



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB3637

by Rep. Barbara Flynn Currie

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act. Provides that the gasohol incentive under the Acts applies through December 31, 2013 (instead of December 31, 2018). Provides that 1% of the proceeds of the tax collected on gasohol shall be deposited into the Transportation Reform Fund. Amends the Motor Fuel Tax Law. Provides that the tax under the Motor Fuel Tax Law shall be imposed at the rate of 9.5% of the average wholesale price of motor fuel. Requires the Department of Revenue to certify the average wholesale price of motor fuel on a quarterly basis. Makes changes concerning the distribution of the proceeds. Amends the State Finance Act to create several new funds. Amends the Illinois Vehicle Code. Increases certain registration and license fees. Contains provisions concerning distribution. Effective January 1, 2014.

LRB098 12380 HLH 46719 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The State Finance Act is amended by adding  
5 Sections 5.826, 5.827, and 5.828 as follows:

6 (30 ILCS 105/5.826 new)

7 Sec. 5.826. The Transportation Reform Fund.

8 (30 ILCS 105/5.827 new)

9 Sec. 5.827. The Regional Transportation Authority Capital  
10 Improvement Fund.

11 (30 ILCS 105/5.828 new)

12 Sec. 5.828. The Downstate Mass Transportation Capital  
13 Improvement Fund.

14 Section 10. The Use Tax Act is amended by changing Sections  
15 3-10 and 9 as follows:

16 (35 ILCS 105/3-10)

17 Sec. 3-10. Rate of tax. Unless otherwise provided in this  
18 Section, the tax imposed by this Act is at the rate of 6.25% of  
19 either the selling price or the fair market value, if any, of

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

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

23 Beginning on August 6, 2010 through August 15, 2010, with  
24 respect to sales tax holiday items as defined in Section 3-6 of  
25 this Act, the tax is imposed at the rate of 1.25%.

26 With respect to gasohol, the tax imposed by this Act

1 applies to (i) 70% of the proceeds of sales made on or after  
2 January 1, 1990, and before July 1, 2003, (ii) 80% of the  
3 proceeds of sales made on or after July 1, 2003 and on or  
4 before December 31, 2013 ~~December 31, 2018~~, and (iii) 100% of  
5 the proceeds of sales made thereafter. ~~If, at any time,~~  
6 ~~however, the tax under this Act on sales of gasohol is imposed~~  
7 ~~at the rate of 1.25%, then the tax imposed by this Act applies~~  
8 ~~to 100% of the proceeds of sales of gasohol made during that~~  
9 ~~time.~~

10 With respect to majority blended ethanol fuel, the tax  
11 imposed by this Act does not apply to the proceeds of sales  
12 made on or after July 1, 2003 and on or before December 31,  
13 2018 but applies to 100% of the proceeds of sales made  
14 thereafter.

15 With respect to biodiesel blends with no less than 1% and  
16 no more than 10% biodiesel, the tax imposed by this Act applies  
17 to (i) 80% of the proceeds of sales made on or after July 1,  
18 2003 and on or before December 31, 2018 and (ii) 100% of the  
19 proceeds of sales made thereafter. If, at any time, however,  
20 the tax under this Act on sales of biodiesel blends with no  
21 less than 1% and no more than 10% biodiesel is imposed at the  
22 rate of 1.25%, then the tax imposed by this Act applies to 100%  
23 of the proceeds of sales of biodiesel blends with no less than  
24 1% and no more than 10% biodiesel made during that time.

25 With respect to 100% biodiesel and biodiesel blends with  
26 more than 10% but no more than 99% biodiesel, the tax imposed

1 by this Act does not apply to the proceeds of sales made on or  
2 after July 1, 2003 and on or before December 31, 2018 but  
3 applies to 100% of the proceeds of sales made thereafter.

4 With respect to food for human consumption that is to be  
5 consumed off the premises where it is sold (other than  
6 alcoholic beverages, soft drinks, and food that has been  
7 prepared for immediate consumption) and prescription and  
8 nonprescription medicines, drugs, medical appliances,  
9 modifications to a motor vehicle for the purpose of rendering  
10 it usable by a disabled person, and insulin, urine testing  
11 materials, syringes, and needles used by diabetics, for human  
12 use, the tax is imposed at the rate of 1%. For the purposes of  
13 this Section, until September 1, 2009: the term "soft drinks"  
14 means any complete, finished, ready-to-use, non-alcoholic  
15 drink, whether carbonated or not, including but not limited to  
16 soda water, cola, fruit juice, vegetable juice, carbonated  
17 water, and all other preparations commonly known as soft drinks  
18 of whatever kind or description that are contained in any  
19 closed or sealed bottle, can, carton, or container, regardless  
20 of size; but "soft drinks" does not include coffee, tea,  
21 non-carbonated water, infant formula, milk or milk products as  
22 defined in the Grade A Pasteurized Milk and Milk Products Act,  
23 or drinks containing 50% or more natural fruit or vegetable  
24 juice.

25 Notwithstanding any other provisions of this Act,  
26 beginning September 1, 2009, "soft drinks" means non-alcoholic

1 beverages that contain natural or artificial sweeteners. "Soft  
2 drinks" do not include beverages that contain milk or milk  
3 products, soy, rice or similar milk substitutes, or greater  
4 than 50% of vegetable or fruit juice by volume.

5       Until August 1, 2009, and notwithstanding any other  
6 provisions of this Act, "food for human consumption that is to  
7 be consumed off the premises where it is sold" includes all  
8 food sold through a vending machine, except soft drinks and  
9 food products that are dispensed hot from a vending machine,  
10 regardless of the location of the vending machine. Beginning  
11 August 1, 2009, and notwithstanding any other provisions of  
12 this Act, "food for human consumption that is to be consumed  
13 off the premises where it is sold" includes all food sold  
14 through a vending machine, except soft drinks, candy, and food  
15 products that are dispensed hot from a vending machine,  
16 regardless of the location of the vending machine.

17       Notwithstanding any other provisions of this Act,  
18 beginning September 1, 2009, "food for human consumption that  
19 is to be consumed off the premises where it is sold" does not  
20 include candy. For purposes of this Section, "candy" means a  
21 preparation of sugar, honey, or other natural or artificial  
22 sweeteners in combination with chocolate, fruits, nuts or other  
23 ingredients or flavorings in the form of bars, drops, or  
24 pieces. "Candy" does not include any preparation that contains  
25 flour or requires refrigeration.

26       Notwithstanding any other provisions of this Act,

1 beginning September 1, 2009, "nonprescription medicines and  
2 drugs" does not include grooming and hygiene products. For  
3 purposes of this Section, "grooming and hygiene products"  
4 includes, but is not limited to, soaps and cleaning solutions,  
5 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
6 lotions and screens, unless those products are available by  
7 prescription only, regardless of whether the products meet the  
8 definition of "over-the-counter-drugs". For the purposes of  
9 this paragraph, "over-the-counter-drug" means a drug for human  
10 use that contains a label that identifies the product as a drug  
11 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
12 label includes:

13 (A) A "Drug Facts" panel; or

14 (B) A statement of the "active ingredient(s)" with a  
15 list of those ingredients contained in the compound,  
16 substance or preparation.

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

24 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,  
25 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1012, eff. 7-7-10;  
26 97-636, eff. 6-1-12.)

1 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

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

22 Where such tangible personal property is sold under a  
23 conditional sales contract, or under any other form of sale  
24 wherein the payment of the principal sum, or a part thereof, is  
25 extended beyond the close of the period for which the return is



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

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

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

- 19 1. The name of the seller;
- 20 2. The address of the principal place of business from  
21 which he engages in the business of selling tangible  
22 personal property at retail in this State;
- 23 3. The total amount of taxable receipts received by him  
24 during the preceding calendar month from sales of tangible  
25 personal property by him during such preceding calendar  
26 month, including receipts from charge and time sales, but

1 less all deductions allowed by law;

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

4 5. The amount of tax due;

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

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

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

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

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

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

1 after January 1, 1985, and prior to January 1, 1987, each  
2 payment shall be in an amount equal to 22.5% of the taxpayer's  
3 actual liability for the month or 27.5% of the taxpayer's  
4 liability for the same calendar month of the preceding year. If  
5 the month during which such tax liability is incurred begins on  
6 or after January 1, 1987, and prior to January 1, 1988, each  
7 payment shall be in an amount equal to 22.5% of the taxpayer's  
8 actual liability for the month or 26.25% of the taxpayer's  
9 liability for the same calendar month of the preceding year. If  
10 the month during which such tax liability is incurred begins on  
11 or after January 1, 1988, and prior to January 1, 1989, or  
12 begins on or after January 1, 1996, each payment shall be in an  
13 amount equal to 22.5% of the taxpayer's actual liability for  
14 the month or 25% of the taxpayer's liability for the same  
15 calendar month of the preceding year. If the month during which  
16 such tax liability is incurred begins on or after January 1,  
17 1989, and prior to January 1, 1996, each payment shall be in an  
18 amount equal to 22.5% of the taxpayer's actual liability for  
19 the month or 25% of the taxpayer's liability for the same  
20 calendar month of the preceding year or 100% of the taxpayer's  
21 actual liability for the quarter monthly reporting period. The  
22 amount of such quarter monthly payments shall be credited  
23 against the final tax liability of the taxpayer's return for  
24 that month. Before October 1, 2000, once applicable, the  
25 requirement of the making of quarter monthly payments to the  
26 Department shall continue until such taxpayer's average

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

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

16 If any such payment provided for in this Section exceeds  
17 the taxpayer's liabilities under this Act, the Retailers'  
18 Occupation Tax Act, the Service Occupation Tax Act and the  
19 Service Use Tax Act, as shown by an original monthly return,  
20 the Department shall issue to the taxpayer a credit memorandum  
21 no later than 30 days after the date of payment, which  
22 memorandum may be submitted by the taxpayer to the Department  
23 in payment of tax liability subsequently to be remitted by the  
24 taxpayer to the Department or be assigned by the taxpayer to a  
25 similar taxpayer under this Act, the Retailers' Occupation Tax  
26 Act, the Service Occupation Tax Act or the Service Use Tax Act,

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

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



1 January 20 of the following year.

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

8 Such quarter annual and annual returns, as to form and  
9 substance, shall be subject to the same requirements as monthly  
10 returns.

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

18 In addition, with respect to motor vehicles, watercraft,  
19 aircraft, and trailers that are required to be registered with  
20 an agency of this State, every retailer selling this kind of  
21 tangible personal property shall file, with the Department,  
22 upon a form to be prescribed and supplied by the Department, a  
23 separate return for each such item of tangible personal  
24 property which the retailer sells, except that if, in the same  
25 transaction, (i) a retailer of aircraft, watercraft, motor  
26 vehicles or trailers transfers more than one aircraft,

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

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

1 tax due from the retailer with respect to such transaction; the  
2 amount of tax collected from the purchaser by the retailer on  
3 such transaction (or satisfactory evidence that such tax is not  
4 due in that particular instance, if that is claimed to be the  
5 fact); the place and date of the sale; a sufficient  
6 identification of the property sold; such other information as  
7 is required in Section 5-402 of the Illinois Vehicle Code, and  
8 such other information as the Department may reasonably  
9 require.

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

26 Such transaction reporting return shall be filed not later

1 than 20 days after the date of delivery of the item that is  
2 being sold, but may be filed by the retailer at any time sooner  
3 than that if he chooses to do so. The transaction reporting  
4 return and tax remittance or proof of exemption from the tax  
5 that is imposed by this Act may be transmitted to the  
6 Department by way of the State agency with which, or State  
7 officer with whom, the tangible personal property must be  
8 titled or registered (if titling or registration is required)  
9 if the Department and such agency or State officer determine  
10 that this procedure will expedite the processing of  
11 applications for title or registration.

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

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

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

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

25 Where a retailer collects the tax with respect to the  
26 selling price of tangible personal property which he sells and

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

15 Any retailer filing a return under this Section shall also  
16 include (for the purpose of paying tax thereon) the total tax  
17 covered by such return upon the selling price of tangible  
18 personal property purchased by him at retail from a retailer,  
19 but as to which the tax imposed by this Act was not collected  
20 from the retailer filing such return, and such retailer shall  
21 remit the amount of such tax to the Department when filing such  
22 return.

23 If experience indicates such action to be practicable, the  
24 Department may prescribe and furnish a combination or joint  
25 return which will enable retailers, who are required to file  
26 returns hereunder and also under the Retailers' Occupation Tax

1 Act, to furnish all the return information required by both  
2 Acts on the one form.

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

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

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

25 Beginning January 1, 1990, each month the Department shall  
26 pay into the State and Local Sales Tax Reform Fund, a special

1 fund in the State Treasury, 20% of the net revenue realized for  
2 the preceding month from the 6.25% general rate on the selling  
3 price of tangible personal property, other than tangible  
4 personal property which is purchased outside Illinois at retail  
5 from a retailer and which is titled or registered by an agency  
6 of this State's government.

7 Beginning August 1, 2000, each month the Department shall  
8 pay into the State and Local Sales Tax Reform Fund 100% of the  
9 net revenue realized for the preceding month from the 1.25%  
10 rate on the selling price of motor fuel and gasohol. Beginning  
11 September 1, 2010, each month the Department shall pay into the  
12 State and Local Sales Tax Reform Fund 100% of the net revenue  
13 realized for the preceding month from the 1.25% rate on the  
14 selling price of sales tax holiday items.

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

22 Beginning October 1, 2009, each month the Department shall  
23 pay into the Capital Projects Fund an amount that is equal to  
24 an amount estimated by the Department to represent 80% of the  
25 net revenue realized for the preceding month from the sale of  
26 candy, grooming and hygiene products, and soft drinks that had



1 been taxed at a rate of 1% prior to September 1, 2009 but that  
2 is now taxed at 6.25%.

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

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

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

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

25 Subject to payment of amounts into the Build Illinois Fund  
26 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.

11	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

1	2008	126,000,000
2	2009	132,000,000
3	2010	139,000,000
4	2011	146,000,000
5	2012	153,000,000
6	2013	161,000,000
7	2014	170,000,000
8	2015	179,000,000
9	2016	189,000,000
10	2017	199,000,000
11	2018	210,000,000
12	2019	221,000,000
13	2020	233,000,000
14	2021	246,000,000
15	2022	260,000,000
16	2023	275,000,000
17	2024	275,000,000
18	2025	275,000,000
19	2026	279,000,000
20	2027	292,000,000
21	2028	307,000,000
22	2029	322,000,000
23	2030	338,000,000
24	2031	350,000,000
25	2032	350,000,000
26	and	

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

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

21           Subject to payment of amounts into the Build Illinois Fund  
22      and the McCormick Place Expansion Project Fund pursuant to the  
23      preceding paragraphs or in any amendments thereto hereafter  
24      enacted, beginning July 1, 1993, the Department shall each  
25      month pay into the Illinois Tax Increment Fund 0.27% of 80% of  
26      the net revenue realized for the preceding month from the 6.25%

1 general rate on the selling price of tangible personal  
2 property.

