



Publication 115

November 2024

County Motor Fuel Tax

About this publication

Knowing how Illinois tax laws apply to your business can save you time, trouble, and money. The information included in this publication will supply you with general sales tax information involving the sale of motor fuel in DuPage, Kane, Lake, McHenry, or Will County, help you collect the proper amount of tax due, and help you file your returns correctly.

As a retailer of motor fuel within DuPage, Kane, Lake, McHenry, or Will County, you are responsible for

- collecting the correct amount of tax on every retail sale of motor fuel sale you make,
- properly documenting the tax-exempt motor fuel sales you make,
- sending the tax you have collected with your completed **Form CMFT-1, County Motor Fuel Tax Return**, by the due date, to the Illinois Department of Revenue (IDOR), and
- keeping complete and accurate records for all motor fuel sales.

The information in this publication is current as of the date of the publication. Please visit our website at tax.illinois.gov to verify you have the most current revision.

This publication is written in the plain writing style so the tax information is easier to understand. As a result, we do not directly quote Illinois statutes or the Illinois Administrative Code. The contents of this publication are informational only and do not take the place of statutes, rules, or court decisions. For many topics covered in this publication, we have provided a reference to the applicable section or part of the Illinois Administrative Code for further clarification or more detail. All of the sections and parts referenced can be found in Title 86 of the Code.

Taxpayer Bill of Rights

You have the right to call the Department of Revenue for help in resolving tax problems.

You have the right to privacy and confidentiality under most tax laws.

You have the right to respond, within specified time periods, to Department notices by asking questions, paying the amount due, or providing proof to refute the Department's findings.

You have the right to appeal Department decisions, in many instances, within specified time periods, by asking for Department review, by filing a petition with the Illinois Independent Tax Tribunal, or by filing a complaint in circuit court.

If you have overpaid your taxes, you have the right, within specified time periods, to file for a credit (or, in some cases, a refund) of that overpayment.

For more information about these rights and other Department procedures, you may write us at the following address:

Problems Resolution Office
Illinois Department of Revenue
PO Box 19014
Springfield, IL 62794-9014

For information or forms, visit IDOR's website at: tax.illinois.gov

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Legal References

Statutory

Statutory - **55 ILCS 5/5-1035.1**

Regulation

86 Ill. Adm. Code 695

Registering Your Business

If I am just starting my business, what do I do to register?

Register with IDOR electronically using **MyTax Illinois**:

If you are not already registered, select “Register a New Business (Form REG-1)” and complete the registration application.

If you choose to register using the paper application, complete and sign Form REG-1, Illinois Business Registration Application, allow 6-8 weeks for processing, and submit it via email, fax, or mail to:

CENTRAL REGISTRATION DIVISION 3-222

ILLINOIS DEPARTMENT OF REVENUE

PO BOX 19030

SPRINGFIELD IL 62794-9030

Fax: 217 785-6013

Email: REV.CentReg@Illinois.gov

For detailed information about registering your account, see **Publication 113, Retailer’s Overview of Sales and Use Tax**.

How do I activate a MyTax Illinois logon?

Once your business is registered, you can activate your MyTax Illinois logon. Please allow 24 hours from your registration confirmation email before activating a logon for MyTax Illinois. To activate a logon for business, select the taxpayer ID type. You can use one of the following options to validate the activation:

- Owner/Officer or Responsible Party Social Security Number
- PIN previously issued by IDOR (used for certain electronic filing methods, such as Webfile and third-party tax software, separate from MyTax Illinois)
- Account Activity validation

This activation process is to help ensure only individuals who are authorized by their organization gain access to a business’s tax information.

Once you have activated your MyTax Illinois logon, if you are a Corporation, S-Corp, Partnership, or LLC organization type and are registered for other tax accounts, you can register for the CMFT-1 or other new tax types through your existing MyTax Illinois logon, by selecting “More...” and then selecting “Register for New Tax Accounts.”

Sole proprietorships can only register for new tax accounts by selecting “Register a New Business (Form REG-1)” and completing Form REG-1, the Illinois Business Registration Application, on the MyTax Illinois home screen.

How will I know that I have successfully registered?

