of-state
29 use.

30 (Source: P.A. 93-17, eff. 6-11-03.)

31 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

32 Sec. 9. Except as to motor vehicles, watercraft, aircraft,
33 and trailers that are required to be registered with an agency
34 of this State, each retailer required or authorized to collect
35 the tax imposed by this Act shall pay to the Department the

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

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

27 Except as provided in this Section, on or before the
28 twentieth day of each calendar month, such retailer shall file
29 a return for the preceding calendar month. Such return shall be
30 filed on forms prescribed by the Department and shall furnish
31 such information as the Department may reasonably require.

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

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

3 1. The name of the seller;

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

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

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

14 5. The amount of tax due;

15 5-5. The signature of the taxpayer; and

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

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

22 Beginning October 1, 1993, a taxpayer who has an average
23 monthly tax liability of \$150,000 or more shall make all
24 payments required by rules of the Department by electronic
25 funds transfer. Beginning October 1, 1994, a taxpayer who has
26 an average monthly tax liability of \$100,000 or more shall make
27 all payments required by rules of the Department by electronic
28 funds transfer. Beginning October 1, 1995, a taxpayer who has
29 an average monthly tax liability of \$50,000 or more shall make
30 all payments required by rules of the Department by electronic
31 funds transfer. Beginning October 1, 2000, a taxpayer who has
32 an annual tax liability of \$200,000 or more shall make all
33 payments required by rules of the Department by electronic
34 funds transfer. The term "annual tax liability" shall be the
35 sum of the taxpayer's liabilities under this Act, and under all
36 other State and local occupation and use tax laws administered

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

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

16 Any taxpayer not required to make payments by electronic
17 funds transfer may make payments by electronic funds transfer
18 with the permission of the Department.

19 All taxpayers required to make payment by electronic funds
20 transfer and any taxpayers authorized to voluntarily make
21 payments by electronic funds transfer shall make those payments
22 in the manner authorized by the Department.

23 The Department shall adopt such rules as are necessary to
24 effectuate a program of electronic funds transfer and the
25 requirements of this Section.

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

1 the Retailers' Occupation Tax Act, the Service Occupation Tax
2 Act, and the Service Use Tax Act was \$20,000 or more during the
3 preceding 4 complete calendar quarters, he shall file a return
4 with the Department each month by the 20th day of the month
5 next following the month during which such tax liability is
6 incurred and shall make payment to the Department on or before
7 the 7th, 15th, 22nd and last day of the month during which such
8 liability is incurred. If the month during which such tax
9 liability is incurred began prior to January 1, 1985, each
10 payment shall be in an amount equal to 1/4 of the taxpayer's
11 actual liability for the month or an amount set by the
12 Department not to exceed 1/4 of the average monthly liability
13 of the taxpayer to the Department for the preceding 4 complete
14 calendar quarters (excluding the month of highest liability and
15 the month of lowest liability in such 4 quarter period). If the
16 month during which such tax liability is incurred begins on or
17 after January 1, 1985, and prior to January 1, 1987, each
18 payment shall be in an amount equal to 22.5% of the taxpayer's
19 actual liability for the month or 27.5% of the taxpayer's
20 liability for the same calendar month of the preceding year. If
21 the month during which such tax liability is incurred begins on
22 or after January 1, 1987, and prior to January 1, 1988, each
23 payment shall be in an amount equal to 22.5% of the taxpayer's
24 actual liability for the month or 26.25% of the taxpayer's
25 liability for the same calendar month of the preceding year. If
26 the month during which such tax liability is incurred begins on
27 or after January 1, 1988, and prior to January 1, 1989, or
28 begins on or after January 1, 1996, each payment shall be in an
29 amount equal to 22.5% of the taxpayer's actual liability for
30 the month or 25% of the taxpayer's liability for the same
31 calendar month of the preceding year. If the month during which
32 such tax liability is incurred begins on or after January 1,
33 1989, and prior to January 1, 1996, each payment shall be in an
34 amount equal to 22.5% of the taxpayer's actual liability for
35 the month or 25% of the taxpayer's liability for the same
36 calendar month of the preceding year or 100% of the taxpayer's

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

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

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

1 credit taken and that actually due, and the taxpayer shall be
2 liable for penalties and interest on such difference.

