**Section 130.501 Monthly Tax Returns – When Due – Contents**

a) Except as provided in Section 130.502, 130.510 and 130.2045, on or before the twentieth day of each calendar month, every person engaged in the business of selling tangible personal property at retail in this State during the preceding calendar month shall file a return with the Department for the preceding month, stating the name of the seller, the seller’s residence address and the address of the seller’s principal place of business, and the address of the principal place of business (if that is a different address) from which the seller engaged in the business of selling tangible personal property at retail in this State. *On and after January 1, 2018, except for returns* *required to be filed prior to January 1, 2023, for motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, with respect to retailers whose annual gross receipts average $20,000 or more, all returns required to be filed pursuant to the Act shall be filed electronically. On and after January 1, 2023, with respect to retailers whose annual gross receipts average $20,000 or more, all returns required to be filed pursuant to* the *Act, including, but not limited to, returns for motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, shall be filed electronically. Retailers who demonstrate that they do not have access to the Internet or demonstrate hardship in filing electronically may petition the Department to waive the electronic filing requirement.* [35 ILCS 120/3]

b) In addition, the return shall disclose the following:

1) Total Receipts for the Month from Sales of Tangible Personal Property and Services. Real estate builders and construction contractors, who are also retailers, and who assume the responsibility for accounting for the tax on building materials they purchase, must include, in total receipts, not only their receipts from "over-the-counter" resales of those materials, but also their cost prices of the materials that they convert into real estate (see Section 130.2075). This may be accomplished in the case of a construction contractor by including the contractor’s receipts from construction contracts in total receipts and by deducting those receipts from total receipts only to the extent to which those receipts exceed the cost price to the contractor of the tangible personal property that the contractor incorporates into real estate as a construction contractor.

2) Deductions Allowed by Law

The taxpayer should include in the taxpayer’s total receipts, but should deduct before computing the amount of the tax:

A) taxes collected from sales of the following:

i) general merchandise retail sales;

ii) general merchandise service sales;

iii) food, drugs and medical appliances retail sales;

iv) food, drugs and medical appliances service sales;

B) receipts from sales of tangible personal property for purposes of resale in any form as tangible personal property (see Subparts B and N);

C) receipts from sales that are within the protection of the Commerce Clause of the Constitution of the United States (see Section 130.605);

D) cash refunds for returned merchandise (see Section 130.401);

E) receipts from the sales of newspapers and magazines (see Section 130.2105);

F) State motor fuel taxes collected;

G) the exempt receipts or exempt percentage of receipts from sales of gasohol, biodiesel, renewable diesel, and blended fuels as described in Section 130.320;

H) receipts from sales of any kind to any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes or any not-for-profit corporation, society, association, foundation, institution or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age and older (see Section 130.2005);

I) receipts from sales of any kind to a governmental body (see Section 130.2080);

J) receipts from nontaxable sales of service;

K) any other deduction allowed by law, such as receipts from isolated or occasional sales (see Section 130.110); federal taxes that are imposed at the level of the retail sale, but not federal excise taxes on manufacturers, etc. (see Section 130.445); and

L) total of all deductions allowed by law.

3) Total receipts that are obtained by subtracting deductions from total receipts.

4) The Amount of Tax Due

A) An allowance is available to reimburse the taxpayer for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. The minimum discount, over the entire period of any given calendar year, for any single taxpayer (if the taxpayer incurs that much tax liability) shall be $5.00 for that calendar year. This allowance is available when the tax is remitted with a return that is filed when due under the Act, but is not available in any case in which the tax is paid late (with or without a return, and whether or not formally assessed by the Department); in the case of retailers who report and pay the tax on a transaction by transaction basis, the discount shall be taken with each tax remittance instead of when the retailer files its periodic return. Retailers required to file returns electronically pursuant to the Act who fail to file their returns electronically may not take the discount allowed to reimburse retailers for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request.

B) Balance of Tax Due

i) The return should also show the amount of penalty (if any) that is due, the total of the tax and penalty due, and such other reasonable information as the Department may require.

ii) *If a total amount of less than $1 is payable, refundable or creditable, the amount shall be disregarded if it is less than 50 cents and shall be increased to $1 if it is 50 cents or more. Any amount that is required to be shown or reported on any return or other document under the Act shall, if the amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case in which the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount when the fractional part of a dollar is less than 50 cents* (Section 3 of the Act).

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

• *The name of the seller;*

• *The address of the principal place of business from which* the seller *engages in the business of selling tangible personal property at retail in this State;*

• *The total amount of taxable receipts received by* the seller *during the preceding calendar month or quarter from sales of tangible personal property by* the seller *during the preceding calendar month or quarter, including receipts from charge and time sales, but less all deductions allowed by law;*

• *The amount of credit provided in Section 2d of the Act;*

• *The amount of tax due;*

*•* The amount of penalty due, if any; and

• *Such other reasonable information as the Department may require*. (Section 3 of the Act)

c) Returns must be signed by the taxpayer. *If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.* (Section 3 of the Act)

(Source: Amended at 47 Ill. Reg. 6309, effective April 18, 2023)