We will issue you a Certificate of Registration (Certificate) when you register for the Retailers’ Occupation Tax (“sales tax”) and Use tax. You are required to have this Certificate if you engage in the business of selling tangible personal property. The Certificate lists your Sales and Use Tax Account ID, your business name, address, the effective date, the tax for which you are registered, and the date the Certificate will expire. You will not receive a separate Certificate of Registration for your CMFT-1 account registration.

MyTax Illinois is the primary method you should use to obtain and print or download a copy of your Certificate of Registration. From your MyTax Illinois logon, the Certificate of Registration is located by selecting “View more account options” in the ST-1 Sales/Use Tax panel and then “View Account Letters” in the “Letters and Messages” panel. If you are unable to print or download a copy of your business’s Certificate of Registration, you can also contact our Central Registration Division by email at **REV.CentReg@Illinois.gov** or phone at 217 785-3707 to request a paper copy be mailed to you.

If I am already registered as a retailer but will now sell motor fuel within DuPage, Kane, Lake, McHenry, or Will County, what do I need to do?

You can use MyTax Illinois to add new tax registrations. After logging in to MyTax Illinois, choose “More...,” and then under the “Registration Information” panel, select “Register for New Tax Accounts.”

Note: Sole proprietorships can only register for new tax accounts by selecting “Register a New Business (Form REG-1)” and completing Form REG-1, the Illinois Business Registration Application.

Otherwise, you can complete an updated paper Form REG-1 and REG-1-L, Illinois Business Site Location Information, available on our website at tax.illinois.gov and submit it via email, fax, or mail.

What if I change the location of my business?

If you change the location of your business or, if you are a multiple location filer and one of your locations changes, you can update your registered locations on your ST-1 account using MyTax Illinois. It is important for you to keep this information up to date to ensure you are filing using the correct tax rate. This is also important to IDOR to ensure that we allocate the tax you collected to the proper jurisdiction.

What if I discontinue my business or one of my locations or change my business structure?

If you change the structure of your business (for example, changing from a sole proprietor to a corporation), you must tell us to discontinue the old business entity, and register the new business entity by completing a new Form REG-1, Illinois Business Registration Application.

Note: Certificates of registration cannot be transferred.

In addition, you must update your registration information with IDOR. MyTax Illinois allows you to close your existing business, register a new one, to maintain your existing locations on your ST-1 account. You can also contact our Central Registration Division or send us a completed paper **registration form** depending on the change or update needed.

You must complete and file **Form CBS-1, Notice of Sale, Purchase, or Transfer of Business Assets**, if, outside your usual course of business, you sell or transfer

- the major part of the stock of goods that you are in the business of selling,
- the furniture or fixtures of your business,
- the machinery and equipment of your business, or
- the real property of your business.

Form CBS-1 must be filed with IDOR at least ten (10) days prior to the sale date or it will not be processed. See **86 Ill. Adm Code 130.1701** for more information.

Who do I contact if I have questions about registration?

For registration questions, see our Taxpayer Answer Center, available on our website at tax.illinois.gov. If you cannot find an answer, you can email IDOR from the Taxpayer Answer Center. You also can email our Central Registration Division at **REV.CentReg@Illinois.gov** or call us at **217 785-3707**.

Business Requirements for Retailers who File Form CMFT-1

On what sales must I collect and pay the County Motor Fuel Tax?

You must collect and pay the County Motor Fuel Tax if you make retail sales of motor fuel within DuPage, Kane, Lake, McHenry, or Will County. (See 86 Ill. Adm. Code Part 695.)

The Retailers' Occupation Tax Act exempts certain motor fuels from tax (i.e., majority blended ethanol, 100% biodiesel, and biodiesel blends containing specific percentages of biodiesel). Are these fuels similarly exempt under the County Motor Fuel Tax Law?

No. There is no exemption under the County Motor Fuel Tax Law for these types of motor fuel.

Is County Motor Fuel Tax deductible when I figure the Retailers' Occupation Tax due?

Yes. In calculating your sales tax (Retailers' Occupation Tax) on motor fuel, you should **not** include the County Motor Fuel Tax in the selling price subject to sales tax.

What form must I use to report the County Motor Fuel Tax?

To report this tax, you must file Form CMFT-1, County Motor Fuel Tax Return, for each reporting period and pay the tax collected from retail sales made.

How do I report the County Motor Fuel Tax if I have more than one location?