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

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

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

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

30 In addition, with respect to motor vehicles, watercraft,
31 aircraft, and trailers that are required to be registered with
32 an agency of this State, every retailer selling this kind of
33 tangible personal property shall file, with the Department,
34 upon a form to be prescribed and supplied by the Department, a
35 separate return for each such item of tangible personal
36 property which the retailer sells, except that if, in the same

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

17 The transaction reporting return in the case of motor
18 vehicles or trailers that are required to be registered with an
19 agency of this State, shall be the same document as the Uniform
20 Invoice referred to in Section 5-402 of the Illinois Vehicle
21 Code and must show the name and address of the seller; the name
22 and address of the purchaser; the amount of the selling price
23 including the amount allowed by the retailer for traded-in
24 property, if any; the amount allowed by the retailer for the
25 traded-in tangible personal property, if any, to the extent to
26 which Section 2 of this Act allows an exemption for the value
27 of traded-in property; the balance payable after deducting such
28 trade-in allowance from the total selling price; the amount of
29 tax due from the retailer with respect to such transaction; the
30 amount of tax collected from the purchaser by the retailer on
31 such transaction (or satisfactory evidence that such tax is not
32 due in that particular instance, if that is claimed to be the
33 fact); the place and date of the sale; a sufficient
34 identification of the property sold; such other information as
35 is required in Section 5-402 of the Illinois Vehicle Code, and
36 such other information as the Department may reasonably

1 require.

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

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

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

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

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

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

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

1 the purchaser, such retailer shall also refund, to the
2 purchaser, the tax so collected from the purchaser. When filing
3 his return for the period in which he refunds such tax to the
4 purchaser, the retailer may deduct the amount of the tax so
5 refunded by him to the purchaser from any other use tax which
6 such retailer may be required to pay or remit to the
7 Department, as shown by such return, if the amount of the tax
8 to be deducted was previously remitted to the Department by
9 such retailer. If the retailer has not previously remitted the
10 amount of such tax to the Department, he is entitled to no
11 deduction under this Act upon refunding such tax to the
12 purchaser.

13 Any retailer filing a return under this Section shall also
14 include (for the purpose of paying tax thereon) the total tax
15 covered by such return upon the selling price of tangible
16 personal property purchased by him at retail from a retailer,
17 but as to which the tax imposed by this Act was not collected
18 from the retailer filing such return, and such retailer shall
19 remit the amount of such tax to the Department when filing such
20 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 retailers, who are required to file
24 returns hereunder and also under the Retailers' Occupation Tax
25 Act, to furnish all the return information required by both
26 Acts on the one form.

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

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

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

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

13 Beginning January 1, 2006, 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 that are
17 used in a school bus.

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

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

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

1 Beginning January 1, 2006, each month the Department shall
2 pay into the Local Government Tax Fund Fund 80% of the net
3 revenue realized for the preceding month from the 1.25% rate on
4 the selling price of motor fuel and gasohol that are used in a
5 school bus.

6 Of the remainder of the moneys received by the Department
7 pursuant to this Act, (a) 1.75% thereof shall be paid into the
8 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
9 and after July 1, 1989, 3.8% thereof shall be paid into the
10 Build Illinois Fund; provided, however, that if in any fiscal
11 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
12 may be, of the moneys received by the Department and required
13 to be paid into the Build Illinois Fund pursuant to Section 3
14 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
15 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
16 Service Occupation Tax Act, such Acts being hereinafter called
17 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
18 may be, of moneys being hereinafter called the "Tax Act
19 Amount", and (2) the amount transferred to the Build Illinois
20 Fund from the State and Local Sales Tax Reform Fund shall be
21 less than the Annual Specified Amount (as defined in Section 3
22 of the Retailers' Occupation Tax Act), an amount equal to the
23 difference shall be immediately paid into the Build Illinois
24 Fund from other moneys received by the Department pursuant to
25 the Tax Acts; and further provided, that if on the last
26 business day of any month the sum of (1) the Tax Act Amount
27 required to be deposited into the Build Illinois Bond Account
28 in the Build Illinois Fund during such month and (2) the amount
29 transferred during such month to the Build Illinois Fund from
30 the State and Local Sales Tax Reform Fund shall have been less
31 than 1/12 of the Annual Specified Amount, an amount equal to
32 the difference shall be immediately paid into the Build
33 Illinois Fund from other moneys received by the Department
34 pursuant to the Tax Acts; and, further provided, that in no
35 event shall the payments required under the preceding proviso
36 result in aggregate payments into the Build Illinois Fund