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

16 Subject to payment of amounts into the Build Illinois Fund  
17 and the McCormick Place Expansion Project Fund pursuant to the  
18 preceding paragraphs or in any amendments thereto hereafter  
19 enacted, beginning February 1, 2014, the Department shall each  
20 month pay into the Transportation Reform Fund 1% of the net  
21 revenue realized for the second preceding month from the 6.25%  
22 general rate on the selling price of gasohol.

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

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

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

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

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

21 (Source: P.A. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09; 96-898,  
22 eff. 5-27-10; 96-1012, eff. 7-7-10; 97-95, eff. 7-12-11;  
23 97-333, eff. 8-12-11.)

24 Section 15. The Service Use Tax Act is amended by changing  
25 Sections 3-10 and 9 as follows:



1 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

2 Sec. 3-10. Rate of tax. Unless otherwise provided in this  
3 Section, the tax imposed by this Act is at the rate of 6.25% of  
4 the selling price of tangible personal property transferred as  
5 an incident to the sale of service, but, for the purpose of  
6 computing this tax, in no event shall the selling price be less  
7 than the cost price of the property to the serviceman.

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

12 With respect to gasohol, as defined in the Use Tax Act, the  
13 tax imposed by this Act applies to (i) 70% of the selling price  
14 of property transferred as an incident to the sale of service  
15 on or after January 1, 1990, and before July 1, 2003, (ii) 80%  
16 of the selling price of property transferred as an incident to  
17 the sale of service on or after July 1, 2003 and on or before  
18 December 31, 2013 ~~December 31, 2018~~, and (iii) 100% of the  
19 selling price thereafter. ~~If, at any time, however, the tax~~  
20 ~~under this Act on sales of gasohol, as defined in the Use Tax~~  
21 ~~Act, is imposed at the rate of 1.25%, then the tax imposed by~~  
22 ~~this Act applies to 100% of the proceeds of sales of gasohol~~  
23 ~~made during that time.~~

24 With respect to majority blended ethanol fuel, as defined  
25 in the Use Tax Act, the tax imposed by this Act does not apply

1 to the selling price of property transferred as an incident to  
2 the sale of service on or after July 1, 2003 and on or before  
3 December 31, 2018 but applies to 100% of the selling price  
4 thereafter.

5 With respect to biodiesel blends, as defined in the Use Tax  
6 Act, with no less than 1% and no more than 10% biodiesel, the  
7 tax imposed by this Act applies to (i) 80% of the selling price  
8 of property transferred as an incident to the sale of service  
9 on or after July 1, 2003 and on or before December 31, 2018 and  
10 (ii) 100% of the proceeds of the selling price thereafter. If,  
11 at any time, however, the tax under this Act on sales of  
12 biodiesel blends, as defined in the Use Tax Act, with no less  
13 than 1% and no more than 10% biodiesel is imposed at the rate  
14 of 1.25%, then the tax imposed by this Act applies to 100% of  
15 the proceeds of sales of biodiesel blends with no less than 1%  
16 and no more than 10% biodiesel made during that time.

17 With respect to 100% biodiesel, as defined in the Use Tax  
18 Act, and biodiesel blends, as defined in the Use Tax Act, with  
19 more than 10% but no more than 99% biodiesel, the tax imposed  
20 by this Act does not apply to the proceeds of the selling price  
21 of property transferred as an incident to the sale of service  
22 on or after July 1, 2003 and on or before December 31, 2018 but  
23 applies to 100% of the selling price thereafter.

24 At the election of any registered serviceman made for each  
25 fiscal year, sales of service in which the aggregate annual  
26 cost price of tangible personal property transferred as an

1 incident to the sales of service is less than 35%, or 75% in  
2 the case of servicemen transferring prescription drugs or  
3 servicemen engaged in graphic arts production, of the aggregate  
4 annual total gross receipts from all sales of service, the tax  
5 imposed by this Act shall be based on the serviceman's cost  
6 price of the tangible personal property transferred as an  
7 incident to the sale of those services.

8 The tax shall be imposed at the rate of 1% on food prepared  
9 for immediate consumption and transferred incident to a sale of  
10 service subject to this Act or the Service Occupation Tax Act  
11 by an entity licensed under the Hospital Licensing Act, the  
12 Nursing Home Care Act, the ID/DD Community Care Act, the  
13 Specialized Mental Health Rehabilitation Act, or the Child Care  
14 Act of 1969. The tax shall also be imposed at the rate of 1% on  
15 food for human consumption that is to be consumed off the  
16 premises where it is sold (other than alcoholic beverages, soft  
17 drinks, and food that has been prepared for immediate  
18 consumption and is not otherwise included in this paragraph)  
19 and prescription and nonprescription medicines, drugs, medical  
20 appliances, modifications to a motor vehicle for the purpose of  
21 rendering it usable by a disabled person, and insulin, urine  
22 testing materials, syringes, and needles used by diabetics, for  
23 human use. For the purposes of this Section, until September 1,  
24 2009: the term "soft drinks" means any complete, finished,  
25 ready-to-use, non-alcoholic drink, whether carbonated or not,  
26 including but not limited to soda water, cola, fruit juice,

1 vegetable juice, carbonated water, and all other preparations  
2 commonly known as soft drinks of whatever kind or description  
3 that are contained in any closed or sealed bottle, can, carton,  
4 or container, regardless of size; but "soft drinks" does not  
5 include coffee, tea, non-carbonated water, infant formula,  
6 milk or milk products as defined in the Grade A Pasteurized  
7 Milk and Milk Products Act, or drinks containing 50% or more  
8 natural fruit or vegetable juice.

9 Notwithstanding any other provisions of this Act,  
10 beginning September 1, 2009, "soft drinks" means non-alcoholic  
11 beverages that contain natural or artificial sweeteners. "Soft  
12 drinks" do not include beverages that contain milk or milk  
13 products, soy, rice or similar milk substitutes, or greater  
14 than 50% of vegetable or fruit juice by volume.

15 Until August 1, 2009, and notwithstanding any other  
16 provisions of this Act, "food for human consumption that is to  
17 be consumed off the premises where it is sold" includes all  
18 food sold through a vending machine, except soft drinks and  
19 food products that are dispensed hot from a vending machine,  
20 regardless of the location of the vending machine. Beginning  
21 August 1, 2009, and notwithstanding any other provisions of  
22 this Act, "food for human consumption that is to be consumed  
23 off the premises where it is sold" includes all food sold  
24 through a vending machine, except soft drinks, candy, and food  
25 products that are dispensed hot from a vending machine,  
26 regardless of the location of the vending machine.

1           Notwithstanding any other provisions of this Act,  
2 beginning September 1, 2009, "food for human consumption that  
3 is to be consumed off the premises where it is sold" does not  
4 include candy. For purposes of this Section, "candy" means a  
5 preparation of sugar, honey, or other natural or artificial  
6 sweeteners in combination with chocolate, fruits, nuts or other  
7 ingredients or flavorings in the form of bars, drops, or  
8 pieces. "Candy" does not include any preparation that contains  
9 flour or requires refrigeration.

10           Notwithstanding any other provisions of this Act,  
11 beginning September 1, 2009, "nonprescription medicines and  
12 drugs" does not include grooming and hygiene products. For  
13 purposes of this Section, "grooming and hygiene products"  
14 includes, but is not limited to, soaps and cleaning solutions,  
15 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
16 lotions and screens, unless those products are available by  
17 prescription only, regardless of whether the products meet the  
18 definition of "over-the-counter-drugs". For the purposes of  
19 this paragraph, "over-the-counter-drug" means a drug for human  
20 use that contains a label that identifies the product as a drug  
21 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
22 label includes:

23           (A) A "Drug Facts" panel; or

24           (B) A statement of the "active ingredient(s)" with a  
25 list of those ingredients contained in the compound,  
26 substance or preparation.

1           If the property that is acquired from a serviceman is  
2 acquired outside Illinois and used outside Illinois before  
3 being brought to Illinois for use here and is taxable under  
4 this Act, the "selling price" on which the tax is computed  
5 shall be reduced by an amount that represents a reasonable  
6 allowance for depreciation for the period of prior out-of-state  
7 use.

8           (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,  
9 eff. 7-13-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10; 97-38,  
10 eff. 6-28-11; 97-227, eff. 1-1-12; 97-636, eff. 6-1-12.)

11           (35 ILCS 110/9) (from Ch. 120, par. 439.39)

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

1           Except as provided hereinafter in this Section, on or  
2 before the twentieth day of each calendar month, such  
3 serviceman shall file a return for the preceding calendar month  
4 in accordance with reasonable Rules and Regulations to be  
5 promulgated by the Department. Such return shall be filed on a  
6 form prescribed by the Department and shall contain such  
7 information as the Department may reasonably require.

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

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

1           may require.

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

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



1 a tax liability in the amount set forth in subsection (b) of  
2 Section 2505-210 of the Department of Revenue Law shall make  
3 all payments required by rules of the Department by electronic  
4 funds transfer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 shall file separate returns for each such registered business.

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

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

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

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

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

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

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

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

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

1 Retailers' Occupation Tax Act into the McCormick Place  
2 Expansion Project Fund in the specified fiscal years.

3		Total
	Fiscal Year	Deposit
4	1993	\$0
5	1994	53,000,000
6	1995	58,000,000
7	1996	61,000,000
8	1997	64,000,000
9	1998	68,000,000
10	1999	71,000,000
11	2000	75,000,000
12	2001	80,000,000
13	2002	93,000,000
14	2003	99,000,000
15	2004	103,000,000
16	2005	108,000,000
17	2006	113,000,000
18	2007	119,000,000
19	2008	126,000,000
20	2009	132,000,000
21	2010	139,000,000
22	2011	146,000,000
23	2012	153,000,000
24	2013	161,000,000
25	2014	170,000,000



1	2015	179,000,000
2	2016	189,000,000
3	2017	199,000,000
4	2018	210,000,000
5	2019	221,000,000
6	2020	233,000,000
7	2021	246,000,000
8	2022	260,000,000
9	2023	275,000,000
10	2024	275,000,000
11	2025	275,000,000
12	2026	279,000,000
13	2027	292,000,000
14	2028	307,000,000
15	2029	322,000,000
16	2030	338,000,000
17	2031	350,000,000
18	2032	350,000,000

19                   and  
20                    each fiscal year  
21                   thereafter that bonds  
22                   are outstanding under  
23                   Section 13.2 of the  
24                   Metropolitan Pier and  
25                   Exposition Authority Act,  
26                   but not after fiscal year 2060.

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

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

22           Subject to payment of amounts into the Build Illinois Fund  
23 and the McCormick Place Expansion Project Fund pursuant to the  
24 preceding paragraphs or in any amendments thereto hereafter  
25 enacted, beginning with the receipt of the first report of  
26 taxes paid by an eligible business and continuing for a 25-year

1 period, the Department shall each month pay into the Energy  
2 Infrastructure Fund 80% of the net revenue realized from the  
3 6.25% general rate on the selling price of Illinois-mined coal  
4 that was sold to an eligible business. For purposes of this  
5 paragraph, the term "eligible business" means a new electric  
6 generating facility certified pursuant to Section 605-332 of  
7 the Department of Commerce and Economic Opportunity Law of the  
8 Civil Administrative Code of Illinois.

9 Subject to payment of amounts into the Build Illinois Fund  
10 and the McCormick Place Expansion Project Fund pursuant to the  
11 preceding paragraphs or in any amendments thereto hereafter  
12 enacted, beginning February 1, 2014, the Department shall each  
13 month pay into the Transportation Reform Fund 1% of the net  
14 revenue realized for the preceding month from the 6.25% general  
15 rate on the selling price of gasohol.

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

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

26 Net revenue realized for a month shall be the revenue

1 collected by the State pursuant to this Act, less the amount  
2 paid out during that month as refunds to taxpayers for  
3 overpayment of liability.

4 (Source: P.A. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09; 96-898,  
5 eff. 5-27-10.)

6 Section 20. The Service Occupation Tax Act is amended by  
7 changing Sections 3-10 and 9 as follows:

8 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

9 Sec. 3-10. 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 the "selling price", as defined in Section 2 of the Service Use  
12 Tax Act, of the tangible personal property. For the purpose of  
13 computing this tax, in no event shall the "selling price" be  
14 less than the cost price to the serviceman of the tangible  
15 personal property transferred. The selling price of each item  
16 of tangible personal property transferred as an incident of a  
17 sale of service may be shown as a distinct and separate item on  
18 the serviceman's billing to the service customer. If the  
19 selling price is not so shown, the selling price of the  
20 tangible personal property is deemed to be 50% of the  
21 serviceman's entire billing to the service customer. When,  
22 however, a serviceman contracts to design, develop, and produce  
23 special order machinery or equipment, the tax imposed by this  
24 Act shall be based on the serviceman's cost price of the

1 tangible personal property transferred incident to the  
2 completion of the contract.

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

7 With respect to gasohol, as defined in the Use Tax Act, the  
8 tax imposed by this Act shall apply to (i) 70% of the cost  
9 price of property transferred as an incident to the sale of  
10 service on or after January 1, 1990, and before July 1, 2003,  
11 (ii) 80% of the selling price of property transferred as an  
12 incident to the sale of service on or after July 1, 2003 and on  
13 or before December 31, 2013 ~~December 31, 2018~~, and (iii) 100%  
14 of the cost price thereafter. ~~If, at any time, however, the tax~~  
15 ~~under this Act on sales of gasohol, as defined in the Use Tax~~  
16 ~~Act, is imposed at the rate of 1.25%, then the tax imposed by~~  
17 ~~this Act applies to 100% of the proceeds of sales of gasohol~~  
18 ~~made during that time.~~

19 With respect to majority blended ethanol fuel, as defined  
20 in the Use Tax Act, the tax imposed by this Act does not apply  
21 to the selling price of property transferred as an incident to  
22 the sale of service on or after July 1, 2003 and on or before  
23 December 31, 2018 but applies to 100% of the selling price  
24 thereafter.

25 With respect to biodiesel blends, as defined in the Use Tax  
26 Act, with no less than 1% and no more than 10% biodiesel, the

1 tax imposed by this Act applies to (i) 80% of the selling price  
2 of property transferred as an incident to the sale of service  
3 on or after July 1, 2003 and on or before December 31, 2018 and  
4 (ii) 100% of the proceeds of the selling price thereafter. If,  
5 at any time, however, the tax under this Act on sales of  
6 biodiesel blends, as defined in the Use Tax Act, with no less  
7 than 1% and no more than 10% biodiesel is imposed at the rate  
8 of 1.25%, then the tax imposed by this Act applies to 100% of  
9 the proceeds of sales of biodiesel blends with no less than 1%  
10 and no more than 10% biodiesel made during that time.

11 With respect to 100% biodiesel, as defined in the Use Tax  
12 Act, and biodiesel blends, as defined in the Use Tax Act, with  
13 more than 10% but no more than 99% biodiesel material, the tax  
14 imposed by this Act does not apply to the proceeds of the  
15 selling price of property transferred as an incident to the  
16 sale of service on or after July 1, 2003 and on or before  
17 December 31, 2018 but applies to 100% of the selling price  
18 thereafter.

