

**Illinois Department of Revenue
Regulations**

Title 86 Part 470 Section 470.101 Definitions

TITLE 86: REVENUE

**PART 470
THE GAS REVENUE TAX ACT**

Section 470.101 Definitions

When used in these regulations, the following words and phrases shall have the meanings hereinafter defined:

- a) "Act" means the taxing statute of the State of Illinois referred to in the title hereof.
- b) "Department" means the Department of Revenue of the State of Illinois.
- c) "Director" means the Director of Revenue for the Department of Revenue of the State of Illinois.
- d) The phrase "GROSS RECEIPTS" MEANS THE CONSIDERATION RECEIVED FOR GAS DISTRIBUTED, SUPPLIED, FURNISHED OR SOLD TO PERSONS FOR USE OR CONSUMPTION AND NOT FOR RESALE, AND FOR ALL SERVICES (INCLUDING THE TRANSPORTATION OR STORAGE OF GAS FOR AN END-USER) RENDERED IN CONNECTION THEREWITH, INCLUDING RECEIPTS FROM MINIMUM SERVICE CHARGES, AND SHALL INCLUDE CASH, SERVICES AND PROPERTY OF EVERY KIND OR NATURE, AND SHALL BE DETERMINED WITHOUT ANY DEDUCTION ON ACCOUNT OF COST OF THE SERVICE, PRODUCT OR COMMODITY SUPPLIED, THE COST OF MATERIALS USED, LABOR OR SERVICE COSTS, OR ANY OTHER EXPENSE WHATSOEVER. However, any charges added to customers' bills pursuant to the provisions of paragraph (b) of Section 36 of "An Act concerning public utilities", (Ill. Rev. Stat. 1983, ch. 111-2/3, par. 36(b)) approved June 29, 1921, as amended, or any charges added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission because of the tax that is imposed by the Act on any such taxpayer, shall be excluded in determining such gross receipts. Said paragraph (b) of Section 36 of "An Act concerning public utilities" permits an amount equal to the tax rate in excess of 3% to be billed by public utilities to their customers. In case credit is extended, the amount thereof shall be included only as and when payments are received.
- e) "Gross receipts" shall not include receipts from:
 - 1) ANY MINIMUM OR OTHER CHARGE FOR GAS OR GAS SERVICE WHERE THE CUSTOMER HAS TAKEN NO THERMS OF GAS;
 - 2) ANY CHARGE FOR A DISHONORED CHECK;

- 3) ANY FINANCE OR CREDIT CHARGE, PENALTY OR CHARGE FOR DELAYED PAYMENT, OR DISCOUNT FOR PROMPT PAYMENT;
 - 4) ANY CHARGE FOR RECONNECTION OF SERVICE OR FOR REPLACEMENT OR RELOCATION OF FACILITIES;
 - 5) ANY ADVANCE OR CONTRIBUTION IN AID OF CONSTRUCTION;
 - 6) REPAIR, INSPECTION OR SERVICING OF EQUIPMENT LOCATED ON CUSTOMER PREMISES;
 - 7) LEASING OR RENTAL OF EQUIPMENT, THE LEASING OR RENTAL OF WHICH IS NOT NECESSARY TO DISTRIBUTING, FURNISHING, SUPPLYING, SELLING, TRANSPORTING OR STORING GAS;
 - 8) ANY SALE TO A CUSTOMER IF THE TAXPAYER IS PROHIBITED BY FEDERAL OR STATE CONSTITUTION, TREATY, CONVENTION, STATUTE OR COURT DECISION FROM RECOVERING THE RELATED TAX LIABILITY FROM SUCH CUSTOMER; AND
 - 9) ANY CHARGES ADDED TO CUSTOMERS' BILLS PURSUANT TO THE PROVISIONS OF SECTION 9-221 OR SECTION 9-222 OF THE PUBLIC UTILITIES ACT, AS AMENDED, OR ANY CHARGES ADDED TO CUSTOMERS' BILLS BY TAXPAYERS WHO ARE NOT SUBJECT TO RATE REGULATION BY THE ILLINOIS COMMERCE COMMISSION FOR THE PURPOSE OF RECOVERING ANY OF THE TAX LIABILITIES OR OTHER AMOUNTS SPECIFIED IN SUCH PROVISIONS OF SUCH ACT. IN CASE CREDIT IS EXTENDED, THE AMOUNT THEREOF SHALL BE INCLUDED ONLY AS AND WHEN PAYMENTS ARE RECEIVED.
 - 10) "GROSS RECEIPTS" SHALL NOT INCLUDE CONSIDERATION RECEIVED FROM BUSINESS ENTERPRISES CERTIFIED UNDER SECTION 9-222.1 OF THE PUBLIC UTILITIES ACT, AS AMENDED, DURING THE PERIOD OF TIME SPECIFIED BY THE DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS. (ILL. REV. STAT. 1985, CH. 120, PAR. 467.16.)
- e) "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, or a receiver, trustee, conservator or other representative appointed by order of any court, or any city, town, county or other political subdivision of this State. Corporations organized for mutual benefit of stockholders and corporations not-for-profit constitute "persons" within the Act.
- f) "Taxpayer" means a person engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption and not for resale. "Taxpayer" for purposes of these regulations includes a municipal corporation that engages in the business of distributing, supplying, furnishing or selling gas for use or consumption and not for resale.

- g) The phrase "service within the Act" or "services within the Act" means those transactions engaged in, or commodities or services furnished by a taxpayer with respect to which such taxpayer is liable for a tax under this Act.

(Source: Amended at ___ Ill. Reg. ____, effective_____)