

IT 12-0027-GIL 09/24/2012 RETURNS – DUE DATES

General Information Letter: The due date of a corporation's Illinois income tax return is the fifteenth day of the third month after the end of its taxable year or the due date of its federal return, whichever is later. Illinois grants all corporations a seven-month extension of time to file their Illinois income tax returns.

September 24, 2012

Dear:

Your letter, dated August 14, 2012, requesting an extension of time to file a combined calendar 2011 Illinois income tax return on behalf of COMPANY and its affiliates has been forwarded to me for consideration. In your letter, you explain that the extended due date for filing the taxpayer's 2011 federal tax return is December 15, 2011. You had attached to your letter a Form IL-505-B, Automatic Extension Payment for 2011 for the taxpayer, showing no tax due.

Section 505(b)(1) of the Illinois Income Tax Act (35 ILCS 5/505) provides:

corporate returns shall be filed on or before the 15th day of the third month following the close of the taxable year, unless, subject to the provisions of Section 602, the Director grants an extension or extensions of time (not to exceed 6 months in the aggregate) for such filing, or unless the income or loss of a taxpayer is reported for federal purposes on a return with a due date later than the 15th day of the third month following the close of the taxable year, in which case the same due date shall apply to the corresponding Illinois return.

Accordingly, a foreign corporation whose federal tax return for a calendar year is June 15 of the following year under IRC Section 6072(c) would have an Illinois income tax return due date of June 15 as well.

Section 505(b) of the Illinois Income Tax Act provides that:

When the taxpayer has been granted an extension or extensions of time within which to file his federal income tax return for any taxable year, the filing of a copy of such extension or extensions with the Department shall automatically extend the due date of the return with respect to the tax imposed by this Act for an equivalent period (plus an additional month beyond the federal extension in the case of corporations) if the requirements of Section 602 are met.

Section 601(a) of the Illinois Income Tax Act (35 ILCS 5/601) provides that the due date for payment of a corporation's Illinois income tax obligation is the due date (without regard to extensions) for filing its return.

86 Ill. Adm. Code Section 100.5020(b) provides:

The Department will grant an automatic extension of 6 months (7 months for corporations) to file any Illinois income tax return except returns due under Article 7 of the IITA. No application form need be filed by a taxpayer to obtain this extension. If a balance of tentative tax is due, the taxpayer should transmit the payment with the appropriate form by the original filing due date in order to avoid the penalty for underpayment of tax (IITA Section 1005) and statutory interest (IITA Section 1003).

86 Ill. Adm. Code Section 100.5020(c) provides:

The Department will approve an extension of more than 6 months (7 months for corporations) if an extension of more than 6 months is granted by the Internal Revenue Service. For corporations the additional Illinois extension will be one month beyond any approved federal extension of longer than 6 months. For all other taxpayers, the additional extension will be for the length of time approved by the Internal Revenue Service. All taxpayers must attach a copy of the approved federal extension to their return when it is filed.

Pursuant to these authorities, if the extended due date of the taxpayer's federal income tax return is December 15, the due date of the taxpayer's Illinois income tax return is automatically extended until January 15 of the following year. No request of extension is required to be filed. The taxpayer is only required to file a Form IL-505-B if necessary to pay its liability by the unextended due date of the return, and to attach a copy of the federal extension to its Illinois return in order to document its entitlement to the additional Illinois extension.

If you have any additional questions, or if I can be of any other help to you, please do not hesitate to contact me.

Sincerely,

Paul S. Caselton
Deputy General Counsel – Income Tax