

**Illinois Department of Revenue
Regulations**

Title 86 Part 520 Section 520.101 Amnesty Program In General

**TITLE 86: REVENUE
PART 520
AMNESTY REGULATIONS**

Section 520.101 Amnesty Program In General

- a) Pursuant to the Illinois Tax Delinquency Amnesty Act (ITDAA), as amended by P.A. 96-1435, the Department will conduct an amnesty program ("the Amnesty Program"). As more fully described in Section 520.105, the Amnesty Program will apply to payments of contested and uncontested tax liabilities received by the Department from October 1, 2010 through November 8, 2010. If a taxpayer participates in the Amnesty Program and complies with all the requirements of this Part, the Department *shall abate and not seek to collect any interest or penalties that may be applicable and the Department shall not seek civil or criminal prosecution for any taxpayer for the period of time for which amnesty has been granted to the taxpayer.* (ITDAA Section 10)
- b) Definitions and special provisions. For purposes of this Part:
 - 1) "200% Sanction" means the doubling of the rates of penalty and interest imposed on a taxpayer with an Eligible Liability who fails to participate in the Amnesty Program. See UPIA Sections 3-2(g), 3-3(j), 3-4(e), 3-5(e), 3-6(d) and 3-7.5(c). The 200% Sanction does not apply to:
 - A) a liability that results from a Federal Change, if the Federal Change is not final as of the end of the Amnesty Program Period.
 - B) a taxpayer in bankruptcy proceedings during the Amnesty Program Period.
 - C) a taxpayer who, prior to the beginning of the Amnesty Program Period, has entered into an installment payment agreement with the Department and pays the liability in full compliance with the agreement.
 - 2) "Amnesty Issue" means an issue taken into account in determining an Eligible Liability, including all issues of law that must be resolved in making the determination and all facts relevant to the determination, as in existence as of the end of the Amnesty Program Period. See Section 520.105(k)(1).
 - 3) "Amnesty Program Period" means the period from October 1, 2010, through November 8, 2010.
 - 4) "Eligible Liability" means a tax liability with respect to which a taxpayer may participate in the Amnesty Program. See subsections (h) and (i) of Section 520.105.

- 5) "Established Liability" means an Eligible Liability that has been assessed or become final prior to the beginning of the Amnesty Program Period; any amount paid under the Protest Act prior to the beginning of the Amnesty Program Period; or any amount of tax shown on a notice of deficiency, notice of assessment or notice of tax liability that was issued prior to the beginning of the Amnesty Program Period or on an amended return or waiver of restrictions on assessment presented by the Department to the taxpayer prior to the beginning of the Amnesty Program Period after the conclusion of an audit (including any proceedings before the Informal Conference Board).
 - 6) "Estimated Federal Change Liability" means the Eligible Liability that a taxpayer estimates will result from a Federal Change that has not become final under IITA Section 506(b) as of the end of the Amnesty Program Period.
 - 7) "Federal Change" means a change affecting the taxpayer's federal income tax liability that must be reported to the Department under IITA Section 506(b).
 - 8) "Notice and Demand" means any demand for payment issued by the Department that is eligible for the 30-day interest-free grace period under UPIA Section 3-2(c-5).
 - 9) "Protest Act" means the State Officers and Employees Money Disposition Act [30 ILCS 230].
 - 10) "Taxable Period" means *the period of time for which any tax is imposed by and owed to the State of Illinois.* (ITDAA Section 5)
- c) The Amnesty Program under this Part authorized by the ITDAA is separate from and independent of the amnesty program to be conducted from January 1, 2011, through October 15, 2011, for individuals with liabilities under the Use Tax Act under P.A. 96-1388.