

1 AN ACT concerning taxation.

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

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

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

7 Sec. 9. Except as to motor vehicles, watercraft,
8 aircraft, and trailers that are required to be registered
9 with an agency of this State, each retailer required or
10 authorized to collect the tax imposed by this Act shall pay
11 to the Department the amount of such tax (except as otherwise
12 provided) at the time when he is required to file his return
13 for the period during which such tax was collected, less a
14 discount of 2.1% prior to January 1, 1990, and 1.75% on and
15 after January 1, 1990, or \$5 per calendar year, whichever is
16 greater, which is allowed to reimburse the retailer for
17 expenses incurred in collecting the tax, keeping records,
18 preparing and filing returns, remitting the tax and supplying
19 data to the Department on request. In the case of retailers
20 who report and pay the tax on a transaction by transaction
21 basis, as provided in this Section, such discount shall be
22 taken with each such tax remittance instead of when such
23 retailer files his periodic return. A retailer need not
24 remit that part of any tax collected by him to the extent
25 that he is required to remit and does remit the tax imposed
26 by the Retailers' Occupation Tax Act, with respect to the
27 sale of the same property. Beginning on January 1, 2003 and
28 through December 31, 2007, a retailer or serviceman is
29 allowed to take the 1.75% or \$5 discount, as appropriate, for
30 the first \$1,000,000 in taxes collected in the aggregate in a
31 calendar year under the Use Tax Act, the Service Use Tax Act,

1 the Service Occupation Tax Act, and the Retailers' Occupation
2 Tax Act. No discount may be taken during that period for
3 taxes collected above \$1,000,000 in the aggregate in a
4 calendar year under these Acts.

5 Where such tangible personal property is sold under a
6 conditional sales contract, or under any other form of sale
7 wherein the payment of the principal sum, or a part thereof,
8 is extended beyond the close of the period for which the
9 return is filed, the retailer, in collecting the tax (except
10 as to motor vehicles, watercraft, aircraft, and trailers that
11 are required to be registered with an agency of this State),
12 may collect for each tax return period, only the tax
13 applicable to that part of the selling price actually
14 received during such tax return period.

15 Except as provided in this Section, on or before the
16 twentieth day of each calendar month, such retailer shall
17 file a return for the preceding calendar month. Such return
18 shall be filed on forms prescribed by the Department and
19 shall furnish such information as the Department may
20 reasonably require.

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

- 29 1. The name of the seller;
- 30 2. The address of the principal place of business
31 from which he engages in the business of selling tangible
32 personal property at retail in this State;
- 33 3. The total amount of taxable receipts received by
34 him during the preceding calendar month from sales of

1 tangible personal property by him during such preceding
2 calendar month, including receipts from charge and time
3 sales, but less all deductions allowed by law;

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

6 5. The amount of tax due;

7 5-5. The signature of the taxpayer; and

8 6. Such other reasonable information as the
9 Department may require.

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

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

1 divided by 12. Beginning on October 1, 2002, a taxpayer who
2 has a tax liability in the amount set forth in subsection (b)
3 of Section 2505-210 of the Department of Revenue Law shall
4 make all payments required by rules of the Department by
5 electronic funds transfer.

6 Before August 1 of each year beginning in 1993, the
7 Department shall notify all taxpayers required to make
8 payments by electronic funds transfer. All taxpayers required
9 to make payments by electronic funds transfer shall make
10 those payments for a minimum of one year beginning on October
11 1.

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

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

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

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

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

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

1 foreseeable future will fall below the \$20,000 threshold
2 stated above, then such taxpayer may petition the Department
3 for a change in such taxpayer's reporting status. The
4 Department shall change such taxpayer's reporting status
5 unless it finds that such change is seasonal in nature and
6 not likely to be long term. If any such quarter monthly
7 payment is not paid at the time or in the amount required by
8 this Section, then the taxpayer shall be liable for penalties
9 and interest on the difference between the minimum amount due
10 and the amount of such quarter monthly payment actually and
11 timely paid, except insofar as the taxpayer has previously
12 made payments for that month to the Department in excess of
13 the minimum payments previously due as provided in this
14 Section. The Department shall make reasonable rules and
15 regulations to govern the quarter monthly payment amount and
16 quarter monthly payment dates for taxpayers who file on other
17 than a calendar monthly basis.

