

**Illinois Department of Revenue
Regulations**

Title 86 Part 500 Section 500.203 Monthly Returns
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**TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE**

**PART 500
MOTOR FUEL TAX**

Section 500.203 Monthly Returns

- a) Distributor, supplier and receiver monthly returns. Monthly Motor Fuel Tax returns of licensed distributors and suppliers must be compiled correctly on forms furnished by the Department and must be filed, accompanied by a remittance for the correct amount of tax due, by the 20th day of the month following the month for which the return is made. Receipt schedules showing monthly receipts of motor fuel must always accompany the monthly return, as well as all other applicable schedules. Receivers subject to the tax imposed by Section 2a of the Law must file returns by the 20th of each calendar month for fuel purchased, acquired or received and sold, distributed or used during the preceding calendar month. On and after January 1, 2016, original returns and payment of tax shall be made electronically in accordance with rules established at 86 Ill. Adm. Code 750 and 760. Amended returns, however, are required to be filed electronically only for those periods, as provided in this subsection, for which original returns are electronically required. All other amended returns must be filed on a paper return.

- b) *If a distributor's only activities with respect to motor fuel are either production of alcohol in quantities of less than 10,000 proof gallons per year or blending alcohol in quantities of less than 10,000 proof gallons per year that the distributor has produced, the distributor shall file returns on an annual basis with the return for a given year being due by January 20 of the following year. Original returns and payment of tax made under this subsection (b) may be made electronically beginning January 1, 2016. Amended returns, however, may only be filed electronically for those periods, as provided in this subsection, for which original returns may be filed electronically. All other amended returns must be filed on a paper return. When the distributor has not established one calendar year's record of production, annual production will be projected on the basis of actual production and estimates submitted by the distributor. (Section 5 of the Law)*

- c) Reporting and payment requirements for persons who produce biodiesel fuel or biodiesel blends for self-use.
 - 1) *Beginning July 1, 2007, notwithstanding any other reporting provisions of the Law, if a private biodiesel fuel producer's total gallonage that is taxable under Sections 2 and 2a of the Law and Section 310 of the Environmental Impact Fee Law is less than 5,000 gallons per year, then he or she must file returns and make payment of the tax imposed by Sections 2 and 2a of the Law and the fee imposed under Section 310 of the Environmental Impact Fee Law on an annual*

basis. The returns and payment of tax for a given year are due by January 20 of the following year. Original returns and payment of tax made under this subsection (c)(1) may be made electronically beginning January 1, 2016. Amended returns, however, may only be filed electronically for those periods, as provided in subsection (c)(1), for which original returns may be filed electronically. All other amended returns must be filed on a paper return.

2) *If a private biodiesel fuel producer's total gallonage that is taxable under Sections 2 and 2a of the Law and Section 310 of the Environmental Impact Fee Law is 5,000 or more gallons per year, then he or she must file returns and make payment of the tax imposed by Sections 2 and 2a of the Law and Section 310 of the Environmental Impact Fee Law on a monthly basis. The returns and payment of tax are due between the 1st and 20th days of each calendar month for the preceding calendar month. Original returns and payment of tax made under this subsection (c)(2) shall be made electronically beginning January 1, 2016. Amended returns, however, are required to be filed electronically for only those periods, as provided in this subsection (c)(2), for which original returns are electronically required. All other amended returns must be filed on a paper return. However, upon petition by a taxpayer, the Department may waive the electronic filing and payment requirement if the taxpayer demonstrates that it does not have the ability to file electronically.*

3) *Except for persons required to be licensed under Section 13a.4 of the Law, a person who is subject to the provisions of this subsection (c) is exempt from all bonding and licensure requirements otherwise imposed by the Law. Each person who is subject to the provisions of this Section must keep records as required by Section 12 of the Law.*

4) For purposes of this subsection (c):

"Biodiesel blend" has the meaning set forth under Section 3-42 of the Use Tax Act [35 ILCS 105/3-42].

"Biodiesel fuel" has the meaning set forth under Section 3-41 of the Use Tax Act [35 ILCS 105/3-41].

"Biomass materials" has the meaning set forth under Section 3-43 of the Use Tax Act [35 ILCS 105/3-43].

"Private biodiesel fuel producer" means a person whose only activities with respect to motor fuel are:

the conversion of any biomass materials into biodiesel fuel that is produced exclusively for personal use and not for sale; or

the blending of biodiesel fuel, resulting in biodiesel blends that is produced exclusively for personal use and not for sale (Section 2d of the Law).

d) Magnetic Schedule Support Data. Beginning October 1, 1994 through December 31, 2015, data required by all support schedules for licensed distributors, suppliers, and

receivers who are required to file a return must be filed using magnetic media. Schedule support data must be submitted on either 3½" diskette, 5¼" floppy disk, or 9" magnetic tape which is IBM or IBM compatible. For returns due on and after July 1, 2008, schedule support data must be submitted on either 3½" diskette, CDs in the Joliet format, or mainframe cartridges that are IBM or IBM compatible. Schedules that must be filed on magnetic media include Schedules A, SA, LA, E, SE, LE, GA-1, B, SB, LB, C, SC, LC, D, SD, DA, DB, DC, DD, DD-1, and LD. For returns due on and after July 1, 2008, Schedule M must also be filed on magnetic media. Schedules not required to be filed in this manner are Schedules F and J and, until returns due on and after July 1, 2008, Schedule M. Amended schedules must still be filed on Department forms or approved computer-generated forms. On and after January 1, 2016, all support schedules for original returns shall be filed electronically as required by 86 Ill. Adm. Code 760. Support schedules for amended returns are required to be filed electronically for only those periods, as provided in this subsection, for which support schedules are electronically required. Support schedules for all other amended returns must be filed on paper forms.

- e) When returns are timely filed in the manner required by this Section, a supplier, distributor or receiver may take a discount of 2% through June 30, 2003 and 1.75% thereafter of the tax collected to reimburse himself for the expenses incurred in keeping records, preparing and filing returns, collecting and remitting the tax and supplying data to the Department on request. This discount is not permitted for motor fuels which are used or consumed by a supplier or distributor in his or her own vehicles or for any other purpose. The discount, however, shall be applicable only to the amount of payment which accompanies a return that is filed timely in accordance with Sections 2b, 5, or 5a of the Law and the provisions of this Section. Returns that are required to be filed electronically pursuant to this Section but are not filed electronically shall be considered nonfiled and the discount shall be disallowed.
- f) A person whose license to act as a supplier, distributor, or receiver of motor fuel has been revoked or cancelled shall make a return and payment to the Department covering the period from the date of the last return to the date of the revocation of the license, which return shall be delivered to the Department not later than 10 days from the date of the revocation or termination of the license. The return and payment of tax must be made electronically as provided in this Section. Any tax-free inventory remaining at the close of the reporting period must be paid in full.

(Source: Amended at 39 Ill. Reg. 14728, effective October 23, 2015)