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

35 Subject to payment of amounts into the Build Illinois Fund
36 as provided in the preceding paragraph or in any amendment

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

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

1	2017	199,000,000
2	2018	210,000,000
3	2019	221,000,000
4	2020	233,000,000
5	2021	246,000,000
6	2022	260,000,000
7	2023 and	275,000,000

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

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

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

36 Subject to payment of amounts into the Build Illinois Fund

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

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

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

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

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

1 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101,
2 eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00;
3 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff. 6-28-01;
4 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; 92-600, eff. 6-28-02;
5 92-651, eff. 7-11-02; revised 10-15-03.)

6 Section 10. The Retailers' Occupation Tax Act is amended by
7 changing Sections 2-10 and 3 as follows:

8 (35 ILCS 120/2-10) (from Ch. 120, par. 441-10)

9 Sec. 2-10. Rate of tax. Unless otherwise provided in this
10 Section, the tax imposed by this Act is at the rate of 6.25% of
11 gross receipts from sales of tangible personal property made in
12 the course of business.

13 Beginning on July 1, 2000 and through December 31, 2000,
14 with respect to motor fuel, as defined in Section 1.1 of the
15 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
16 the Use Tax Act, the tax is imposed at the rate of 1.25%.

17 Beginning on January 1, 2006, with respect to motor fuel
18 and gasohol that are used in a school bus, as defined in
19 Section 1-182 of the Illinois Vehicle Code, the tax is imposed
20 at the rate of 1.25%.

21 Within 14 days after the effective date of this amendatory
22 Act of the 91st General Assembly, each retailer of motor fuel
23 and gasohol shall cause the following notice to be posted in a
24 prominently visible place on each retail dispensing device that
25 is used to dispense motor fuel or gasohol in the State of
26 Illinois: "As of July 1, 2000, the State of Illinois has
27 eliminated the State's share of sales tax on motor fuel and
28 gasohol through December 31, 2000. The price on this pump
29 should reflect the elimination of the tax." The notice shall be
30 printed in bold print on a sign that is no smaller than 4
31 inches by 8 inches. The sign shall be clearly visible to
32 customers. Any retailer who fails to post or maintain a
33 required sign through December 31, 2000 is guilty of a petty
34 offense for which the fine shall be \$500 per day per each

1 retail premises where a violation occurs.

2 With respect to gasohol, as defined in the Use Tax Act, the
3 tax imposed by this Act applies to (i) 70% of the proceeds of
4 sales made on or after January 1, 1990, and before July 1,
5 2003, (ii) 80% of the proceeds of sales made on or after July
6 1, 2003 and on or before December 31, 2013, and (iii) 100% of
7 the proceeds of sales made thereafter. If, at any time,
8 however, the tax under this Act on sales of gasohol, as defined
9 in the Use Tax Act, is imposed at the rate of 1.25%, then the
10 tax imposed by this Act applies to 100% of the proceeds of
11 sales of gasohol made during that time.

12 With respect to majority blended ethanol fuel, as defined
13 in the Use Tax Act, the tax imposed by this Act does not apply
14 to the proceeds of sales made on or after July 1, 2003 and on or
15 before December 31, 2013 but applies to 100% of the proceeds of
16 sales made thereafter.

17 With respect to biodiesel blends, as defined in the Use Tax
18 Act, with no less than 1% and no more than 10% biodiesel, the
19 tax imposed by this Act applies to (i) 80% of the proceeds of
20 sales made on or after July 1, 2003 and on or before December
21 31, 2013 and (ii) 100% of the proceeds of sales made
22 thereafter. If, at any time, however, the tax under this Act on
23 sales of biodiesel blends, as defined in the Use Tax Act, with
24 no less than 1% and no more than 10% biodiesel is imposed at
25 the rate of 1.25%, then the tax imposed by this Act applies to
26 100% of the proceeds of sales of biodiesel blends with no less
27 than 1% and no more than 10% biodiesel made during that time.