18 If any such payment provided for in this Section exceeds
19 the taxpayer's liabilities under this Act, the Retailers'
20 Occupation Tax Act, the Service Occupation Tax Act and the
21 Service Use Tax Act, as shown by an original monthly return,
22 the Department shall issue to the taxpayer a credit
23 memorandum no later than 30 days after the date of payment,
24 which memorandum may be submitted by the taxpayer to the
25 Department in payment of tax liability subsequently to be
26 remitted by the taxpayer to the Department or be assigned by
27 the taxpayer to a similar taxpayer under this Act, the
28 Retailers' Occupation Tax Act, the Service Occupation Tax Act
29 or the Service Use Tax Act, in accordance with reasonable
30 rules and regulations to be prescribed by the Department,
31 except that if such excess payment is shown on an original
32 monthly return and is made after December 31, 1986, no credit
33 memorandum shall be issued, unless requested by the taxpayer.
34 If no such request is made, the taxpayer may credit such

1 excess payment against tax liability subsequently to be
2 remitted by the taxpayer to the Department under this Act,
3 the Retailers' Occupation Tax Act, the Service Occupation Tax
4 Act or the Service Use Tax Act, in accordance with reasonable
5 rules and regulations prescribed by the Department. If the
6 Department subsequently determines that all or any part of
7 the credit taken was not actually due to the taxpayer, the
8 taxpayer's 2.1% or 1.75% vendor's discount shall be reduced
9 by 2.1% or 1.75% of the difference between the credit taken
10 and that actually due, and the taxpayer shall be liable for
11 penalties and interest on such difference.

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
17 year being due by April 20 of such year; with the return for
18 April, May and June of a given year being due by July 20 of
19 such year; with the return for July, August and September of
20 a given year being due by October 20 of such year, and with
21 the return for October, November and December of a given year
22 being due by January 20 of the following year.

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

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

32 Notwithstanding any other provision in this Act
33 concerning the time within which a retailer may file his
34 return, in the case of any retailer who ceases to engage in a

1 kind of business which makes him responsible for filing
2 returns under this Act, such retailer shall file a final
3 return under this Act with the Department not more than one
4 month after discontinuing such business.

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

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

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

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

32 Such transaction reporting return shall be filed not
33 later than 20 days after the date of delivery of the item
34 that is being sold, but may be filed by the retailer at any

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

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

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

31 If the user who would otherwise pay tax to the retailer
32 wants the transaction reporting return filed and the payment
33 of tax or proof of exemption made to the Department before
34 the retailer is willing to take these actions and such user

1 has not paid the tax to the retailer, such user may certify
2 to the fact of such delay by the retailer, and may (upon the
3 Department being satisfied of the truth of such
4 certification) transmit the information required by the
5 transaction reporting return and the remittance for tax or
6 proof of exemption directly to the Department and obtain his
7 tax receipt or exemption determination, in which event the
8 transaction reporting return and tax remittance (if a tax
9 payment was required) shall be credited by the Department to
10 the proper retailer's account with the Department, but
11 without the 2.1% or 1.75% discount provided for in this
12 Section being allowed. When the user pays the tax directly
13 to the Department, he shall pay the tax in the same amount
14 and in the same form in which it would be remitted if the tax
15 had been remitted to the Department by the retailer.

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

32 Any retailer filing a return under this Section shall
33 also include (for the purpose of paying tax thereon) the
34 total tax covered by such return upon the selling price of

1 tangible personal property purchased by him at retail from a
2 retailer, but as to which the tax imposed by this Act was not
3 collected from the retailer filing such return, and such
4 retailer shall remit the amount of such tax to the Department
5 when filing such return.

