

**Illinois Department of Revenue
Regulations**

Title 86 Part 140 Section 140.1001 Payment of Tax

TITLE 86: REVENUE

**PART 140
SERVICE OCCUPATION TAX**

SUBPART J: COLLECTION OF THE TAX

Section 140.1001 Payment of Tax

- a) A de minimis serviceman who incurs Use Tax as described in Section 140.108 of this Part, should pay the tax to his Illinois-registered suppliers on the cost price of the tangible personal property transferred to his service customers. However, if for any reason the serviceman does not pay tax to his supplier (for example, his supplier is an out-of-State supplier not registered to collect the tax), the serviceman is required to register to remit Use Tax to the Department.
- b) In contrast, however, all servicemen paying Service Occupation Tax to the Department, as provided in Sections 140.106 and 140.109 of this Part, should provide suppliers with Certificates of Resale (see Subpart M of this Part) for the tangible personal property transferred to service customers incident to sales of service. Failure of servicemen remitting Service Occupation Tax to provide a properly executed Certificate of Resale creates a presumption that the sale is not for resale, and is therefore taxable.

(Source: Amended at 25 Ill. Reg. 4971, effective March 23, 2001)