19 At the election of any registered serviceman made for each  
20 fiscal year, sales of service in which the aggregate annual  
21 cost price of tangible personal property transferred as an  
22 incident to the sales of service is less than 35%, or 75% in  
23 the case of servicemen transferring prescription drugs or  
24 servicemen engaged in graphic arts production, of the aggregate  
25 annual total gross receipts from all sales of service, the tax  
26 imposed by this Act shall be based on the serviceman's cost

1 price of the tangible personal property transferred incident to  
2 the sale of those services.

3 The tax shall be imposed at the rate of 1% on food prepared  
4 for immediate consumption and transferred incident to a sale of  
5 service subject to this Act or the Service Occupation Tax Act  
6 by an entity licensed under the Hospital Licensing Act, the  
7 Nursing Home Care Act, the ID/DD Community Care Act, the  
8 Specialized Mental Health Rehabilitation Act, or the Child Care  
9 Act of 1969. The tax shall also be imposed at the rate of 1% on  
10 food for human consumption that is to be consumed off the  
11 premises where it is sold (other than alcoholic beverages, soft  
12 drinks, and food that has been prepared for immediate  
13 consumption and is not otherwise included in this paragraph)  
14 and prescription and nonprescription medicines, drugs, medical  
15 appliances, modifications to a motor vehicle for the purpose of  
16 rendering it usable by a disabled person, and insulin, urine  
17 testing materials, syringes, and needles used by diabetics, for  
18 human use. For the purposes of this Section, until September 1,  
19 2009: the term "soft drinks" means any complete, finished,  
20 ready-to-use, non-alcoholic drink, whether carbonated or not,  
21 including but not limited to soda water, cola, fruit juice,  
22 vegetable juice, carbonated water, and all other preparations  
23 commonly known as soft drinks of whatever kind or description  
24 that are contained in any closed or sealed can, carton, or  
25 container, regardless of size; but "soft drinks" does not  
26 include coffee, tea, non-carbonated water, infant formula,

1 milk or milk products as defined in the Grade A Pasteurized  
2 Milk and Milk Products Act, or drinks containing 50% or more  
3 natural fruit or vegetable juice.

4 Notwithstanding any other provisions of this Act,  
5 beginning September 1, 2009, "soft drinks" means non-alcoholic  
6 beverages that contain natural or artificial sweeteners. "Soft  
7 drinks" do not include beverages that contain milk or milk  
8 products, soy, rice or similar milk substitutes, or greater  
9 than 50% of vegetable or fruit juice by volume.

10 Until August 1, 2009, and notwithstanding any other  
11 provisions of this Act, "food for human consumption that is to  
12 be consumed off the premises where it is sold" includes all  
13 food sold through a vending machine, except soft drinks and  
14 food products that are dispensed hot from a vending machine,  
15 regardless of the location of the vending machine. Beginning  
16 August 1, 2009, and notwithstanding any other provisions of  
17 this Act, "food for human consumption that is to be consumed  
18 off the premises where it is sold" includes all food sold  
19 through a vending machine, except soft drinks, candy, and food  
20 products that are dispensed hot from a vending machine,  
21 regardless of the location of the vending machine.

22 Notwithstanding any other provisions of this Act,  
23 beginning September 1, 2009, "food for human consumption that  
24 is to be consumed off the premises where it is sold" does not  
25 include candy. For purposes of this Section, "candy" means a  
26 preparation of sugar, honey, or other natural or artificial



1 sweeteners in combination with chocolate, fruits, nuts or other  
2 ingredients or flavorings in the form of bars, drops, or  
3 pieces. "Candy" does not include any preparation that contains  
4 flour or requires refrigeration.

5 Notwithstanding any other provisions of this Act,  
6 beginning September 1, 2009, "nonprescription medicines and  
7 drugs" does not include grooming and hygiene products. For  
8 purposes of this Section, "grooming and hygiene products"  
9 includes, but is not limited to, soaps and cleaning solutions,  
10 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
11 lotions and screens, unless those products are available by  
12 prescription only, regardless of whether the products meet the  
13 definition of "over-the-counter-drugs". For the purposes of  
14 this paragraph, "over-the-counter-drug" means a drug for human  
15 use that contains a label that identifies the product as a drug  
16 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
17 label includes:

18 (A) A "Drug Facts" panel; or

19 (B) A statement of the "active ingredient(s)" with a  
20 list of those ingredients contained in the compound,  
21 substance or preparation.

22 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,  
23 eff. 7-13-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10; 97-38,  
24 eff. 6-28-11; 97-227, eff. 1-1-12; 97-636, eff. 6-1-12.)

25 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

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

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

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

26           The Department may require returns to be filed on a

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

7 1. The name of the seller;

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

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

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

16 5. The amount of tax due;

17 5-5. The signature of the taxpayer; and

18 6. Such other reasonable information as the Department  
19 may require.

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

24 Prior to October 1, 2003, and on and after September 1,  
25 2004 a serviceman may accept a Manufacturer's Purchase Credit  
26 certification from a purchaser in satisfaction of Service Use

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

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

1 October, November and December of a given year being due by  
2 January 20 of the following year.

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

7 Such quarter annual and annual returns, as to form and  
8 substance, shall be subject to the same requirements as monthly  
9 returns.

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

17 Beginning October 1, 1993, a taxpayer who has an average  
18 monthly tax liability of \$150,000 or more shall make all  
19 payments required by rules of the Department by electronic  
20 funds transfer. Beginning October 1, 1994, a taxpayer who has  
21 an average monthly tax liability of \$100,000 or more shall make  
22 all payments required by rules of the Department by electronic  
23 funds transfer. Beginning October 1, 1995, a taxpayer who has  
24 an average monthly tax liability of \$50,000 or more shall make  
25 all payments required by rules of the Department by electronic  
26 funds transfer. Beginning October 1, 2000, a taxpayer who has

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

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

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

24 All taxpayers required to make payment by electronic funds  
25 transfer and any taxpayers authorized to voluntarily make  
26 payments by electronic funds transfer shall make those payments

1 in the manner authorized by the Department.

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

5 Where a serviceman collects the tax with respect to the  
6 selling price of tangible personal property which he sells and  
7 the purchaser thereafter returns such tangible personal  
8 property and the serviceman refunds the selling price thereof  
9 to the purchaser, such serviceman shall also refund, to the  
10 purchaser, the tax so collected from the purchaser. When filing  
11 his return for the period in which he refunds such tax to the  
12 purchaser, the serviceman may deduct the amount of the tax so  
13 refunded by him to the purchaser from any other Service  
14 Occupation Tax, Service Use Tax, Retailers' Occupation Tax or  
15 Use Tax which such serviceman may be required to pay or remit  
16 to the Department, as shown by such return, provided that the  
17 amount of the tax to be deducted shall previously have been  
18 remitted to the Department by such serviceman. If the  
19 serviceman shall not previously have remitted the amount of  
20 such tax to the Department, he shall be entitled to no  
21 deduction hereunder upon refunding such tax to the purchaser.

22 If experience indicates such action to be practicable, the  
23 Department may prescribe and furnish a combination or joint  
24 return which will enable servicemen, who are required to file  
25 returns hereunder and also under the Retailers' Occupation Tax  
26 Act, the Use Tax Act or the Service Use Tax Act, to furnish all

1 the return information required by all said Acts on the one  
2 form.

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

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

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

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

24 Beginning January 1, 1990, each month the Department shall  
25 pay into the Local Government Tax Fund 16% of the revenue  
26 realized for the preceding month from the 6.25% general rate on



1 transfers of tangible personal property.

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

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

13 Of the remainder of the moneys received by the Department  
14 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
15 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
16 and after July 1, 1989, 3.8% thereof shall be paid into the  
17 Build Illinois Fund; provided, however, that if in any fiscal  
18 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
19 may be, of the moneys received by the Department and required  
20 to be paid into the Build Illinois Fund pursuant to Section 3  
21 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
22 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
23 Service Occupation Tax Act, such Acts being hereinafter called  
24 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
25 may be, of moneys being hereinafter called the "Tax Act  
26 Amount", and (2) the amount transferred to the Build Illinois

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

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

26 Subject to payment of amounts into the Build Illinois Fund

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

	Fiscal Year	Total Deposit
12		
13	1993	\$0
14	1994	53,000,000
15	1995	58,000,000
16	1996	61,000,000
17	1997	64,000,000
18	1998	68,000,000
19	1999	71,000,000
20	2000	75,000,000
21	2001	80,000,000
22	2002	93,000,000
23	2003	99,000,000
24	2004	103,000,000
25	2005	108,000,000

1	2006	113,000,000
2	2007	119,000,000
3	2008	126,000,000
4	2009	132,000,000
5	2010	139,000,000
6	2011	146,000,000
7	2012	153,000,000
8	2013	161,000,000
9	2014	170,000,000
10	2015	179,000,000
11	2016	189,000,000
12	2017	199,000,000
13	2018	210,000,000
14	2019	221,000,000
15	2020	233,000,000
16	2021	246,000,000
17	2022	260,000,000
18	2023	275,000,000
19	2024	275,000,000
20	2025	275,000,000
21	2026	279,000,000
22	2027	292,000,000
23	2028	307,000,000
24	2029	322,000,000
25	2030	338,000,000
26	2031	350,000,000

1                           2032                           350,000,000  
2                           and  
3                           each fiscal year  
4                           thereafter that bonds  
5                           are outstanding under  
6                           Section 13.2 of the  
7                           Metropolitan Pier and  
8                           Exposition Authority Act,  
9                           but not after fiscal year 2060.

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

23                   Subject to payment of amounts into the Build Illinois Fund  
24                   and the McCormick Place Expansion Project Fund pursuant to the  
25                   preceding paragraphs or in any amendments thereto hereafter  
26                   enacted, beginning July 1, 1993, the Department shall each

1 month pay into the Illinois Tax Increment Fund 0.27% of 80% of  
2 the net revenue realized for the preceding month from the 6.25%  
3 general rate on the selling price of tangible personal  
4 property.

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

18 Subject to payment of amounts into the Build Illinois Fund  
19 and the McCormick Place Expansion Project Fund pursuant to the  
20 preceding paragraphs or in any amendments thereto hereafter  
21 enacted, beginning February 1, 2014, the Department shall each  
22 month pay into the Transportation Reform Fund 1% of the net  
23 revenue realized for the preceding month from the 6.25% general  
24 rate on the selling price of gasohol.

25 Remaining moneys received by the Department pursuant to  
26 this Act shall be paid into the General Revenue Fund of the

1 State Treasury.

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

25 If the annual information return required by this Section  
26 is not filed when and as required, the taxpayer shall be liable



1 as follows:

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

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

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

20 The foregoing portion of this Section concerning the filing  
21 of an annual information return shall not apply to a serviceman  
22 who is not required to file an income tax return with the  
23 United States Government.

24 As soon as possible after the first day of each month, upon  
25 certification of the Department of Revenue, the Comptroller  
26 shall order transferred and the Treasurer shall transfer from

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

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

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

17 (Source: P.A. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09; 96-898,  
18 eff. 5-27-10.)

19 Section 25. The Retailers' Occupation Tax Act is amended by  
20 changing Section 2-10 and 3 as follows:

21 (35 ILCS 120/2-10)

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

1 the course of business.

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

6 Beginning on August 6, 2010 through August 15, 2010, with  
7 respect to sales tax holiday items as defined in Section 2-8 of  
8 this Act, the tax is imposed at the rate of 1.25%.

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

24 With respect to gasohol, as defined in the Use Tax Act, the  
25 tax imposed by this Act applies to (i) 70% of the proceeds of  
26 sales made on or after January 1, 1990, and before July 1,

1 2003, (ii) 80% of the proceeds of sales made on or after July  
2 1, 2003 and on or before December 31, 2013 ~~December 31, 2018,~~  
3 and (iii) 100% of the proceeds of sales made thereafter. ~~If, at~~  
4 ~~any time, however, the tax under this Act on sales of gasohol,~~  
5 ~~as defined in the Use Tax Act, is imposed at the rate of 1.25%,~~  
6 ~~then the tax imposed by this Act applies to 100% of the~~  
7 ~~proceeds of sales of gasohol made during that time.~~

8 With respect to majority blended ethanol fuel, as defined  
9 in the Use Tax Act, the tax imposed by this Act does not apply  
10 to the proceeds of sales made on or after July 1, 2003 and on or  
11 before December 31, 2018 but applies to 100% of the proceeds of  
12 sales made thereafter.

13 With respect to biodiesel blends, as defined in the Use Tax  
14 Act, with no less than 1% and no more than 10% biodiesel, the  
15 tax imposed by this Act applies to (i) 80% of the proceeds of  
16 sales made on or after July 1, 2003 and on or before December  
17 31, 2018 and (ii) 100% of the proceeds of sales made  
18 thereafter. If, at any time, however, the tax under this Act on  
19 sales of biodiesel blends, as defined in the Use Tax Act, with  
20 no less than 1% and no more than 10% biodiesel is imposed at  
21 the rate of 1.25%, then the tax imposed by this Act applies to  
22 100% of the proceeds of sales of biodiesel blends with no less  
23 than 1% and no more than 10% biodiesel made during that time.

24 With respect to 100% biodiesel, as defined in the Use Tax  
25 Act, and biodiesel blends, as defined in the Use Tax Act, with  
26 more than 10% but no more than 99% biodiesel, the tax imposed

1 by this Act does not apply to the proceeds of sales made on or  
2 after July 1, 2003 and on or before December 31, 2018 but  
3 applies to 100% of the proceeds of sales made thereafter.

4 With respect to food for human consumption that is to be  
5 consumed off the premises where it is sold (other than  
6 alcoholic beverages, soft drinks, and food that has been  
7 prepared for immediate consumption) and prescription and  
8 nonprescription medicines, drugs, medical appliances,  
9 modifications to a motor vehicle for the purpose of rendering  
10 it usable by a disabled person, and insulin, urine testing  
11 materials, syringes, and needles used by diabetics, for human  
12 use, the tax is imposed at the rate of 1%. For the purposes of  
13 this Section, until September 1, 2009: the term "soft drinks"  
14 means any complete, finished, ready-to-use, non-alcoholic  
15 drink, whether carbonated or not, including but not limited to  
16 soda water, cola, fruit juice, vegetable juice, carbonated  
17 water, and all other preparations commonly known as soft drinks  
18 of whatever kind or description that are contained in any  
19 closed or sealed bottle, can, carton, or container, regardless  
20 of size; but "soft drinks" does not include coffee, tea,  
21 non-carbonated water, infant formula, milk or milk products as  
22 defined in the Grade A Pasteurized Milk and Milk Products Act,  
23 or drinks containing 50% or more natural fruit or vegetable  
24 juice.

25 Notwithstanding any other provisions of this Act,  
26 beginning September 1, 2009, "soft drinks" means non-alcoholic

1 beverages that contain natural or artificial sweeteners. "Soft  
2 drinks" do not include beverages that contain milk or milk  
3 products, soy, rice or similar milk substitutes, or greater  
4 than 50% of vegetable or fruit juice by volume.