6 If experience indicates such action to be practicable,
7 the Department may prescribe and furnish a combination or
8 joint return which will enable retailers, who are required to
9 file returns hereunder and also under the Retailers'
10 Occupation Tax Act, to furnish all the return information
11 required by both Acts on the one form.

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

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

29 Beginning January 1, 1990, each month the Department
30 shall pay into the County and Mass Transit District Fund 4%
31 of the net revenue realized for the preceding month from the
32 6.25% general rate on the selling price of tangible personal
33 property which is purchased outside Illinois at retail from a
34 retailer and which is titled or registered by an agency of

1 this State's government.

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

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

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

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

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

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

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

32	Fiscal Year	Total Deposit
33	1993	\$0
34	1994	53,000,000

1	1995	58,000,000
2	1996	61,000,000
3	1997	64,000,000
4	1998	68,000,000
5	1999	71,000,000
6	2000	75,000,000
7	2001	80,000,000
8	2002	93,000,000
9	2003	99,000,000
10	2004	103,000,000
11	2005	108,000,000
12	2006	113,000,000
13	2007	119,000,000
14	2008	126,000,000
15	2009	132,000,000
16	2010	139,000,000
17	2011	146,000,000
18	2012	153,000,000
19	2013	161,000,000
20	2014	170,000,000
21	2015	179,000,000
22	2016	189,000,000
23	2017	199,000,000
24	2018	210,000,000
25	2019	221,000,000
26	2020	233,000,000
27	2021	246,000,000
28	2022	260,000,000
29	2023 and	275,000,000

30 each fiscal year
31 thereafter that bonds
32 are outstanding under
33 Section 13.2 of the
34 Metropolitan Pier and

1 Exposition Authority
2 Act, but not after fiscal year 2042.

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

16 Subject to payment of amounts into the Build Illinois
17 Fund and the McCormick Place Expansion Project Fund pursuant
18 to the preceding paragraphs or in any amendment thereto
19 hereafter enacted, each month the Department shall pay into
20 the Local Government Distributive Fund .4% of the net revenue
21 realized for the preceding month from the 5% general rate, or
22 .4% of 80% of the net revenue realized for the preceding
23 month from the 6.25% general rate, as the case may be, on the
24 selling price of tangible personal property which amount
25 shall, subject to appropriation, be distributed as provided
26 in Section 2 of the State Revenue Sharing Act. No payments or
27 distributions pursuant to this paragraph shall be made if the
28 tax imposed by this Act on photoprocessing products is
29 declared unconstitutional, or if the proceeds from such tax
30 are unavailable for distribution because of litigation.

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

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

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

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

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

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

11 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;
12 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.
13 7-1-00; 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff.
14 6-28-01; 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; revised
15 9-14-01.)

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

18 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

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

1 incidental transfer by him of the same property. Beginning on
 2 January 1, 2003 and through December 31, 2007, a retailer or
 3 serviceman is allowed to take the 1.75% or \$5 discount, as
 4 appropriate, for the first \$1,000,000 in taxes collected in
 5 the aggregate in a calendar year under the Use Tax Act, the
 6 Service Use Tax Act, the Service Occupation Tax Act, and the
 7 Retailers' Occupation Tax Act. No discount may be taken
 8 during that period for taxes collected above \$1,000,000 in
 9 the aggregate in a calendar year under these Acts.

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

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

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

- 1 5. The amount of tax due;
- 2 5-5. The signature of the taxpayer; and
- 3 6. Such other reasonable information as the
- 4 Department may require.

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

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

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

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

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

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

17 If the serviceman is otherwise required to file a monthly
18 return and if the serviceman's average monthly tax liability
19 to 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
24 such year; with the return for July, August and September of
25 a given year being due by October 20 of such year, and with
26 the return for October, November and December of a given year
27 being due by January 20 of the following year.