28 With respect to 100% biodiesel, as defined in the Use Tax
29 Act, and biodiesel blends, as defined in the Use Tax Act, with
30 more than 10% but no more than 99% biodiesel, the tax imposed
31 by this Act does not apply to the proceeds of sales made on or
32 after July 1, 2003 and on or before December 31, 2013 but
33 applies to 100% of the proceeds of sales made thereafter.

34 With respect to food for human consumption that is to be
35 consumed off the premises where it is sold (other than
36 alcoholic beverages, soft drinks, and food that has been

1 prepared for immediate consumption) and prescription and
2 nonprescription medicines, drugs, medical appliances,
3 modifications to a motor vehicle for the purpose of rendering
4 it usable by a disabled person, and insulin, urine testing
5 materials, syringes, and needles used by diabetics, for human
6 use, the tax is imposed at the rate of 1%. For the purposes of
7 this Section, the term "soft drinks" means any complete,
8 finished, ready-to-use, non-alcoholic drink, whether
9 carbonated or not, including but not limited to soda water,
10 cola, fruit juice, vegetable juice, carbonated water, and all
11 other preparations commonly known as soft drinks of whatever
12 kind or description that are contained in any closed or sealed
13 bottle, can, carton, or container, regardless of size. "Soft
14 drinks" does not include coffee, tea, non-carbonated water,
15 infant formula, milk or milk products as defined in the Grade A
16 Pasteurized Milk and Milk Products Act, or drinks containing
17 50% or more natural fruit or vegetable juice.

18 Notwithstanding any other provisions of this Act, "food for
19 human consumption that is to be consumed off the premises where
20 it is sold" includes all food sold through a vending machine,
21 except soft drinks and food products that are dispensed hot
22 from a vending machine, regardless of the location of the
23 vending machine.

24 (Source: P.A. 93-17, eff. 6-11-03.)

25 (35 ILCS 120/3) (from Ch. 120, par. 442)

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

31 1. The name of the seller;

32 2. His residence address and the address of his
33 principal place of business and the address of the
34 principal place of business (if that is a different
35 address) from which he engages in the business of selling

1 tangible personal property at retail in this State;

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

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

12 5. Deductions allowed by law;

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

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

18 8. The amount of tax due;

19 9. The signature of the taxpayer; and

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

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

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

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

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

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

21 1. The name of the seller;

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

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

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

32 5. The amount of tax due; and

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

35 Beginning on October 1, 2003, any person who is not a
36 licensed distributor, importing distributor, or manufacturer,

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

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

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

5 If a total amount of less than \$1 is payable, refundable or
6 creditable, such amount shall be disregarded if it is less than
7 50 cents and shall be increased to \$1 if it is 50 cents or more.

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

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

1 for a minimum of one year beginning on October 1.

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

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

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

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

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

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

36 Such quarter annual and annual returns, as to form and

1 substance, shall be subject to the same requirements as monthly
2 returns.

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

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

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

1 with an inboard motor.

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

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

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

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

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

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

36 No retailer's failure or refusal to remit tax under this

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

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

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

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

1 accredited agent of such corporation.

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

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

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

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

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

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

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

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

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

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

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

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

35 Beginning January 1, 1990, each month the Department shall
36 pay into the Local Government Tax Fund, a special fund in the

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

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

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

18 Beginning January 1, 2006, each month the Department shall
19 pay into the County and Mass Transit District Fund 20% of the
20 net revenue realized for the preceding month from the 1.25%
21 rate on the selling price of motor fuel and gasohol that are
22 used in a school bus.

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

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

31 Beginning January 1, 2006, each month the Department shall
32 pay into the Local Government Tax Fund 80% of the net revenue
33 realized for the preceding month from the 1.25% rate on the
34 selling price of motor fuel and gasohol that are used in a
35 school bus.