5       Until August 1, 2009, and notwithstanding any other  
6 provisions of this Act, "food for human consumption that is to  
7 be consumed off the premises where it is sold" includes all  
8 food sold through a vending machine, except soft drinks and  
9 food products that are dispensed hot from a vending machine,  
10 regardless of the location of the vending machine. Beginning  
11 August 1, 2009, and notwithstanding any other provisions of  
12 this Act, "food for human consumption that is to be consumed  
13 off the premises where it is sold" includes all food sold  
14 through a vending machine, except soft drinks, candy, and food  
15 products that are dispensed hot from a vending machine,  
16 regardless of the location of the vending machine.

17       Notwithstanding any other provisions of this Act,  
18 beginning September 1, 2009, "food for human consumption that  
19 is to be consumed off the premises where it is sold" does not  
20 include candy. For purposes of this Section, "candy" means a  
21 preparation of sugar, honey, or other natural or artificial  
22 sweeteners in combination with chocolate, fruits, nuts or other  
23 ingredients or flavorings in the form of bars, drops, or  
24 pieces. "Candy" does not include any preparation that contains  
25 flour or requires refrigeration.

26       Notwithstanding any other provisions of this Act,

1 beginning September 1, 2009, "nonprescription medicines and  
2 drugs" does not include grooming and hygiene products. For  
3 purposes of this Section, "grooming and hygiene products"  
4 includes, but is not limited to, soaps and cleaning solutions,  
5 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
6 lotions and screens, unless those products are available by  
7 prescription only, regardless of whether the products meet the  
8 definition of "over-the-counter-drugs". For the purposes of  
9 this paragraph, "over-the-counter-drug" means a drug for human  
10 use that contains a label that identifies the product as a drug  
11 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
12 label includes:

13 (A) A "Drug Facts" panel; or

14 (B) A statement of the "active ingredient(s)" with a  
15 list of those ingredients contained in the compound,  
16 substance or preparation.

17 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,  
18 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1012, eff. 7-7-10;  
19 97-636, eff. 6-1-12.)

20 (35 ILCS 120/3) (from Ch. 120, par. 442)

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

- 1           1. The name of the seller;
- 2           2. His residence address and the address of his  
3 principal place of business and the address of the  
4 principal place of business (if that is a different  
5 address) from which he engages in the business of selling  
6 tangible personal property at retail in this State;
- 7           3. Total amount of receipts received by him during the  
8 preceding calendar month or quarter, as the case may be,  
9 from sales of tangible personal property, and from services  
10 furnished, by him during such preceding calendar month or  
11 quarter;
- 12           4. Total amount received by him during the preceding  
13 calendar month or quarter on charge and time sales of  
14 tangible personal property, and from services furnished,  
15 by him prior to the month or quarter for which the return  
16 is filed;
- 17           5. Deductions allowed by law;
- 18           6. Gross receipts which were received by him during the  
19 preceding calendar month or quarter and upon the basis of  
20 which the tax is imposed;
- 21           7. The amount of credit provided in Section 2d of this  
22 Act;
- 23           8. The amount of tax due;
- 24           9. The signature of the taxpayer; and
- 25           10. Such other reasonable information as the  
26 Department may require.



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

5           Each return shall be accompanied by the statement of  
6 prepaid tax issued pursuant to Section 2e for which credit is  
7 claimed.

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

1 satisfy any tax liability imposed under this Act, including any  
2 audit liability.

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

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

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

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

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

1 distributor's, or manufacturer's total sales of alcoholic  
2 liquor to that retailer no later than the 10th day of the month  
3 for the preceding month during which the transaction occurred.  
4 The distributor, importing distributor, or manufacturer shall  
5 notify the retailer as to the method by which the distributor,  
6 importing distributor, or manufacturer will provide the sales  
7 information. If the retailer is unable to receive the sales  
8 information by electronic means, the distributor, importing  
9 distributor, or manufacturer shall furnish the sales  
10 information by personal delivery or by mail. For purposes of  
11 this paragraph, the term "electronic means" includes, but is  
12 not limited to, the use of a secure Internet website, e-mail,  
13 or facsimile.

14 If a total amount of less than \$1 is payable, refundable or  
15 creditable, such amount shall be disregarded if it is less than  
16 50 cents and shall be increased to \$1 if it is 50 cents or more.

17 Beginning October 1, 1993, a taxpayer who has an average  
18 monthly tax liability of \$150,000 or more shall make all  
19 payments required by rules of the Department by electronic  
20 funds transfer. Beginning October 1, 1994, a taxpayer who has  
21 an average monthly tax liability of \$100,000 or more shall make  
22 all payments required by rules of the Department by electronic  
23 funds transfer. Beginning October 1, 1995, a taxpayer who has  
24 an average monthly tax liability of \$50,000 or more shall make  
25 all payments required by rules of the Department by electronic  
26 funds transfer. Beginning October 1, 2000, a taxpayer who has

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

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

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

24 All taxpayers required to make payment by electronic funds  
25 transfer and any taxpayers authorized to voluntarily make  
26 payments by electronic funds transfer shall make those payments

1 in the manner authorized by the Department.

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

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

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

23 If the retailer is otherwise required to file a monthly or  
24 quarterly return and if the retailer's average monthly tax  
25 liability with the Department does not exceed \$50, the  
26 Department may authorize his returns to be filed on an annual

1 basis, with the return for a given year being due by January 20  
2 of the following year.

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

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

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

18 In addition, with respect to motor vehicles, watercraft,  
19 aircraft, and trailers that are required to be registered with  
20 an agency of this State, every retailer selling this kind of  
21 tangible personal property shall file, with the Department,  
22 upon a form to be prescribed and supplied by the Department, a  
23 separate return for each such item of tangible personal  
24 property which the retailer sells, except that if, in the same  
25 transaction, (i) a retailer of aircraft, watercraft, motor  
26 vehicles or trailers transfers more than one aircraft,

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

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

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



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

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

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

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

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

1 purchaser may submit to the agency with which, or State officer  
2 with whom, he must title or register the tangible personal  
3 property that is involved (if titling or registration is  
4 required) in support of such purchaser's application for an  
5 Illinois certificate or other evidence of title or registration  
6 to such 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 the tax or proof of exemption made to the Department before the  
18 retailer is willing to take these actions and such user has not  
19 paid the tax to the retailer, such user may certify to the fact  
20 of such delay by the retailer and may (upon the Department  
21 being satisfied of the truth of such certification) transmit  
22 the information required by the transaction reporting return  
23 and the remittance for tax or proof of exemption directly to  
24 the Department and obtain his tax receipt or exemption  
25 determination, in which event the transaction reporting return  
26 and tax remittance (if a tax payment was required) shall be

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

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

15 Where the seller is a corporation, the return filed on  
16 behalf of such corporation shall be signed by the president,  
17 vice-president, secretary or treasurer or by the properly  
18 accredited agent of such corporation.

19 Where the seller is a limited liability company, the return  
20 filed on behalf of the limited liability company shall be  
21 signed by a manager, member, or properly accredited agent of  
22 the limited liability company.

23 Except as provided in this Section, the retailer filing the  
24 return under this Section shall, at the time of filing such  
25 return, pay to the Department the amount of tax imposed by this  
26 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%

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

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

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

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

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



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

9 The provisions of this paragraph apply before October 1,  
10 2001. Without regard to whether a taxpayer is required to make  
11 quarter monthly payments as specified above, any taxpayer who  
12 is required by Section 2d of this Act to collect and remit  
13 prepaid taxes and has collected prepaid taxes which average in  
14 excess of \$25,000 per month during the preceding 2 complete  
15 calendar quarters, shall file a return with the Department as  
16 required by Section 2f and shall make payments to the  
17 Department on or before the 7th, 15th, 22nd and last day of the  
18 month during which such liability is incurred. If the month  
19 during which such tax liability is incurred began prior to the  
20 effective date of this amendatory Act of 1985, each payment  
21 shall be in an amount not less than 22.5% of the taxpayer's  
22 actual liability under Section 2d. If the month during which  
23 such tax liability is incurred begins on or after January 1,  
24 1986, each payment shall be in an amount equal to 22.5% of the  
25 taxpayer's actual liability for the month or 27.5% of the  
26 taxpayer's liability for the same calendar month of the

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

19 The provisions of this paragraph apply on and after October  
20 1, 2001. Without regard to whether a taxpayer is required to  
21 make quarter monthly payments as specified above, any taxpayer  
22 who is required by Section 2d of this Act to collect and remit  
23 prepaid taxes and has collected prepaid taxes that average in  
24 excess of \$20,000 per month during the preceding 4 complete  
25 calendar quarters shall file a return with the Department as  
26 required by Section 2f and shall make payments to the

1 Department on or before the 7th, 15th, 22nd and last day of the  
2 month during which the liability is incurred. Each payment  
3 shall be in an amount equal to 22.5% of the taxpayer's actual  
4 liability for the month or 25% of the taxpayer's liability for  
5 the same calendar month of the preceding year. The amount of  
6 the quarter monthly payments shall be credited against the  
7 final tax liability of the taxpayer's return for that month  
8 filed under this Section or Section 2f, as the case may be.  
9 Once applicable, the requirement of the making of quarter  
10 monthly payments to the Department pursuant to this paragraph  
11 shall continue until the taxpayer's average monthly prepaid tax  
12 collections during the preceding 4 complete calendar quarters  
13 (excluding the month of highest liability and the month of  
14 lowest liability) is less than \$19,000 or until such taxpayer's  
15 average monthly liability to the Department as computed for  
16 each calendar quarter of the 4 preceding complete calendar  
17 quarters is less than \$20,000. If any such quarter monthly  
18 payment is not paid at the time or in the amount required, the  
19 taxpayer shall be liable for penalties and interest on such  
20 difference, except insofar as the taxpayer has previously made  
21 payments for that month in excess of the minimum payments  
22 previously due.

23 If any payment provided for in this Section exceeds the  
24 taxpayer's liabilities under this Act, the Use Tax Act, the  
25 Service Occupation Tax Act and the Service Use Tax Act, as  
26 shown on an original monthly return, the Department shall, if

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

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

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

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

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

13 Beginning August 1, 2000, each month the Department shall  
14 pay into the County and Mass Transit District Fund 20% of the  
15 net revenue realized for the preceding month from the 1.25%  
16 rate on the selling price of motor fuel and gasohol. Beginning  
17 September 1, 2010, each month the Department shall pay into the  
18 County and Mass Transit District Fund 20% of the net revenue  
19 realized for the preceding month from the 1.25% rate on the  
20 selling price of sales tax holiday items.

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

25 Beginning August 1, 2000, each month the Department shall  
26 pay into the Local Government Tax Fund 80% of the net revenue

1 realized for the preceding month from the 1.25% rate on the  
2 selling price of motor fuel and gasohol. Beginning September 1,  
3 2010, each month the Department shall pay into the Local  
4 Government Tax Fund 80% of the net revenue realized for the  
5 preceding month from the 1.25% rate on the selling price of  
6 sales tax holiday items.

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

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

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

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

17	Fiscal Year	Annual Specified Amount
18	1986	\$54,800,000
19	1987	\$76,650,000
20	1988	\$80,480,000
21	1989	\$88,510,000
22	1990	\$115,330,000
23	1991	\$145,470,000
24	1992	\$182,730,000
25	1993	\$206,520,000;

26 and means the Certified Annual Debt Service Requirement (as

1 defined in Section 13 of the Build Illinois Bond Act) or the  
2 Tax Act Amount, whichever is greater, for fiscal year 1994 and  
3 each fiscal year thereafter; and further provided, that if on  
4 the last business day of any month the sum of (1) the Tax Act  
5 Amount required to be deposited into the Build Illinois Bond  
6 Account in the Build Illinois Fund during such month and (2)  
7 the amount transferred to the Build Illinois Fund from the  
8 State and Local Sales Tax Reform Fund shall have been less than  
9 1/12 of the Annual Specified Amount, an amount equal to the  
10 difference shall be immediately paid into the Build Illinois  
11 Fund from other moneys received by the Department pursuant to  
12 the Tax Acts; and, further provided, that in no event shall the  
13 payments required under the preceding proviso result in  
14 aggregate payments into the Build Illinois Fund pursuant to  
15 this clause (b) for any fiscal year in excess of the greater of  
16 (i) the Tax Act Amount or (ii) the Annual Specified Amount for  
17 such fiscal year. The amounts payable into the Build Illinois  
18 Fund under clause (b) of the first sentence in this paragraph  
19 shall be payable only until such time as the aggregate amount  
20 on deposit under each trust indenture securing Bonds issued and  
21 outstanding pursuant to the Build Illinois Bond Act is  
22 sufficient, taking into account any future investment income,  
23 to fully provide, in accordance with such indenture, for the  
24 defeasance of or the payment of the principal of, premium, if  
25 any, and interest on the Bonds secured by such indenture and on  
26 any Bonds expected to be issued thereafter and all fees and



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

23 Subject to payment of amounts into the Build Illinois Fund  
24 as provided in the preceding paragraph or in any amendment  
25 thereto hereafter enacted, the following specified monthly  
26 installment of the amount requested in the certificate of the

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

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

1	2009	132,000,000
2	2010	139,000,000
3	2011	146,000,000
4	2012	153,000,000
5	2013	161,000,000
6	2014	170,000,000
7	2015	179,000,000
8	2016	189,000,000
9	2017	199,000,000
10	2018	210,000,000
11	2019	221,000,000
12	2020	233,000,000
13	2021	246,000,000
14	2022	260,000,000
15	2023	275,000,000
16	2024	275,000,000
17	2025	275,000,000
18	2026	279,000,000
19	2027	292,000,000
20	2028	307,000,000
21	2029	322,000,000
22	2030	338,000,000
23	2031	350,000,000
24	2032	350,000,000
25	and	
26	each fiscal year	

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

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

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

1 property.

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

15 Subject to payment of amounts into the Build Illinois Fund  
16 and the McCormick Place Expansion Project Fund pursuant to the  
17 preceding paragraphs or in any amendments thereto hereafter  
18 enacted, beginning February 1, 2014, the Department shall each  
19 month pay into the Transportation Reform Fund 1% of the net  
20 revenue realized for the preceding month from the 6.25% general  
21 rate on the selling price of gasohol.

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

1 accordance with Section 8a of the State Finance Act.

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

25       If the annual information return required by this Section  
26 is not filed when and as required, the taxpayer shall be liable

1 as follows:

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

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

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

20 The provisions of this Section concerning the filing of an  
21 annual information return do not apply to a retailer who is not  
22 required to file an income tax return with the United States  
23 Government.

24 As soon as possible after the first day of each month, upon  
25 certification of the Department of Revenue, the Comptroller  
26 shall order transferred and the Treasurer shall transfer from

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

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

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

16 Any person who promotes, organizes, provides retail  
17 selling space for concessionaires or other types of sellers at  
18 the Illinois State Fair, DuQuoin State Fair, county fairs,  
19 local fairs, art shows, flea markets and similar exhibitions or  
20 events, including any transient merchant as defined by Section  
21 2 of the Transient Merchant Act of 1987, is required to file a  
22 report with the Department providing the name of the merchant's  
23 business, the name of the person or persons engaged in  
24 merchant's business, the permanent address and Illinois  
25 Retailers Occupation Tax Registration Number of the merchant,  
26 the dates and location of the event and other reasonable



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

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

1 (Source: P.A. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09; 96-898,  
2 eff. 5-27-10; 96-1012, eff. 7-7-10; 97-95, eff. 7-12-11;  
3 97-333, eff. 8-12-11.)