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

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

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

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

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

27 Any serviceman filing a return hereunder shall also
28 include the total tax upon the selling price of tangible
29 personal property purchased for use by him as an incident to
30 a sale of service, and such serviceman shall remit the amount
31 of such tax to the Department when filing such return.

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

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

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

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

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

28 Beginning August 1, 2000, each month the Department shall
29 pay into the State and Local Sales Tax Reform Fund 100% of
30 the net revenue realized for the preceding month from the
31 1.25% rate on the selling price of motor fuel and gasohol.

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

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

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

30 Subject to payment of amounts into the Build Illinois
31 Fund as provided in the preceding paragraph or in any
32 amendment thereto hereafter enacted, the following specified
33 monthly installment of the amount requested in the
34 certificate of the Chairman of the Metropolitan Pier and

1 Exposition Authority provided under Section 8.25f of the
2 State Finance Act, but not in excess of the sums designated
3 as "Total Deposit", shall be deposited in the aggregate from
4 collections under Section 9 of the Use Tax Act, Section 9 of
5 the Service Use Tax Act, Section 9 of the Service Occupation
6 Tax Act, and Section 3 of the Retailers' Occupation Tax Act
7 into the McCormick Place Expansion Project Fund in the
8 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
26	2009	132,000,000
27	2010	139,000,000
28	2011	146,000,000
29	2012	153,000,000
30	2013	161,000,000
31	2014	170,000,000
32	2015	179,000,000
33	2016	189,000,000
34	2017	199,000,000

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

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

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

27 Subject to payment of amounts into the Build Illinois
28 Fund and the McCormick Place Expansion Project Fund pursuant
29 to the preceding paragraphs or in any amendment thereto
30 hereafter enacted, each month the Department shall pay into
31 the Local Government Distributive Fund 0.4% of the net
32 revenue realized for the preceding month from the 5% general
33 rate or 0.4% of 80% of the net revenue realized for the
34 preceding month from the 6.25% general rate, as the case may

1 be, on the selling price of tangible personal property which
2 amount shall, subject to appropriation, be distributed as
3 provided in Section 2 of the State Revenue Sharing Act. No
4 payments or distributions pursuant to this paragraph shall be
5 made if the tax imposed by this Act on photo processing
6 products is declared unconstitutional, or if the proceeds
7 from such tax are unavailable for distribution because of
8 litigation.

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

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

32 All remaining moneys received by the Department pursuant
33 to this Act shall be paid into the General Revenue Fund of
34 the State Treasury.

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

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

13 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;
14 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.
15 7-1-00; 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492, eff.
16 1-1-02; revised 9-14-01.)

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

19 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

20 Sec. 9. Each serviceman required or authorized to
21 collect the tax herein imposed shall pay to the Department
22 the amount of such tax at the time when he is required to
23 file his return for the period during which such tax was
24 collectible, less a discount of 2.1% prior to January 1,
25 1990, and 1.75% on and after January 1, 1990, or \$5 per
26 calendar year, whichever is greater, which is allowed to
27 reimburse the serviceman for expenses incurred in collecting
28 the tax, keeping records, preparing and filing returns,
29 remitting the tax and supplying data to the Department on
30 request. Beginning on January 1, 2003 and through December
31 31, 2007, a retailer or serviceman is allowed to take the
32 1.75% or \$5 discount, as appropriate, for the first

1 \$1,000,000 in taxes collected in the aggregate in a calendar
2 year under the Use Tax Act, the Service Use Tax Act, the
3 Service Occupation Tax Act, and the Retailers' Occupation Tax
4 Act. No discount may be taken during that period for taxes
5 collected above \$1,000,000 in the aggregate in a calendar
6 year under these Acts.