If you make retail sales of motor fuel from more than one location within DuPage, Kane, Lake, McHenry, or Will County, you must file Form CMFT-2 with Form CMFT-1 to report the sales from each location.

How do I file Forms CMFT-1 and CMFT-2?

You can file Forms CMFT-1 and CMFT-2 using MyTax Illinois.

You can also file paper Forms CMFT-1 and CMFT-2. These forms also are available on our website at tax.illinois.gov. Paper forms should be mailed to the following address:

**COUNTY MOTOR FUEL TAX
ILLINOIS DEPARTMENT OF REVENUE
PO BOX 19034
SPRINGFIELD IL 62794-9034**

Do not mail this return in combination with any other type of return. Also, do not send a paper form if you have already submitted your return using MyTax Illinois.

What is the tax rate?

The initial rate may not be less than 4 cents per gallon and may not exceed 8 cents per gallon. The County Motor Fuel Tax Law requires IDOR to determine an annual rate increase to take effect on July 1 each year. IDOR must publish by June 1 of each year on its website at tax.illinois.gov the rate that will take effect on July 1 of that year.

For a complete listing of county motor fuel tax rates, see the **Tax Rate Database**, available on our website at tax.illinois.gov.

If I sell fuel within a county that imposes the County Motor Fuel Tax (e.g., County A) and deliver it into another county that imposes County Motor Fuel Tax (e.g., County B), where is the tax reported?

Typically, this sale should be reported in County A, the county where you are engaged in the business of selling motor fuel. However, you should consult IDOR's administrative rule at 86 Ill. Adm. Code 695.115 for guidance on how to source your sales.

Must I file Form CMFT-1 even if I have no sales to report?

Yes. You must file a processable (i.e., signed paper form or electronically filed return using MyTax Illinois) Form CMFT-1 for each reporting period regardless of whether you have receipts to report. You may file a "zero" return.

When are my return and tax payment due?

You must file your Form CMFT-1 and pay any tax due on or before the 20th day of the month following the end of the reporting period. Your reporting period is the same as the period for filing your Form ST-1, Sales and Use Tax and E911 Surcharge Return.

We will notify you if your filing status changes.

Note: If the due date falls on a weekend or holiday, your return and payment are due the next business day.

Is there an incentive for timely paying the tax I have collected?

Yes. If you file your return and pay the tax by the due date, you are allowed to take a discount. For more information on the applicable discount rate, see Form CMFT-1 Instructions.

What if I do not file and pay by the due date?

If you do not file your return and pay the tax due by the due date, you will be assessed for any tax due (including any portion of the discount for timely filing that we have disallowed) plus penalty and interest. For detailed information about the penalties and interest that may apply, see Publication 103, Penalties and Interest for Illinois Taxes.

Note: We use the U.S. Postal Service postmark date to determine whether a return and payment have been timely filed on items sent through the U.S. mail to IDOR. Private postage meters are not used to establish the date of receipt.

If items are filed with or payments made to IDOR but are not sent through the U.S. mail, they are considered to be filed on the date IDOR receives them.

What if I make a mistake on my return?

If, after you file your Form CMFT-1, you find you made a mistake that resulted in an overpayment or an underpayment, or you forgot to send any necessary attachments, you must file Form CMFT-1-X, Amended County Motor Fuel Tax Return. If you made a mistake on your Form CMFT-2, you must also file Form CMFT-2-X. If you submitted your return using MyTax Illinois, you can amend your return using that system. Form CMFT-1-X is also available on our website at tax.illinois.gov.

If you have questions, visit our website at tax.illinois.gov or call us at 1 800 732-8866, 217 782-3336, or 1 800 544-5304 (TTY).

What books and records must I keep?

The requirements for keeping books and records are the same for all retailers and can be found in Publication 113, Retailer's Overview of Sales and Use Tax and Prepaid Wireless E911 Surcharge.

Contact Information: Visit our website at tax.illinois.gov.

For specific phone number and email contacts see our **Contact Us** page.

Call us at **1 800 732-8866, 217 782-3336, or 1 800 544-5304** (TTY).

Write us at Illinois Department of Revenue, PO Box 19001, Springfield, IL 62794-9001.

Call our 24-hour Forms Order Line at **1 800 356-6302**.