4 Section 30. The Motor Fuel Tax Law is amended by changing  
5 Sections 2, 8, 13a and by adding Section 8b as follows:

6 (35 ILCS 505/2) (from Ch. 120, par. 418)

7 Sec. 2. A tax is imposed on the privilege of operating  
8 motor vehicles upon the public highways and recreational-type  
9 watercraft upon the waters of this State.

10 (a) Prior to August 1, 1989, the tax is imposed at the rate  
11 of 13 cents per gallon on all motor fuel used in motor vehicles  
12 operating on the public highways and recreational type  
13 watercraft operating upon the waters of this State. Beginning  
14 on August 1, 1989 and until January 1, 1990, the rate of the  
15 tax imposed in this paragraph shall be 16 cents per gallon.  
16 Beginning January 1, 1990, and until January 1, 2014, the rate  
17 of tax imposed in this paragraph shall be 19 cents per gallon.

18 (b) Until January 1, 2014, the ~~The~~ tax on the privilege of  
19 operating motor vehicles which use diesel fuel shall be the  
20 rate according to paragraph (a) plus an additional 2 1/2 cents  
21 per gallon. "Diesel fuel" is defined as any product intended  
22 for use or offered for sale as a fuel for engines in which the  
23 fuel is injected into the combustion chamber and ignited by  
24 pressure without electric spark.

1           (c) (Blank). ~~A tax is imposed upon the privilege of~~  
2 ~~engaging in the business of selling motor fuel as a retailer or~~  
3 ~~reseller on all motor fuel used in motor vehicles operating on~~  
4 ~~the public highways and recreational type watercraft operating~~  
5 ~~upon the waters of this State: (1) at the rate of 3 cents per~~  
6 ~~gallon on motor fuel owned or possessed by such retailer or~~  
7 ~~reseller at 12:01 a.m. on August 1, 1989; and (2) at the rate~~  
8 ~~of 3 cents per gallon on motor fuel owned or possessed by such~~  
9 ~~retailer or reseller at 12:01 A.M. on January 1, 1990.~~

10           ~~Retailers and resellers who are subject to this additional~~  
11 ~~tax shall be required to inventory such motor fuel and pay this~~  
12 ~~additional tax in a manner prescribed by the Department of~~  
13 ~~Revenue.~~

14           ~~The tax imposed in this paragraph (c) shall be in addition~~  
15 ~~to all other taxes imposed by the State of Illinois or any unit~~  
16 ~~of local government in this State.~~

17           (c-5) Beginning on January 1, 2014, a tax is imposed at the  
18 rate of 9.5% of the average wholesale price of motor fuel sold  
19 or distributed in this State, as determined under subsection  
20 (c-10). The tax shall be paid on a per gallon basis.  
21 Distributors and suppliers may make tax free sales as provided  
22 in Sections 6 and 6a.

23           (c-10) Beginning on January 1, 2014, on or before the first  
24 day each calendar quarter, the Department of Revenue shall  
25 certify the average wholesale price per gallon of motor fuel  
26 for that calendar quarter. The Department shall, by rule,

1 calculate the average wholesale price of motor fuel.

2 (d) Except as provided in Section 2a, the collection of a  
3 tax based on gallonage of gasoline used for the propulsion of  
4 any aircraft is prohibited on and after October 1, 1979.

5 (e) The collection of a tax, based on gallonage of all  
6 products commonly or commercially known or sold as 1-K  
7 kerosene, regardless of its classification or uses, is  
8 prohibited (i) on and after July 1, 1992 until December 31,  
9 1999, except when the 1-K kerosene is either: (1) delivered  
10 into bulk storage facilities of a bulk user, or (2) delivered  
11 directly into the fuel supply tanks of motor vehicles and (ii)  
12 on and after January 1, 2000. Beginning on January 1, 2000, the  
13 collection of a tax, based on gallonage of all products  
14 commonly or commercially known or sold as 1-K kerosene,  
15 regardless of its classification or uses, is prohibited except  
16 when the 1-K kerosene is delivered directly into a storage tank  
17 that is located at a facility that has withdrawal facilities  
18 that are readily accessible to and are capable of dispensing  
19 1-K kerosene into the fuel supply tanks of motor vehicles. For  
20 purposes of this subsection (e), a facility is considered to  
21 have withdrawal facilities that are not "readily accessible to  
22 and capable of dispensing 1-K kerosene into the fuel supply  
23 tanks of motor vehicles" only if the 1-K kerosene is delivered  
24 from: (i) a dispenser hose that is short enough so that it will  
25 not reach the fuel supply tank of a motor vehicle or (ii) a  
26 dispenser that is enclosed by a fence or other physical barrier

1 so that a vehicle cannot pull alongside the dispenser to permit  
2 fueling.

3 Any person who sells or uses 1-K kerosene for use in motor  
4 vehicles upon which the tax imposed by this Law has not been  
5 paid shall be liable for any tax due on the sales or use of 1-K  
6 kerosene.

7 (Source: P.A. 96-1384, eff. 7-29-10.)

8 (35 ILCS 505/8) (from Ch. 120, par. 424)

9 Sec. 8. Except as provided in Section 8a, subdivision  
10 (h) (1) of Section 12a, Section 13a.6, and items 13, 14, 15, and  
11 16 of Section 15, all money received by the Department under  
12 this Act, including payments made to the Department by member  
13 jurisdictions participating in the International Fuel Tax  
14 Agreement, shall be deposited in a special fund in the State  
15 treasury, to be known as the "Motor Fuel Tax Fund", and shall  
16 be used as follows:

17 (a) 2 1/2 cents per gallon of the tax collected on special  
18 fuel under paragraph (b) of Section 2 and Section 13a of this  
19 Act shall be transferred to the State Construction Account Fund  
20 in the State Treasury;

21 (b) \$420,000 shall be transferred each month to the State  
22 Boating Act Fund to be used by the Department of Natural  
23 Resources for the purposes specified in Article X of the Boat  
24 Registration and Safety Act;

25 (c) \$3,500,000 shall be transferred each month to the Grade

1 Crossing Protection Fund to be used as follows: not less than  
2 \$12,000,000 each fiscal year shall be used for the construction  
3 or reconstruction of rail highway grade separation structures;  
4 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in  
5 fiscal year 2010 and each fiscal year thereafter shall be  
6 transferred to the Transportation Regulatory Fund and shall be  
7 accounted for as part of the rail carrier portion of such funds  
8 and shall be used to pay the cost of administration of the  
9 Illinois Commerce Commission's railroad safety program in  
10 connection with its duties under subsection (3) of Section  
11 18c-7401 of the Illinois Vehicle Code, with the remainder to be  
12 used by the Department of Transportation upon order of the  
13 Illinois Commerce Commission, to pay that part of the cost  
14 apportioned by such Commission to the State to cover the  
15 interest of the public in the use of highways, roads, streets,  
16 or pedestrian walkways in the county highway system, township  
17 and district road system, or municipal street system as defined  
18 in the Illinois Highway Code, as the same may from time to time  
19 be amended, for separation of grades, for installation,  
20 construction or reconstruction of crossing protection or  
21 reconstruction, alteration, relocation including construction  
22 or improvement of any existing highway necessary for access to  
23 property or improvement of any grade crossing and grade  
24 crossing surface including the necessary highway approaches  
25 thereto of any railroad across the highway or public road, or  
26 for the installation, construction, reconstruction, or

1 maintenance of a pedestrian walkway over or under a railroad  
2 right-of-way, as provided for in and in accordance with Section  
3 18c-7401 of the Illinois Vehicle Code. The Commission may order  
4 up to \$2,000,000 per year in Grade Crossing Protection Fund  
5 moneys for the improvement of grade crossing surfaces and up to  
6 \$300,000 per year for the maintenance and renewal of 4-quadrant  
7 gate vehicle detection systems located at non-high speed rail  
8 grade crossings. The Commission shall not order more than  
9 \$2,000,000 per year in Grade Crossing Protection Fund moneys  
10 for pedestrian walkways. In entering orders for projects for  
11 which payments from the Grade Crossing Protection Fund will be  
12 made, the Commission shall account for expenditures authorized  
13 by the orders on a cash rather than an accrual basis. For  
14 purposes of this requirement an "accrual basis" assumes that  
15 the total cost of the project is expended in the fiscal year in  
16 which the order is entered, while a "cash basis" allocates the  
17 cost of the project among fiscal years as expenditures are  
18 actually made. To meet the requirements of this subsection, the  
19 Illinois Commerce Commission shall develop annual and 5-year  
20 project plans of rail crossing capital improvements that will  
21 be paid for with moneys from the Grade Crossing Protection  
22 Fund. The annual project plan shall identify projects for the  
23 succeeding fiscal year and the 5-year project plan shall  
24 identify projects for the 5 directly succeeding fiscal years.  
25 The Commission shall submit the annual and 5-year project plans  
26 for this Fund to the Governor, the President of the Senate, the

1 Senate Minority Leader, the Speaker of the House of  
2 Representatives, and the Minority Leader of the House of  
3 Representatives on the first Wednesday in April of each year;

4 (d) of the amount remaining after allocations provided for  
5 in subsections (a), (b) and (c), a sufficient amount shall be  
6 reserved to pay all of the following:

7 (1) the costs of the Department of Revenue in  
8 administering this Act;

9 (2) the costs of the Department of Transportation in  
10 performing its duties imposed by the Illinois Highway Code  
11 for supervising the use of motor fuel tax funds apportioned  
12 to municipalities, counties and road districts;

13 (3) refunds provided for in Section 13, refunds for  
14 overpayment of decal fees paid under Section 13a.4 of this  
15 Act, and refunds provided for under the terms of the  
16 International Fuel Tax Agreement referenced in Section  
17 14a;

18 (4) from October 1, 1985 until June 30, 1994, the  
19 administration of the Vehicle Emissions Inspection Law,  
20 which amount shall be certified monthly by the  
21 Environmental Protection Agency to the State Comptroller  
22 and shall promptly be transferred by the State Comptroller  
23 and Treasurer from the Motor Fuel Tax Fund to the Vehicle  
24 Inspection Fund, and for the period July 1, 1994 through  
25 June 30, 2000, one-twelfth of \$25,000,000 each month, for  
26 the period July 1, 2000 through June 30, 2003, one-twelfth



1 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,  
2 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each  
3 July 1 and October 1, or as soon thereafter as may be  
4 practical, during the period July 1, 2004 through June 30,  
5 2012, for the administration of the Vehicle Emissions  
6 Inspection Law of 2005, to be transferred by the State  
7 Comptroller and Treasurer from the Motor Fuel Tax Fund into  
8 the Vehicle Inspection Fund;

9 (5) amounts ordered paid by the Court of Claims; and

10 (6) payment of motor fuel use taxes due to member  
11 jurisdictions under the terms of the International Fuel Tax  
12 Agreement. The Department shall certify these amounts to  
13 the Comptroller by the 15th day of each month; the  
14 Comptroller shall cause orders to be drawn for such  
15 amounts, and the Treasurer shall administer those amounts  
16 on or before the last day of each month;

17 (e) after allocations for the purposes set forth in  
18 subsections (a), (b), (c) and (d), the remaining amount shall  
19 be apportioned as follows:

20 (1) Until January 1, 2000, 58.4%, and beginning January  
21 1, 2000, 45.6% shall be deposited as follows:

22 (A) 37% into the State Construction Account Fund,  
23 and

24 (B) 63% into the Road Fund, \$1,250,000 of which  
25 shall be reserved each month for the Department of  
26 Transportation to be used in accordance with the

1 provisions of Sections 6-901 through 6-906 of the  
2 Illinois Highway Code;

3 (2) Until January 1, 2000, 41.6%, and beginning January  
4 1, 2000, 54.4% shall be transferred to the Department of  
5 Transportation to be distributed as follows:

6 (A) 49.10% to the municipalities of the State,

7 (B) 16.74% to the counties of the State having  
8 1,000,000 or more inhabitants,

9 (C) 18.27% to the counties of the State having less  
10 than 1,000,000 inhabitants,

11 (D) 15.89% to the road districts of the State.

12 As soon as may be after the first day of each month the  
13 Department of Transportation shall allot to each municipality  
14 its share of the amount apportioned to the several  
15 municipalities which shall be in proportion to the population  
16 of such municipalities as determined by the last preceding  
17 municipal census if conducted by the Federal Government or  
18 Federal census. If territory is annexed to any municipality  
19 subsequent to the time of the last preceding census the  
20 corporate authorities of such municipality may cause a census  
21 to be taken of such annexed territory and the population so  
22 ascertained for such territory shall be added to the population  
23 of the municipality as determined by the last preceding census  
24 for the purpose of determining the allotment for that  
25 municipality. If the population of any municipality was not  
26 determined by the last Federal census preceding any

1 apportionment, the apportionment to such municipality shall be  
2 in accordance with any census taken by such municipality. Any  
3 municipal census used in accordance with this Section shall be  
4 certified to the Department of Transportation by the clerk of  
5 such municipality, and the accuracy thereof shall be subject to  
6 approval of the Department which may make such corrections as  
7 it ascertains to be necessary.

8 As soon as may be after the first day of each month the  
9 Department of Transportation shall allot to each county its  
10 share of the amount apportioned to the several counties of the  
11 State as herein provided. Each allotment to the several  
12 counties having less than 1,000,000 inhabitants shall be in  
13 proportion to the amount of motor vehicle license fees received  
14 from the residents of such counties, respectively, during the  
15 preceding calendar year. The Secretary of State shall, on or  
16 before April 15 of each year, transmit to the Department of  
17 Transportation a full and complete report showing the amount of  
18 motor vehicle license fees received from the residents of each  
19 county, respectively, during the preceding calendar year. The  
20 Department of Transportation shall, each month, use for  
21 allotment purposes the last such report received from the  
22 Secretary of State.