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

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

23 The Department may require returns to be filed on a
24 quarterly basis. If so required, a return for each calendar
25 quarter shall be filed on or before the twentieth day of the
26 calendar month following the end of such calendar quarter.
27 The taxpayer shall also file a return with the Department for
28 each of the first two months of each calendar quarter, on or
29 before the twentieth day of the following calendar month,
30 stating:

- 31 1. The name of the seller;
- 32 2. The address of the principal place of business
33 from which he engages in business as a serviceman in this
34 State;

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

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

7 5. The amount of tax due;

8 5-5. The signature of the taxpayer; and

9 6. Such other reasonable information as the
10 Department may require.

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

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

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

1 being due by January 20 of the following year.

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

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

10 Notwithstanding any other provision in this Act
11 concerning the time within which a serviceman may file his
12 return, in the case of any serviceman who ceases to engage in
13 a kind of business which makes him responsible for filing
14 returns under this Act, such serviceman shall file a final
15 return under this Act with the Department not more than 1
16 month after 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
21 has an average monthly tax liability of \$100,000 or more
22 shall make all payments required by rules of the Department
23 by electronic funds transfer. Beginning October 1, 1995, a
24 taxpayer who has an average monthly tax liability of \$50,000
25 or more shall make all payments required by rules of the
26 Department by electronic funds transfer. Beginning October
27 1, 2000, a taxpayer who has an annual tax liability of
28 \$200,000 or more shall make all payments required by rules of
29 the Department by electronic funds transfer. The term
30 "annual tax liability" shall be the sum of the taxpayer's
31 liabilities under this Act, and under all other State and
32 local occupation and use tax laws administered by the
33 Department, for the immediately preceding calendar year. The
34 term "average monthly tax liability" means the sum of the

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

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

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

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

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

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

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

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

16 Where the serviceman has more than one business
17 registered with the Department under separate registrations
18 hereunder, such serviceman shall file separate returns for
19 each registered business.

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

29 Beginning January 1, 1990, each month the Department
30 shall pay into the County and Mass Transit District Fund 4%
31 of the revenue realized for the preceding month from the
32 6.25% general rate.

33 Beginning August 1, 2000, each month the Department shall
34 pay into the County and Mass Transit District Fund 20% of the

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

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

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

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

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

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

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

22	Fiscal Year	Total Deposit
23	1993	\$0
24	1994	53,000,000
25	1995	58,000,000
26	1996	61,000,000
27	1997	64,000,000
28	1998	68,000,000
29	1999	71,000,000
30	2000	75,000,000
31	2001	80,000,000
32	2002	93,000,000
33	2003	99,000,000
34	2004	103,000,000

1	2005	108,000,000
2	2006	113,000,000
3	2007	119,000,000
4	2008	126,000,000
5	2009	132,000,000
6	2010	139,000,000
7	2011	146,000,000
8	2012	153,000,000
9	2013	161,000,000
10	2014	170,000,000
11	2015	179,000,000
12	2016	189,000,000
13	2017	199,000,000
14	2018	210,000,000
15	2019	221,000,000
16	2020	233,000,000
17	2021	246,000,000
18	2022	260,000,000
19	2023 and	275,000,000

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
26 Act, but not after fiscal year 2042.

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

1 required under this Section for previous months and years,
2 shall be deposited into the McCormick Place Expansion Project
3 Fund, until the full amount requested for the fiscal year,
4 but not in excess of the amount specified above as "Total
5 Deposit", has been deposited.

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

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

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

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

11 Remaining moneys received by the Department pursuant to
12 this Act shall be paid into the General Revenue Fund of the
13 State Treasury.

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

1 monthly, quarterly or annual returns filed by such taxpayer
2 as hereinbefore provided for in this Section.

3 If the annual information return required by this Section
4 is not filed when and as required, the taxpayer shall be
5 liable as follows:

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

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

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

24 The foregoing portion of this Section concerning the
25 filing of an annual information return shall not apply to a
26 serviceman who is not required to file an income tax return
27 with the United States Government.