36 Of the remainder of the moneys received by the Department

1 pursuant to this Act, (a) 1.75% thereof shall be paid into the
 2 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
 3 and after July 1, 1989, 3.8% thereof shall be paid into the
 4 Build Illinois Fund; provided, however, that if in any fiscal
 5 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
 6 may be, of the moneys received by the Department and required
 7 to be paid into the Build Illinois Fund pursuant to this Act,
 8 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
 9 Act, and Section 9 of the Service Occupation Tax Act, such Acts
 10 being hereinafter called the "Tax Acts" and such aggregate of
 11 2.2% or 3.8%, as the case may be, of moneys being hereinafter
 12 called the "Tax Act Amount", and (2) the amount transferred to
 13 the Build Illinois Fund from the State and Local Sales Tax
 14 Reform Fund shall be less than the Annual Specified Amount (as
 15 hereinafter defined), an amount equal to the difference shall
 16 be immediately paid into the Build Illinois Fund from other
 17 moneys received by the Department pursuant to the Tax Acts; the
 18 "Annual Specified Amount" means the amounts specified below for
 19 fiscal years 1986 through 1993:

20	Fiscal Year	Annual Specified Amount
21	1986	\$54,800,000
22	1987	\$76,650,000
23	1988	\$80,480,000
24	1989	\$88,510,000
25	1990	\$115,330,000
26	1991	\$145,470,000
27	1992	\$182,730,000
28	1993	\$206,520,000;

29 and means the Certified Annual Debt Service Requirement (as
 30 defined in Section 13 of the Build Illinois Bond Act) or the
 31 Tax Act Amount, whichever is greater, for fiscal year 1994 and
 32 each fiscal year thereafter; and further provided, that if on
 33 the last business day of any month the sum of (1) the Tax Act
 34 Amount required to be deposited into the Build Illinois Bond
 35 Account in the Build Illinois Fund during such month and (2)
 36 the amount transferred to the Build Illinois Fund from the

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

1 pursuant to that clause (b). The moneys received by the
 2 Department pursuant to this Act and required to be deposited
 3 into the Build Illinois Fund are subject to the pledge, claim
 4 and charge set forth in Section 12 of the Build Illinois Bond
 5 Act.

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

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

1	2010	139,000,000
2	2011	146,000,000
3	2012	153,000,000
4	2013	161,000,000
5	2014	170,000,000
6	2015	179,000,000
7	2016	189,000,000
8	2017	199,000,000
9	2018	210,000,000
10	2019	221,000,000
11	2020	233,000,000
12	2021	246,000,000
13	2022	260,000,000
14	2023 and	275,000,000

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

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

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

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

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

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

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

1 schedule showing a reconciliation of the 2 amounts and the
2 reasons for the difference. The retailer's annual return to the
3 Department shall also disclose the cost of goods sold by the
4 retailer during the year covered by such return, opening and
5 closing inventories of such goods for such year, costs of goods
6 used from stock or taken from stock and given away by the
7 retailer during such year, payroll information of the
8 retailer's business during such year and any additional
9 reasonable information which the Department deems would be
10 helpful in determining the accuracy of the monthly, quarterly
11 or annual returns filed by such retailer as provided for in
12 this Section.

13 If the annual information return required by this Section
14 is not filed when and as required, the taxpayer shall be liable
15 as follows:

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

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

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

34 The provisions of this Section concerning the filing of an
35 annual information return do not apply to a retailer who is not
36 required to file an income tax return with the United States

1 Government.

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

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

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

20 Any person who promotes, organizes, provides retail
21 selling space for concessionaires or other types of sellers at
22 the Illinois State Fair, DuQuoin State Fair, county fairs,
23 local fairs, art shows, flea markets and similar exhibitions or
24 events, including any transient merchant as defined by Section
25 2 of the Transient Merchant Act of 1987, is required to file a
26 report with the Department providing the name of the merchant's
27 business, the name of the person or persons engaged in
28 merchant's business, the permanent address and Illinois
29 Retailers Occupation Tax Registration Number of the merchant,
30 the dates and location of the event and other reasonable
31 information that the Department may require. The report must be
32 filed not later than the 20th day of the month next following
33 the month during which the event with retail sales was held.
34 Any person who fails to file a report required by this Section
35 commits a business offense and is subject to a fine not to
36 exceed \$250.

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

21 (Source: P.A. 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-208,
22 eff. 8-2-01; 92-484, eff. 8-23-01; 92-492, eff. 1-1-02; 92-600,
23 eff. 6-28-02; 92-651, eff. 7-11-02; 93-22, eff. 6-20-03; 93-24,
24 eff. 6-20-03; 93-840, eff. 7-30-04; 93-926, eff. 8-12-04;
25 93-1057, eff. 12-2-04; revised 12-6-04.)

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.