23 As soon as may be after the first day of each month, the  
24 Department of Transportation shall allot to the several  
25 counties their share of the amount apportioned for the use of  
26 road districts. The allotment shall be apportioned among the

1 several counties in the State in the proportion which the total  
2 mileage of township or district roads in the respective  
3 counties bears to the total mileage of all township and  
4 district roads in the State. Funds allotted to the respective  
5 counties for the use of road districts therein shall be  
6 allocated to the several road districts in the county in the  
7 proportion which the total mileage of such township or district  
8 roads in the respective road districts bears to the total  
9 mileage of all such township or district roads in the county.  
10 After July 1 of any year prior to 2011, no allocation shall be  
11 made for any road district unless it levied a tax for road and  
12 bridge purposes in an amount which will require the extension  
13 of such tax against the taxable property in any such road  
14 district at a rate of not less than either .08% of the value  
15 thereof, based upon the assessment for the year immediately  
16 prior to the year in which such tax was levied and as equalized  
17 by the Department of Revenue or, in DuPage County, an amount  
18 equal to or greater than \$12,000 per mile of road under the  
19 jurisdiction of the road district, whichever is less. Beginning  
20 July 1, 2011 and each July 1 thereafter, an allocation shall be  
21 made for any road district if it levied a tax for road and  
22 bridge purposes. In counties other than DuPage County, if the  
23 amount of the tax levy requires the extension of the tax  
24 against the taxable property in the road district at a rate  
25 that is less than 0.08% of the value thereof, based upon the  
26 assessment for the year immediately prior to the year in which

1 the tax was levied and as equalized by the Department of  
2 Revenue, then the amount of the allocation for that road  
3 district shall be a percentage of the maximum allocation equal  
4 to the percentage obtained by dividing the rate extended by the  
5 district by 0.08%. In DuPage County, if the amount of the tax  
6 levy requires the extension of the tax against the taxable  
7 property in the road district at a rate that is less than the  
8 lesser of (i) 0.08% of the value of the taxable property in the  
9 road district, based upon the assessment for the year  
10 immediately prior to the year in which such tax was levied and  
11 as equalized by the Department of Revenue, or (ii) a rate that  
12 will yield an amount equal to \$12,000 per mile of road under  
13 the jurisdiction of the road district, then the amount of the  
14 allocation for the road district shall be a percentage of the  
15 maximum allocation equal to the percentage obtained by dividing  
16 the rate extended by the district by the lesser of (i) 0.08% or  
17 (ii) the rate that will yield an amount equal to \$12,000 per  
18 mile of road under the jurisdiction of the road district.

19 Prior to 2011, if any road district has levied a special  
20 tax for road purposes pursuant to Sections 6-601, 6-602 and  
21 6-603 of the Illinois Highway Code, and such tax was levied in  
22 an amount which would require extension at a rate of not less  
23 than .08% of the value of the taxable property thereof, as  
24 equalized or assessed by the Department of Revenue, or, in  
25 DuPage County, an amount equal to or greater than \$12,000 per  
26 mile of road under the jurisdiction of the road district,

1    whichever is less, such levy shall, however, be deemed a proper  
2    compliance with this Section and shall qualify such road  
3    district for an allotment under this Section. Beginning in 2011  
4    and thereafter, if any road district has levied a special tax  
5    for road purposes under Sections 6-601, 6-602, and 6-603 of the  
6    Illinois Highway Code, and the tax was levied in an amount that  
7    would require extension at a rate of not less than 0.08% of the  
8    value of the taxable property of that road district, as  
9    equalized or assessed by the Department of Revenue or, in  
10   DuPage County, an amount equal to or greater than \$12,000 per  
11   mile of road under the jurisdiction of the road district,  
12   whichever is less, that levy shall be deemed a proper  
13   compliance with this Section and shall qualify such road  
14   district for a full, rather than proportionate, allotment under  
15   this Section. If the levy for the special tax is less than  
16   0.08% of the value of the taxable property, or, in DuPage  
17   County if the levy for the special tax is less than the lesser  
18   of (i) 0.08% or (ii) \$12,000 per mile of road under the  
19   jurisdiction of the road district, and if the levy for the  
20   special tax is more than any other levy for road and bridge  
21   purposes, then the levy for the special tax qualifies the road  
22   district for a proportionate, rather than full, allotment under  
23   this Section. If the levy for the special tax is equal to or  
24   less than any other levy for road and bridge purposes, then any  
25   allotment under this Section shall be determined by the other  
26   levy for road and bridge purposes.

1 Prior to 2011, if a township has transferred to the road  
2 and bridge fund money which, when added to the amount of any  
3 tax levy of the road district would be the equivalent of a tax  
4 levy requiring extension at a rate of at least .08%, or, in  
5 DuPage County, an amount equal to or greater than \$12,000 per  
6 mile of road under the jurisdiction of the road district,  
7 whichever is less, such transfer, together with any such tax  
8 levy, shall be deemed a proper compliance with this Section and  
9 shall qualify the road district for an allotment under this  
10 Section.

11 In counties in which a property tax extension limitation is  
12 imposed under the Property Tax Extension Limitation Law, road  
13 districts may retain their entitlement to a motor fuel tax  
14 allotment or, beginning in 2011, their entitlement to a full  
15 allotment if, at the time the property tax extension limitation  
16 was imposed, the road district was levying a road and bridge  
17 tax at a rate sufficient to entitle it to a motor fuel tax  
18 allotment and continues to levy the maximum allowable amount  
19 after the imposition of the property tax extension limitation.  
20 Any road district may in all circumstances retain its  
21 entitlement to a motor fuel tax allotment or, beginning in  
22 2011, its entitlement to a full allotment if it levied a road  
23 and bridge tax in an amount that will require the extension of  
24 the tax against the taxable property in the road district at a  
25 rate of not less than 0.08% of the assessed value of the  
26 property, based upon the assessment for the year immediately

1 preceding the year in which the tax was levied and as equalized  
2 by the Department of Revenue or, in DuPage County, an amount  
3 equal to or greater than \$12,000 per mile of road under the  
4 jurisdiction of the road district, whichever is less.

5 As used in this Section the term "road district" means any  
6 road district, including a county unit road district, provided  
7 for by the Illinois Highway Code; and the term "township or  
8 district road" means any road in the township and district road  
9 system as defined in the Illinois Highway Code. For the  
10 purposes of this Section, "township or district road" also  
11 includes such roads as are maintained by park districts, forest  
12 preserve districts and conservation districts. The Department  
13 of Transportation shall determine the mileage of all township  
14 and district roads for the purposes of making allotments and  
15 allocations of motor fuel tax funds for use in road districts.

16 Payment of motor fuel tax moneys to municipalities and  
17 counties shall be made as soon as possible after the allotment  
18 is made. The treasurer of the municipality or county may invest  
19 these funds until their use is required and the interest earned  
20 by these investments shall be limited to the same uses as the  
21 principal funds.

22 This Section is repealed on January 1, 2014.

23 (Source: P.A. 96-34, eff. 7-13-09; 96-45, eff. 7-15-09; 96-959,  
24 eff. 7-1-10; 96-1000, eff. 7-2-10; 96-1024, eff. 7-12-10;  
25 96-1384, eff. 7-29-10; 97-72, eff. 7-1-11; 97-333, eff.  
26 8-12-11.)



1 (35 ILCS 505/8b new)

2 Sec. 8b. Distribution of tax proceeds.

3 (a) Beginning on January 1, 2014, except as provided in  
4 Section 8a, subdivision (h) (1) of Section 12a, Section 13a.6,  
5 and items 13, 14, 15, and 16 of Section 15, all money received  
6 by the Department under this Act, including payments made to  
7 the Department by member jurisdictions participating in the  
8 International Fuel Tax Agreement, shall be deposited as  
9 provided in this Section.

10 (b) \$2,906,150 shall be deposited into the State  
11 Construction Account Fund in the State Treasury each month;

12 (c) After deposits have been made under subsection (b) of  
13 this Section, \$101,876,650 shall be deposited into the Motor  
14 Fuel Tax Fund each month, and shall be distributed as follows:

15 (1) 45.6% shall be deposited as follows:;

16 (A) 37% into the State Construction Account Fund,  
17 and

18 (B) 63% into the Road Fund, \$1,250,000 of which  
19 shall be reserved each month for the Department of  
20 Transportation to be used in accordance with the  
21 provisions of Sections 6-901 through 6-906 of the  
22 Illinois Highway Code;

23 (2) 54.4% shall be transferred to the Department of  
24 Transportation to be distributed as follows:

25 (A) 49.10% to the municipalities of the State,

1                   (B) 16.74% to the counties of the State having  
2                   1,000,000 or more inhabitants,

3                   (C) 18.27% to the counties of the State having less  
4                   than 1,000,000 inhabitants, and

5                   (D) 15.89% to the road districts of the State.

6           (d) After deposits have been made under subsections (b) and  
7           (c) of this Section, the remaining amount shall be deposited  
8           into the Transportation Reform Fund, a special fund created in  
9           the State Treasury, and shall be used as provided in this  
10           subsection:

11                   (1) 80% of those moneys shall be used for highway  
12                   maintenance, highway construction, bridge repair,  
13                   congestion relief, and construction of aviation  
14                   facilities; of that 80%:

15                   (A) the State Comptroller and the State Treasurer  
16                   shall transfer 60% to the State Construction Account  
17                   Fund; those moneys shall be used for construction,  
18                   reconstruction, improvement, repair, maintenance,  
19                   operation, and administration of highways; and

20                   (B) 40% shall be distributed by the Department of  
21                   Transportation to municipalities, counties, and road  
22                   districts in the same percentages set forth in  
23                   paragraph (2) of subsection (c); and

24                   (2) 20% shall be used for projects related to rail  
25                   facilities and mass transit facilities, as defined in  
26                   Section 2705-305 of the Department of Transportation Law of

1 the Civil Administrative Code of Illinois, including rapid  
2 transit, rail, high-speed rail, bus and other equipment in  
3 connection with the State or a unit of local government,  
4 special district, municipal corporation, or other public  
5 agency authorized to provide and promote public  
6 transportation within the State; of that 20%:

7 (A) 80% shall be deposited into the Regional  
8 Transportation Authority Capital Improvement Fund, a  
9 special fund created in the State Treasury; moneys in  
10 the Regional Transportation Authority Capital  
11 Improvement Fund shall be used by the Regional  
12 Transportation Authority for deferred maintenance on  
13 mass transit facilities; and

14 (B) 20% shall be deposited into the Downstate Mass  
15 Transportation Capital Improvement Fund, a special  
16 fund created in the State Treasury; moneys in the  
17 Downstate Mass Transportation Capital Improvement Fund  
18 shall be used by local mass transit districts other  
19 than the Regional Transportation Authority for  
20 deferred maintenance on mass transit facilities.

21 Moneys deposited into the Transportation Reform Fund, the  
22 Regional Transportation Authority Capital Improvement Fund, or  
23 the Downstate Mass Transportation Capital Improvement Fund are  
24 not subject to administrative charges or chargebacks unless  
25 otherwise authorized by this Act.

26 (e) As soon as may be after the first day of each month the

1 Department of Transportation shall allot to each municipality  
2 its share of the amount apportioned to the several  
3 municipalities under this Section, which shall be in proportion  
4 to the population of such municipalities as determined by the  
5 last preceding municipal census if conducted by the Federal  
6 Government or Federal census. If territory is annexed to any  
7 municipality subsequent to the time of the last preceding  
8 census, the corporate authorities of such municipality may  
9 cause a census to be taken of such annexed territory and the  
10 population so ascertained for such territory shall be added to  
11 the population of the municipality as determined by the last  
12 preceding census for the purpose of determining the allotment  
13 for that municipality. If the population of any municipality  
14 was not determined by the last Federal census preceding any  
15 apportionment, the apportionment to such municipality shall be  
16 in accordance with any census taken by such municipality. Any  
17 municipal census used in accordance with this Section shall be  
18 certified to the Department of Transportation by the clerk of  
19 the municipality, and the accuracy thereof shall be subject to  
20 approval of the Department which may make such corrections as  
21 it ascertains to be necessary.

22 As soon as may be after the first day of each month the  
23 Department of Transportation shall allot to each county its  
24 share of the amount apportioned to the several counties of the  
25 State under this Section. Each allotment to the several  
26 counties having less than 1,000,000 inhabitants shall be in

1 proportion to the amount of motor vehicle license fees received  
2 from the residents of such counties, respectively, during the  
3 preceding calendar year. The Secretary of State shall, on or  
4 before April 15 of each year, transmit to the Department of  
5 Transportation a full and complete report showing the amount of  
6 motor vehicle license fees received from the residents of each  
7 county, respectively, during the preceding calendar year. The  
8 Department of Transportation shall, each month, use for  
9 allotment purposes the last such report received from the  
10 Secretary of State.

11 As soon as may be after the first day of each month, the  
12 Department of Transportation shall allot to the several  
13 counties their share of the amount apportioned for the use of  
14 road districts. The allotment shall be apportioned among the  
15 several counties in the State in the proportion which the total  
16 mileage of township or district roads in the respective  
17 counties bears to the total mileage of all township and  
18 district roads in the State. Funds allotted to the respective  
19 counties for the use of road districts therein shall be  
20 allocated to the several road districts in the county in the  
21 proportion which the total mileage of such township or district  
22 roads in the respective road districts bears to the total  
23 mileage of all such township or district roads in the county.  
24 On July 1 of each year, an allocation shall be made for any  
25 road district if it levied a tax for road and bridge purposes.  
26 In counties other than DuPage County, if the amount of the tax

1 levy requires the extension of the tax against the taxable  
2 property in the road district at a rate that is less than 0.08%  
3 of the value thereof, based upon the assessment for the year  
4 immediately prior to the year in which the tax was levied and  
5 as equalized by the Department of Revenue, then the amount of  
6 the allocation for that road district shall be a percentage of  
7 the maximum allocation equal to the percentage obtained by  
8 dividing the rate extended by the district by 0.08%. In DuPage  
9 County, if the amount of the tax levy requires the extension of  
10 the tax against the taxable property in the road district at a  
11 rate that is less than the lesser of (i) 0.08% of the value of  
12 the taxable property in the road district, based upon the  
13 assessment for the year immediately prior to the year in which  
14 such tax was levied and as equalized by the Department of  
15 Revenue, or (ii) a rate that will yield an amount equal to  
16 \$12,000 per mile of road under the jurisdiction of the road  
17 district, then the amount of the allocation for the road  
18 district shall be a percentage of the maximum allocation equal  
19 to the percentage obtained by dividing the rate extended by the  
20 district by the lesser of (i) 0.08% or (ii) the rate that will  
21 yield an amount equal to \$12,000 per mile of road under the  
22 jurisdiction of the road district.

23 If any road district has levied a special tax for road  
24 purposes under Sections 6-601, 6-602, and 6-603 of the Illinois  
25 Highway Code, and the tax was levied in an amount that would  
26 require extension at a rate of not less than 0.08% of the value

1 of the taxable property of that road district, as equalized or  
2 assessed by the Department of Revenue or, in DuPage County, an  
3 amount equal to or greater than \$12,000 per mile of road under  
4 the jurisdiction of the road district, whichever is less, that  
5 levy shall be deemed a proper compliance with this Section and  
6 shall qualify such road district for a full, rather than  
7 proportionate, allotment under this Section. If the levy for  
8 the special tax is less than 0.08% of the value of the taxable  
9 property, or, in DuPage County if the levy for the special tax  
10 is less than the lesser of (i) 0.08% or (ii) \$12,000 per mile  
11 of road under the jurisdiction of the road district, and if the  
12 levy for the special tax is more than any other levy for road  
13 and bridge purposes, then the levy for the special tax  
14 qualifies the road district for a proportionate, rather than  
15 full, allotment under this Section. If the levy for the special  
16 tax is equal to or less than any other levy for road and bridge  
17 purposes, then any allotment under this Section shall be  
18 determined by the other levy for road and bridge purposes.