28 As soon as possible after the first day of each month,
29 upon certification of the Department of Revenue, the
30 Comptroller shall order transferred and the Treasurer shall
31 transfer from the General Revenue Fund to the Motor Fuel Tax
32 Fund an amount equal to 1.7% of 80% of the net revenue
33 realized under this Act for the second preceding month.
34 Beginning April 1, 2000, this transfer is no longer required

1 and shall not be made.

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

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

14 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;
15 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.
16 7-1-00; 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492, eff.
17 1-1-02; revised 9-14-01.)

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

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
23 engaged in the business of selling tangible personal property
24 at retail in this State during the preceding calendar month
25 shall file a return with the Department, stating:

- 26 1. The name of the seller;
- 27 2. His residence address and the address of his
28 principal place of business and the address of the
29 principal place of business (if that is a different
30 address) from which he engages in the business of selling
31 tangible personal property at retail in this State;
- 32 3. Total amount of receipts received by him during

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

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

10 5. Deductions allowed by law;

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

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

16 8. The amount of tax due;

17 9. The signature of the taxpayer; and

18 10. Such other reasonable information as the
19 Department 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
23 be due on the return shall be deemed assessed.

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

27 A retailer may accept a Manufacturer's Purchase Credit
28 certification from a purchaser in satisfaction of Use Tax as
29 provided in Section 3-85 of the Use Tax Act if the purchaser
30 provides the appropriate documentation as required by Section
31 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
32 certification, accepted by a retailer as provided in Section
33 3-85 of the Use Tax Act, may be used by that retailer to
34 satisfy Retailers' Occupation Tax liability in the amount

1 claimed in the certification, not to exceed 6.25% of the
2 receipts subject to tax from a qualifying purchase.

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

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

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

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

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

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

27 Any taxpayer not required to make payments by electronic
28 funds transfer may make payments by electronic funds transfer
29 with the permission of the Department.

30 All taxpayers required to make payment by electronic
31 funds transfer and any taxpayers authorized to voluntarily
32 make payments by electronic funds transfer shall make those
33 payments in the manner authorized by the Department.

34 The Department shall adopt such rules as are necessary to

1 effectuate a program of electronic funds transfer and the
2 requirements of this Section.

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

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

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

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

30 Notwithstanding any other provision in this Act
31 concerning the time within which a retailer may file his
32 return, in the case of any retailer who ceases to engage in a
33 kind of business which makes him responsible for filing
34 returns under this Act, such retailer shall file a final

1 return under this Act with the Department not more than one
2 month after discontinuing such business.

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

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

33 Any retailer who sells only motor vehicles, watercraft,
34 aircraft, or trailers that are required to be registered with

1 an agency of this State, so that all retailers' occupation
2 tax liability is required to be reported, and is reported, on
3 such transaction reporting returns and who is not otherwise
4 required to file monthly or quarterly returns, need not file
5 monthly or quarterly returns. However, those retailers shall
6 be required to file returns on an annual basis.

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

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

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

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

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

1 title or registration to such tangible personal property.

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

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

29 Refunds made by the seller during the preceding return
30 period to purchasers, on account of tangible personal
31 property returned to the seller, shall be allowed as a
32 deduction under subdivision 5 of his monthly or quarterly
33 return, as the case may be, in case the seller had
34 theretofore included the receipts from the sale of such

1 tangible personal property in a return filed by him and had
2 paid the tax imposed by this Act with respect to such
3 receipts.

4 Where the seller is a corporation, the return filed on
5 behalf of such corporation shall be signed by the president,
6 vice-president, secretary or treasurer or by the properly
7 accredited agent of such corporation.

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

12 Except as provided in this Section, the retailer filing
13 the return under this Section shall, at the time of filing
14 such return, pay to the Department the amount of tax imposed
15 by this Act less a discount of 2.1% prior to January 1, 1990
16 and 1.75% on and after January 1, 1990, or \$5 per calendar
17 year, whichever is greater, which is allowed to reimburse the
18 retailer for the expenses incurred in keeping records,
19 preparing and filing returns, remitting the tax and supplying
20 data to the Department on request. Any prepayment made
21 pursuant to Section 2d of this Act shall be included in the
22 amount on which such 2.1% or 1.75% discount is computed. In
23 the case of retailers who report and pay the tax on a
24 transaction by transaction basis, as provided in this
25 Section, such discount shall be taken with each such tax
26 remittance instead of when such retailer files his periodic
27 return. Beginning on January 1, 2003 and through December 31,
28 2007, a retailer or serviceman is allowed to take the 1.75%
29 or \$5 discount, as appropriate, for the first \$1,000,000 in
30 taxes collected in the aggregate in a calendar year under the
31 Use Tax Act, the Service Use Tax Act, the Service Occupation
32 Tax Act, and the Retailers' Occupation Tax Act. No discount
33 may be taken during that period for taxes collected above
34 \$1,000,000 in the aggregate in a calendar year under these

1 Acts.

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

1 the taxpayer's actual liability for the month or 27.5% of the
2 taxpayer's liability for the same calendar month of the
3 preceding year. If the month during which such tax liability
4 is incurred begins on or after January 1, 1987 and prior to
5 January 1, 1988, each payment shall be in an amount equal to
6 22.5% of the taxpayer's actual liability for the month or
7 26.25% of the taxpayer's liability for the same calendar
8 month of the preceding year. If the month during which such
9 tax liability is incurred begins on or after January 1, 1988,
10 and prior to January 1, 1989, or begins on or after January
11 1, 1996, each payment shall be in an amount equal to 22.5% of
12 the taxpayer's actual liability for the month or 25% of the
13 taxpayer's liability for the same calendar month of the
14 preceding year. If the month during which such tax liability
15 is incurred begins on or after January 1, 1989, and prior to
16 January 1, 1996, each payment shall be in an amount equal to
17 22.5% of the taxpayer's actual liability for the month or 25%
18 of the taxpayer's liability for the same calendar month of
19 the preceding year or 100% of the taxpayer's actual liability
20 for the quarter monthly reporting period. The amount of such
21 quarter monthly payments shall be credited against the final
22 tax liability of the taxpayer's return for that month.
23 Before October 1, 2000, once applicable, the requirement of
24 the making of quarter monthly payments to the Department by
25 taxpayers having an average monthly tax liability of \$10,000
26 or more as determined in the manner provided above shall
27 continue until such taxpayer's average monthly liability to
28 the Department during the preceding 4 complete calendar
29 quarters (excluding the month of highest liability and the
30 month of lowest liability) is less than \$9,000, or until such
31 taxpayer's average monthly liability to the Department as
32 computed for each calendar quarter of the 4 preceding
33 complete calendar quarter period is less than \$10,000.
34 However, if a taxpayer can show the Department that a

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

1 regulations to govern the quarter monthly payment amount and
2 quarter monthly payment dates for taxpayers who file on other
3 than a calendar monthly basis.