19 In counties in which a property tax extension limitation is  
20 imposed under the Property Tax Extension Limitation Law, road  
21 districts may retain their entitlement to a motor fuel tax  
22 allotment, or their entitlement to a full allotment, if, at the  
23 time the property tax extension limitation was imposed, the  
24 road district was levying a road and bridge tax at a rate  
25 sufficient to entitle it to a motor fuel tax allotment and  
26 continues to levy the maximum allowable amount after the

1 imposition of the property tax extension limitation. Any road  
2 district may in all circumstances retain its entitlement to a  
3 motor fuel tax allotment, or its entitlement to a full  
4 allotment, if it levied a road and bridge tax in an amount that  
5 will require the extension of the tax against the taxable  
6 property in the road district at a rate of not less than 0.08%  
7 of the assessed value of the property, based upon the  
8 assessment for the year immediately preceding the year in which  
9 the tax was levied and as equalized by the Department of  
10 Revenue or, in DuPage County, an amount equal to or greater  
11 than \$12,000 per mile of road under the jurisdiction of the  
12 road district, whichever is less.

13 As used in this Section the term "road district" means any  
14 road district, including a county unit road district, provided  
15 for by the Illinois Highway Code; and the term "township or  
16 district road" means any road in the township and district road  
17 system as defined in the Illinois Highway Code. For the  
18 purposes of this Section, "township or district road" also  
19 includes such roads as are maintained by park districts, forest  
20 preserve districts and conservation districts. The Department  
21 of Transportation shall determine the mileage of all township  
22 and district roads for the purposes of making allotments and  
23 allocations of motor fuel tax funds for use in road districts.

24 Payment of motor fuel tax moneys to municipalities and  
25 counties shall be made as soon as possible after the allotment  
26 is made. The treasurer of the municipality or county may invest



1 these funds until their use is required and the interest earned  
2 by these investments shall be limited to the same uses as the  
3 principal funds.

4 Section 35. The Illinois Vehicle Code is amended by  
5 changing Sections 3-805, 3-806, 3-815, 3-821, and 6-118 as  
6 follows:

7 (625 ILCS 5/3-805) (from Ch. 95 1/2, par. 3-805)

8 Sec. 3-805. Electric vehicles. The owner of a motor  
9 vehicle of the first division or a motor vehicle of the second  
10 division weighing 8,000 pounds or less propelled by an electric  
11 engine and not utilizing motor fuel, may register such vehicle  
12 for a fee not to exceed \$222 a year ~~\$35~~ for a 1-year ~~2-year~~  
13 registration period. The Secretary may, in his or her  
14 discretion, prescribe that electric vehicle registration  
15 plates be issued for an indefinite term, such term to  
16 correspond to the term of registration plates issued generally,  
17 as provided in Section 3-414.1. In no event may the  
18 registration fee for electric vehicles exceed \$222 ~~\$18~~ per  
19 registration year. Of this \$222 registration fee, \$204.50 shall  
20 be deposited into the Transportation Reform Fund.

21 (Source: P.A. 96-1135, eff. 7-21-10.)

22 (625 ILCS 5/3-806) (from Ch. 95 1/2, par. 3-806)

23 Sec. 3-806. Registration Fees; Motor Vehicles of the First

1 Division. Every owner of any other motor vehicle of the first  
 2 division, except as provided in Sections 3-804, 3-804.01,  
 3 3-804.3, 3-805, 3-806.3, 3-806.7, and 3-808, and every second  
 4 division vehicle weighing 8,000 pounds or less, shall pay the  
 5 Secretary of State an annual registration fee at the following  
 6 rates:

7 SCHEDULE OF REGISTRATION FEES

8 REQUIRED BY LAW

9 Beginning with the 2010 registration year

10 Annual

11 Fee

12 Motor vehicles of the first

13 division other than

14 Motorcycles, Motor Driven

15 Cycles and Pedalcycles \$98

16 Motorcycles, Motor Driven

17 Cycles and Pedalcycles 38

18 Beginning with the 2010 registration year a \$1 surcharge  
 19 shall be collected in addition to the above fees for motor  
 20 vehicles of the first division, motorcycles, motor driven  
 21 cycles, and pedalcycles to be deposited into the State Police  
 22 Vehicle Fund.

23 All of the proceeds of the additional fees imposed by  
 24 Public Act 96-34 shall be deposited into the Capital Projects  
 25 Fund.

1           Beginning with the 2014 registration year, a \$2 surcharge  
2 shall be collected in addition to the above fees for motor  
3 vehicles of the first division, motorcycles, motor driven  
4 cycles, and pedalcycles to be deposited into the Park and  
5 Conservation Fund for the Department of Natural Resources to  
6 use for conservation efforts. The monies deposited into the  
7 Park and Conservation Fund under this Section shall not be  
8 subject to administrative charges or chargebacks unless  
9 otherwise authorized by this Act.

10           Beginning with the 2014 registration year, a \$15 surcharge  
11 shall be collected in addition to the above fees for motor  
12 vehicles of the first division, motorcycles, motor driven  
13 cycles, and pedalcycles to be deposited into the Transportation  
14 Reform Fund. The moneys deposited into the Transportation  
15 Reform Fund under this Section shall not be subject to  
16 administrative charges or chargebacks unless otherwise  
17 authorized by this Act.

18           (Source: P.A. 96-34, eff. 7-13-09; 96-747, eff. 1-1-10;  
19 96-1000, eff. 7-2-10; 97-412, eff. 1-1-12; 97-811, eff.  
20 7-13-12; 97-1136, eff. 1-1-13; revised 1-2-13.)

21           (625 ILCS 5/3-815) (from Ch. 95 1/2, par. 3-815)

22           Sec. 3-815. Flat weight tax; vehicles of the second  
23 division.

24           (a) Except as provided in Section 3-806.3 and 3-804.3,  
25 every owner of a vehicle of the second division registered

1 under Section 3-813, and not registered under the mileage  
 2 weight tax under Section 3-818, shall pay to the Secretary of  
 3 State, for each registration year, for the use of the public  
 4 highways, a flat weight tax at the rates set forth in the  
 5 following table, the rates including the \$10 registration fee:

6 SCHEDULE OF FLAT WEIGHT TAX

7 REQUIRED BY LAW

8 Gross Weight in Lbs. 9 Including Vehicle 10 and Maximum 11 Load	Class	Total Fees each Fiscal year
12 8,000 lbs. and less	B	\$98
13 8,001 lbs. to 12,000 lbs.	D	138
14 12,001 lbs. to 16,000 lbs.	F	242
15 16,001 lbs. to 26,000 lbs.	H	490
16 26,001 lbs. to 28,000 lbs.	J	630
17 28,001 lbs. to 32,000 lbs.	K	842
18 32,001 lbs. to 36,000 lbs.	L	982
19 36,001 lbs. to 40,000 lbs.	N	1,202
20 40,001 lbs. to 45,000 lbs.	P	1,390
21 45,001 lbs. to 50,000 lbs.	Q	1,538
22 50,001 lbs. to 54,999 lbs.	R	1,698
23 55,000 lbs. to 59,500 lbs.	S	1,830
24 59,501 lbs. to 64,000 lbs.	T	1,970
25 64,001 lbs. to 73,280 lbs.	V	2,294
26 73,281 lbs. to 77,000 lbs.	X	2,622

1 77,001 lbs. to 80,000 lbs. z 2,790

2 Beginning with the 2010 registration year a \$1 surcharge  
3 shall be collected for vehicles registered in the 8,000 lbs.  
4 and less flat weight plate category above to be deposited into  
5 the State Police Vehicle Fund.

6 Beginning with the 2014 registration year, a \$2 surcharge  
7 shall be collected in addition to the above fees for vehicles  
8 registered in the 8,000 lb. and less flat weight plate category  
9 as described in this subsection (a) to be deposited into the  
10 Park and Conservation Fund for the Department of Natural  
11 Resources to use for conservation efforts. The monies deposited  
12 into the Park and Conservation Fund under this Section shall  
13 not be subject to administrative charges or chargebacks unless  
14 otherwise authorized by this Act.

15 Beginning with the 2015 registration year, a \$15 surcharge  
16 shall be collected in addition to the above fees for vehicles  
17 registered in the 8,000 lb. and less flat weight plate category  
18 as described in this subsection (a) to be deposited into the  
19 Transportation Reform Fund. The moneys deposited into the  
20 Transportation Reform Fund under this Section shall not be  
21 subject to administrative charges or chargebacks unless  
22 otherwise authorized by this amendatory Act of the 98th General  
23 Assembly.

24 All of the proceeds of the additional fees imposed by this  
25 amendatory Act of the 96th General Assembly shall be deposited  
26 into the Capital Projects Fund.

1 (a-1) A Special Hauling Vehicle is a vehicle or combination  
 2 of vehicles of the second division registered under Section  
 3 3-813 transporting asphalt or concrete in the plastic state or  
 4 a vehicle or combination of vehicles that are subject to the  
 5 gross weight limitations in subsection (a) of Section 15-111  
 6 for which the owner of the vehicle or combination of vehicles  
 7 has elected to pay, in addition to the registration fee in  
 8 subsection (a), \$125 to the Secretary of State for each  
 9 registration year. The Secretary shall designate this class of  
 10 vehicle as a Special Hauling Vehicle.

11 (b) Except as provided in Section 3-806.3, every camping  
 12 trailer, motor home, mini motor home, travel trailer, truck  
 13 camper or van camper used primarily for recreational purposes,  
 14 and not used commercially, nor for hire, nor owned by a  
 15 commercial business, may be registered for each registration  
 16 year upon the filing of a proper application and the payment of  
 17 a registration fee and highway use tax, according to the  
 18 following table of fees:

MOTOR HOME, MINI MOTOR HOME, TRUCK CAMPER OR VAN CAMPER	
Gross Weight in Lbs. Including Vehicle and Maximum Load	Total Fees Each Calendar Year
8,000 lbs and less	\$78
8,001 Lbs. to 10,000 Lbs	90
10,001 Lbs. and Over	102

26 CAMPING TRAILER OR TRAVEL TRAILER

1	Gross Weight in Lbs.	Total Fees
2	Including Vehicle and	Each
3	Maximum Load	Calendar Year
4	3,000 Lbs. and Less	\$18
5	3,001 Lbs. to 8,000 Lbs.	30
6	8,001 Lbs. to 10,000 Lbs.	38
7	10,001 Lbs. and Over	50

8 Every house trailer must be registered under Section 3-819.

9 (c) Farm Truck. Any truck used exclusively for the owner's  
 10 own agricultural, horticultural or livestock raising  
 11 operations and not-for-hire only, or any truck used only in the  
 12 transportation for-hire of seasonal, fresh, perishable fruit  
 13 or vegetables from farm to the point of first processing, may  
 14 be registered by the owner under this paragraph in lieu of  
 15 registration under paragraph (a), upon filing of a proper  
 16 application and the payment of the \$10 registration fee and the  
 17 highway use tax herein specified as follows:

18 SCHEDULE OF FEES AND TAXES

19	Gross Weight in Lbs.	Total Amount for
20	Including Truck and	each
21	Maximum Load	Fiscal Year
22	16,000 lbs. or less	\$150
23	16,001 to 20,000 lbs.	226
24	20,001 to 24,000 lbs.	290
25	24,001 to 28,000 lbs.	378
26	28,001 to 32,000 lbs.	506

1	32,001 to 36,000 lbs.	VL	610
2	36,001 to 45,000 lbs.	VP	810
3	45,001 to 54,999 lbs.	VR	1,026
4	55,000 to 64,000 lbs.	VT	1,202
5	64,001 to 73,280 lbs.	VV	1,290
6	73,281 to 77,000 lbs.	VX	1,350
7	77,001 to 80,000 lbs.	VZ	1,490

8           In the event the Secretary of State revokes a farm truck  
9 registration as authorized by law, the owner shall pay the flat  
10 weight tax due hereunder before operating such truck.

11           Any combination of vehicles having 5 axles, with a distance  
12 of 42 feet or less between extreme axles, that are subject to  
13 the weight limitations in subsection (a) of Section 15-111 for  
14 which the owner of the combination of vehicles has elected to  
15 pay, in addition to the registration fee in subsection (c),  
16 \$125 to the Secretary of State for each registration year shall  
17 be designated by the Secretary as a Special Hauling Vehicle.

18           (d) The number of axles necessary to carry the maximum load  
19 provided shall be determined from Chapter 15 of this Code.

20           (e) An owner may only apply for and receive 5 farm truck  
21 registrations, and only 2 of those 5 vehicles shall exceed  
22 59,500 gross weight in pounds per vehicle.

23           (f) Every person convicted of violating this Section by  
24 failure to pay the appropriate flat weight tax to the Secretary  
25 of State as set forth in the above tables shall be punished as  
26 provided for in Section 3-401.



1 (Source: P.A. 96-34, eff. 7-13-09; 97-201, eff. 1-1-12; 97-811,  
2 eff. 7-13-12; 97-1136, eff. 1-1-13; revised 1-2-13.)

3 (625 ILCS 5/3-821) (from Ch. 95 1/2, par. 3-821)

4 Sec. 3-821. Miscellaneous Registration and Title Fees.

5 (a) The fee to be paid to the Secretary of State for the  
6 following certificates, registrations or evidences of proper  
7 registration, or for corrected or duplicate documents shall be  
8 in accordance with the following schedule:

9 Certificate of Title, except for an all-terrain	
10 vehicle or off-highway motorcycle	<u>\$105</u> <del>\$95</del>
11 Certificate of Title for an all-terrain vehicle	
12 or off-highway motorcycle	\$30
13 Certificate of Title for an all-terrain vehicle	
14 or off-highway motorcycle used for production	
15 agriculture, or accepted by a dealer in trade	13
16 Certificate of Title for a low-speed vehicle	30
17 Transfer of Registration or any evidence of	
18 proper registration	\$25
19 Duplicate Registration Card for plates or other	
20 evidence of proper registration	3
21 Duplicate Registration Sticker or Stickers, each	20
22 Duplicate Certificate of Title	<u>105</u> <del>95</del>
23 Corrected Registration Card or Card for other	
24 evidence of proper registration	3
25 Corrected Certificate of Title	<u>105</u> <del>95</del>

1	Salvage Certificate	4
2	Fleet Reciprocity Permit	15
3	Prorate Decal	1
4	Prorate Backing Plate	3
5	Special Corrected Certificate of Title	15
6	Expedited Title Service (to be charged in addition	
7	to other applicable fees)	30
8	Dealer Lien Release Certificate of Title	20

9 A special corrected certificate of title shall be issued  
 10 (i) to remove a co-owner's name due to the death of the  
 11 co-owner or due to a divorce or (ii) to change a co-owner's  
 12 name due to a marriage.

13 There shall be no fee paid for a Junking Certificate.

14 There shall be no fee paid for a certificate of title  
 15 issued to a county when the vehicle is forfeited to the county  
 16 under Article 36 of the Criminal Code of 2012.

17 (a-5) The Secretary of State may revoke a certificate of  
 18 title and registration card and issue a corrected certificate  
 19 of title and registration card, at no fee to the vehicle owner  
 20 or lienholder, if there is proof that the vehicle  
 21 identification number is erroneously shown on the original  
 22 certificate of title.