4 The provisions of this paragraph apply before October 1,
5 2001. Without regard to whether a taxpayer is required to
6 make quarter monthly payments as specified above, any
7 taxpayer who is required by Section 2d of this Act to collect
8 and remit prepaid taxes and has collected prepaid taxes which
9 average in excess of \$25,000 per month during the preceding 2
10 complete calendar quarters, shall file a return with the
11 Department as required by Section 2f and shall make payments
12 to the Department on or before the 7th, 15th, 22nd and last
13 day of the month during which such liability is incurred. If
14 the month during which such tax liability is incurred began
15 prior to the effective date of this amendatory Act of 1985,
16 each payment shall be in an amount not less than 22.5% of the
17 taxpayer's actual liability under Section 2d. If the month
18 during which such tax liability is incurred begins on or
19 after January 1, 1986, each payment shall be in an amount
20 equal to 22.5% of the taxpayer's actual liability for the
21 month or 27.5% of the taxpayer's liability for the same
22 calendar month of the preceding calendar year. If the month
23 during which such tax liability is incurred begins on or
24 after January 1, 1987, each payment shall be in an amount
25 equal to 22.5% of the taxpayer's actual liability for the
26 month or 26.25% of the taxpayer's liability for the same
27 calendar month of the preceding year. The amount of such
28 quarter monthly payments shall be credited against the final
29 tax liability of the taxpayer's return for that month filed
30 under this Section or Section 2f, as the case may be. Once
31 applicable, the requirement of the making of quarter monthly
32 payments to the Department pursuant to this paragraph shall
33 continue until such taxpayer's average monthly prepaid tax
34 collections during the preceding 2 complete calendar quarters

1 is \$25,000 or less. If any such quarter monthly payment is
2 not paid at the time or in the amount required, the taxpayer
3 shall be liable for penalties and interest on such
4 difference, except insofar as the taxpayer has previously
5 made payments for that month in excess of the minimum
6 payments previously due.

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

1 difference, except insofar as the taxpayer has previously
2 made payments for that month in excess of the minimum
3 payments previously due.

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

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

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

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

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

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

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

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

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

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

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

22 and means the Certified Annual Debt Service Requirement (as
 23 defined in Section 13 of the Build Illinois Bond Act) or the
 24 Tax Act Amount, whichever is greater, for fiscal year 1994
 25 and each fiscal year thereafter; and further provided, that
 26 if on the last business day of any month the sum of (1) the
 27 Tax Act Amount required to be deposited into the Build
 28 Illinois Bond Account in the Build Illinois Fund during such
 29 month and (2) the amount transferred to the Build Illinois
 30 Fund from the State and Local Sales Tax Reform Fund shall
 31 have been less than 1/12 of the Annual Specified Amount, an
 32 amount equal to the difference shall be immediately paid into
 33 the Build Illinois Fund from other moneys received by the
 34 Department pursuant to the Tax Acts; and, further provided,

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

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

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

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

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

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

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

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

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

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

1 coal that was sold to an eligible business. For purposes of
2 this paragraph, the term "eligible business" means a new
3 electric generating facility certified pursuant to Section
4 605-332 of the Department of Commerce and Community Affairs
5 Law of the Civil Administrative Code of Illinois.

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

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

1 If the annual information return required by this Section
2 is not filed when and as required, the taxpayer shall be
3 liable as follows:

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

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

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

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

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

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

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

28 Any person engaged in the business of selling tangible
29 personal property at retail as a concessionaire or other type
30 of seller at the Illinois State Fair, county fairs, art
31 shows, flea markets and similar exhibitions or events, or any
32 transient merchants, as defined by Section 2 of the Transient
33 Merchant Act of 1987, may be required to make a daily report
34 of the amount of such sales to the Department and to make a

1 daily payment of the full amount of tax due. The Department
2 shall impose this requirement when it finds that there is a
3 significant risk of loss of revenue to the State at such an
4 exhibition or event. Such a finding shall be based on
5 evidence that a substantial number of concessionaires or
6 other sellers who are not residents of Illinois will be
7 engaging in the business of selling tangible personal
8 property at retail at the exhibition or event, or other
9 evidence of a significant risk of loss of revenue to the
10 State. The Department shall notify concessionaires and other
11 sellers affected by the imposition of this requirement. In
12 the absence of notification by the Department, the
13 concessionaires and other sellers shall file their returns as
14 otherwise required in this Section.

15 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;
16 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.
17 7-1-00; 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff.
18 6-28-01; 92-208, eff. 8-2-01; 92-484, eff. 8-23-01; 92-492,
19 eff. 1-1-02; revised 9-14-01.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.