23 (a-10) The Secretary of State may issue, in connection with  
 24 the sale of a motor vehicle, a corrected title to a motor  
 25 vehicle dealer upon application and submittal of a lien release  
 26 letter from the lienholder listed in the files of the

1 Secretary. In the case of a title issued by another state, the  
2 dealer must submit proof from the state that issued the last  
3 title. The corrected title, which shall be known as a dealer  
4 lien release certificate of title, shall be issued in the name  
5 of the vehicle owner without the named lienholder. If the motor  
6 vehicle is currently titled in a state other than Illinois, the  
7 applicant must submit either (i) a letter from the current  
8 lienholder releasing the lien and stating that the lienholder  
9 has possession of the title; or (ii) a letter from the current  
10 lienholder releasing the lien and a copy of the records of the  
11 department of motor vehicles for the state in which the vehicle  
12 is titled, showing that the vehicle is titled in the name of  
13 the applicant and that no liens are recorded other than the  
14 lien for which a release has been submitted. The fee for the  
15 dealer lien release certificate of title is \$20.

16 (b) The Secretary may prescribe the maximum service charge  
17 to be imposed upon an applicant for renewal of a registration  
18 by any person authorized by law to receive and remit or  
19 transmit to the Secretary such renewal application and fees  
20 therewith.

21 (c) If payment is delivered to the Office of the Secretary  
22 of State as payment of any fee or tax under this Code, and such  
23 payment is not honored for any reason, the registrant or other  
24 person tendering the payment remains liable for the payment of  
25 such fee or tax. The Secretary of State may assess a service  
26 charge of \$25 in addition to the fee or tax due and owing for

1 all dishonored payments.

2 If the total amount then due and owing exceeds the sum of  
3 \$100 and has not been paid in full within 60 days from the date  
4 such fee or tax became due to the Secretary of State, the  
5 Secretary of State shall assess a penalty of 25% of such amount  
6 remaining unpaid.

7 All amounts payable under this Section shall be computed to  
8 the nearest dollar. Out of each fee collected for dishonored  
9 payments, \$5 shall be deposited in the Secretary of State  
10 Special Services Fund.

11 Out of each fee collected for a certificate of title, with  
12 the exception of all-terrain vehicles, off-highway  
13 motorcycles, and low speed vehicles, \$10 shall be deposited  
14 into the Transportation Reform Fund.

15 (d) The minimum fee and tax to be paid by any applicant for  
16 apportionment of a fleet of vehicles under this Code shall be  
17 \$15 if the application was filed on or before the date  
18 specified by the Secretary together with fees and taxes due. If  
19 an application and the fees or taxes due are filed after the  
20 date specified by the Secretary, the Secretary may prescribe  
21 the payment of interest at the rate of 1/2 of 1% per month or  
22 fraction thereof after such due date and a minimum of \$8.

23 (e) Trucks, truck tractors, truck tractors with loads, and  
24 motor buses, any one of which having a combined total weight in  
25 excess of 12,000 lbs. shall file an application for a Fleet  
26 Reciprocity Permit issued by the Secretary of State. This

1 permit shall be in the possession of any driver operating a  
2 vehicle on Illinois highways. Any foreign licensed vehicle of  
3 the second division operating at any time in Illinois without a  
4 Fleet Reciprocity Permit or other proper Illinois  
5 registration, shall subject the operator to the penalties  
6 provided in Section 3-834 of this Code. For the purposes of  
7 this Code, "Fleet Reciprocity Permit" means any second division  
8 motor vehicle with a foreign license and used only in  
9 interstate transportation of goods. The fee for such permit  
10 shall be \$15 per fleet which shall include all vehicles of the  
11 fleet being registered.

12 (f) For purposes of this Section, "all-terrain vehicle or  
13 off-highway motorcycle used for production agriculture" means  
14 any all-terrain vehicle or off-highway motorcycle used in the  
15 raising of or the propagation of livestock, crops for sale for  
16 human consumption, crops for livestock consumption, and  
17 production seed stock grown for the propagation of feed grains  
18 and the husbandry of animals or for the purpose of providing a  
19 food product, including the husbandry of blood stock as a main  
20 source of providing a food product. "All-terrain vehicle or  
21 off-highway motorcycle used in production agriculture" also  
22 means any all-terrain vehicle or off-highway motorcycle used in  
23 animal husbandry, floriculture, aquaculture, horticulture, and  
24 viticulture.

25 (g) All of the proceeds of the additional fees imposed by  
26 Public Act 96-34 shall be deposited into the Capital Projects

1 Fund.

2 (Source: P.A. 96-34, eff. 7-13-09; 96-554, eff. 1-1-10; 96-653,  
3 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1274, eff. 7-26-10;  
4 97-835, eff. 1-1-13; 97-838, eff. 7-20-12; 97-1150, eff.  
5 1-25-13.)

6 (625 ILCS 5/6-118)

7 Sec. 6-118. Fees.

8 (a) The fee for licenses and permits under this Article is  
9 as follows:

10	Original driver's license .....	<u>40</u> <del>\$30</del>
11	Original or renewal driver's license	
12	issued to 18, 19 and 20 year olds .....	5
13	All driver's licenses for persons	
14	age 69 through age 80 .....	5
15	All driver's licenses for persons	
16	age 81 through age 86 .....	2
17	All driver's licenses for persons	
18	age 87 or older .....	0
19	Renewal driver's license (except for	
20	applicants ages 18, 19 and 20 or	
21	age 69 and older) .....	<u>40</u> <del>30</del>
22	Original instruction permit issued to	
23	persons (except those age 69 and older)	
24	who do not hold or have not previously	
25	held an Illinois instruction permit or	

1 driver's license ..... 20

2 Instruction permit issued to any person

3 holding an Illinois driver's license

4 who wishes a change in classifications,

5 other than at the time of renewal ..... 5

6 Any instruction permit issued to a person

7 age 69 and older ..... 5

8 Instruction permit issued to any person,

9 under age 69, not currently holding a

10 valid Illinois driver's license or

11 instruction permit but who has

12 previously been issued either document

13 in Illinois ..... 10

14 Restricted driving permit ..... 8

15 Monitoring device driving permit ..... 8

16 Duplicate or corrected driver's license

17 or permit ..... 5

18 Duplicate or corrected restricted

19 driving permit ..... 5

20 Duplicate or corrected monitoring

21 device driving permit ..... 5

22 Duplicate driver's license or permit issued to

23 an active-duty member of the

24 United States Armed Forces,

25 the member's spouse, or

26 the dependent children living

1 with the member ..... 0

2 Original or renewal M or L endorsement..... 5

3 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

4 The fees for commercial driver licenses and permits  
5 under Article V shall be as follows:

6 Commercial driver's license:

7 \$6 for the CDLIS/AAMVAnet Trust Fund

8 (Commercial Driver's License Information

9 System/American Association of Motor Vehicle

10 Administrators network Trust Fund);

11 \$20 for the Motor Carrier Safety Inspection Fund;

12 \$10 for the driver's license;

13 and \$24 for the CDL: ..... \$60

14 Renewal commercial driver's license:

15 \$6 for the CDLIS/AAMVAnet Trust Fund;

16 \$20 for the Motor Carrier Safety Inspection Fund;

17 \$10 for the driver's license; and

18 \$24 for the CDL: ..... \$60

19 Commercial driver instruction permit

20 issued to any person holding a valid

21 Illinois driver's license for the

22 purpose of changing to a

23 CDL classification: \$6 for the

24 CDLIS/AAMVAnet Trust Fund;

25 \$20 for the Motor Carrier

26 Safety Inspection Fund; and



1	\$24 for the CDL classification .....	\$50
2	Commercial driver instruction permit	
3	issued to any person holding a valid	
4	Illinois CDL for the purpose of	
5	making a change in a classification,	
6	endorsement or restriction .....	\$5
7	CDL duplicate or corrected license .....	\$5

8 In order to ensure the proper implementation of the Uniform  
9 Commercial Driver License Act, Article V of this Chapter, the  
10 Secretary of State is empowered to pro-rate the \$24 fee for the  
11 commercial driver's license proportionate to the expiration  
12 date of the applicant's Illinois driver's license.

13 The fee for any duplicate license or permit shall be waived  
14 for any person who presents the Secretary of State's office  
15 with a police report showing that his license or permit was  
16 stolen.

17 The fee for any duplicate license or permit shall be waived  
18 for any person age 60 or older whose driver's license or permit  
19 has been lost or stolen.

20 No additional fee shall be charged for a driver's license,  
21 or for a commercial driver's license, when issued to the holder  
22 of an instruction permit for the same classification or type of  
23 license who becomes eligible for such license.

24 (b) Any person whose license or privilege to operate a  
25 motor vehicle in this State has been suspended or revoked under  
26 Section 3-707, any provision of Chapter 6, Chapter 11, or

1 Section 7-205, 7-303, or 7-702 of the Family Financial  
 2 Responsibility Law of this Code, shall in addition to any other  
 3 fees required by this Code, pay a reinstatement fee as follows:

4	Suspension under Section 3-707 .....	\$100
5	Summary suspension under Section 11-501.1 .....	\$250
6	Summary revocation under Section 11-501.1 .....	\$500
7	Other suspension .....	\$70
8	Revocation .....	\$500

9 However, any person whose license or privilege to operate a  
 10 motor vehicle in this State has been suspended or revoked for a  
 11 second or subsequent time for a violation of Section 11-501 or  
 12 11-501.1 of this Code or a similar provision of a local  
 13 ordinance or a similar out-of-state offense or Section 9-3 of  
 14 the Criminal Code of 1961 or the Criminal Code of 2012 and each  
 15 suspension or revocation was for a violation of Section 11-501  
 16 or 11-501.1 of this Code or a similar provision of a local  
 17 ordinance or a similar out-of-state offense or Section 9-3 of  
 18 the Criminal Code of 1961 or the Criminal Code of 2012 shall  
 19 pay, in addition to any other fees required by this Code, a  
 20 reinstatement fee as follows:

21	Summary suspension under Section 11-501.1 .....	\$500
22	Summary revocation under Section 11-501.1 .....	\$500
23	Revocation .....	\$500

24 (c) All fees collected under the provisions of this Chapter  
 25 6 shall be paid into the Road Fund in the State Treasury except  
 26 as follows:

1           1. The following amounts shall be paid into the Driver  
2 Education Fund:

3           (A) \$16 of the \$20 fee for an original driver's  
4 instruction permit;

5           (B) \$5 of the \$40 ~~\$30~~ fee for an original driver's  
6 license;

7           (C) \$5 of the \$40 ~~\$30~~ fee for a 4 year renewal  
8 driver's license;

9           (D) \$4 of the \$8 fee for a restricted driving  
10 permit; and

11           (E) \$4 of the \$8 fee for a monitoring device  
12 driving permit.

13           2. \$30 of the \$250 fee for reinstatement of a license  
14 summarily suspended under Section 11-501.1 shall be  
15 deposited into the Drunk and Drugged Driving Prevention  
16 Fund. However, for a person whose license or privilege to  
17 operate a motor vehicle in this State has been suspended or  
18 revoked for a second or subsequent time for a violation of  
19 Section 11-501 or 11-501.1 of this Code or Section 9-3 of  
20 the Criminal Code of 1961 or the Criminal Code of 2012,  
21 \$190 of the \$500 fee for reinstatement of a license  
22 summarily suspended under Section 11-501.1, and \$190 of the  
23 \$500 fee for reinstatement of a revoked license shall be  
24 deposited into the Drunk and Drugged Driving Prevention  
25 Fund. \$190 of the \$500 fee for reinstatement of a license  
26 summarily revoked pursuant to Section 11-501.1 shall be

1 deposited into the Drunk and Drugged Driving Prevention  
2 Fund.

3 3. \$6 of such original or renewal fee for a commercial  
4 driver's license and \$6 of the commercial driver  
5 instruction permit fee when such permit is issued to any  
6 person holding a valid Illinois driver's license, shall be  
7 paid into the CDLIS/AAMVAnet Trust Fund.

8 4. \$30 of the \$70 fee for reinstatement of a license  
9 suspended under the Family Financial Responsibility Law  
10 shall be paid into the Family Responsibility Fund.

11 5. The \$5 fee for each original or renewal M or L  
12 endorsement shall be deposited into the Cycle Rider Safety  
13 Training Fund.

14 6. \$20 of any original or renewal fee for a commercial  
15 driver's license or commercial driver instruction permit  
16 shall be paid into the Motor Carrier Safety Inspection  
17 Fund.

18 7. The following amounts shall be paid into the General  
19 Revenue Fund:

20 (A) \$190 of the \$250 reinstatement fee for a  
21 summary suspension under Section 11-501.1;

22 (B) \$40 of the \$70 reinstatement fee for any other  
23 suspension provided in subsection (b) of this Section;  
24 and

25 (C) \$440 of the \$500 reinstatement fee for a first  
26 offense revocation and \$310 of the \$500 reinstatement

1 fee for a second or subsequent revocation.

2 8. \$10 of the \$40 fee for an original driver's license  
3 shall be deposited into the Transportation Reform Fund.

4 (d) All of the proceeds of the additional fees imposed by  
5 this amendatory Act of the 96th General Assembly shall be  
6 deposited into the Capital Projects Fund.

7 (e) The additional fees imposed by this amendatory Act of  
8 the 96th General Assembly shall become effective 90 days after  
9 becoming law.

10 (f) As used in this Section, "active-duty member of the  
11 United States Armed Forces" means a member of the Armed  
12 Services or Reserve Forces of the United States or a member of  
13 the Illinois National Guard who is called to active duty  
14 pursuant to an executive order of the President of the United  
15 States, an act of the Congress of the United States, or an  
16 order of the Governor.

17 (Source: P.A. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09;  
18 96-1231, eff. 7-23-10; 96-1344, eff. 7-1-11; 97-333, eff.  
19 8-12-11; 97-1150, eff. 1-25-13.)

20 Section 99. Effective date. This Act takes effect January  
21 1, 2014.

1	INDEX	
2	Statutes amended in order of appearance	
3	30 ILCS 105/5.826 new	
4	30 ILCS 105/5.827 new	
5	30 ILCS 105/5.828 new	
6	35 ILCS 105/3-10	
7	35 ILCS 105/9	from Ch. 120, par. 439.9
8	35 ILCS 110/3-10	from Ch. 120, par. 439.33-10
9	35 ILCS 110/9	from Ch. 120, par. 439.39
10	35 ILCS 115/3-10	from Ch. 120, par. 439.103-10
11	35 ILCS 115/9	from Ch. 120, par. 439.109
12	35 ILCS 120/2-10	
13	35 ILCS 120/3	from Ch. 120, par. 442
14	35 ILCS 505/2	from Ch. 120, par. 418
15	35 ILCS 505/8	from Ch. 120, par. 424
16	35 ILCS 505/8b new	
17	625 ILCS 5/3-805	from Ch. 95 1/2, par. 3-805
18	625 ILCS 5/3-806	from Ch. 95 1/2, par. 3-806
19	625 ILCS 5/3-815	from Ch. 95 1/2, par. 3-815
20	625 ILCS 5/3-821	from Ch. 95 1/2, par. 3-821
21	625 ILCS 5/6-118	