

ILLINOIS REGISTER

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Number: 130.541 Proposed Action:
New Section
- 4) Statutory Authority: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Sections 2505-25 and 2505-795 of the Civil Administrative Code of Illinois. (Department of Revenue Law) [20 ILCS 2505].
- 5) A Complete Description of the Subjects and Issues Involved: Section 130.541 is being created to detail the procedures for filing aviation fuel returns.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
130.1958	New Section	48 Ill. Reg. 8276; June 7, 2024
130.1959	New Section	48 Ill. Reg. 8276; June 7, 2024
130.305	Amendment	48 Ill. Reg. 13979; September 20, 2024
130.1415	Amendment	48 Ill. Reg. 13979; September 20, 2024
130.1955	Amendment	48 Ill. Reg. 13979; September 20, 2024
130.1970	Amendment	48 Ill. Reg. 13979; September 20, 2024
130.2100	Amendment	48 Ill. Reg. 13979; September 20, 2024
130.2110	Amendment	48 Ill. Reg. 13979; September 20, 2024
130.801	Amendment	48 Ill. Reg. 14233; October 4, 2024
130.805	Amendment	48 Ill. Reg. 14233; October 4, 2024
130.810	Amendment	48 Ill. Reg. 14233; October 4, 2024
130.820	Amendment	48 Ill. Reg. 14233; October 4, 2024
130.825	Amendment	48 Ill. Reg. 14233; October 4, 2024

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11) Statement of Statewide Policy Objectives: These rules do not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Kimberly Rossini
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

REV.GCO@Illinois.gov
(217) 782-2844

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Persons making sales of aviation fuel at retail and for resale are affected.

B) Reporting, bookkeeping or other procedures required for compliance: Basic accounting and computer skills.

C) Types of professional skills necessary for compliance: Basic accounting and computer skills.

14) Small Business Impact Analysis:

A) Types of businesses subject to the proposed rule:

42 Wholesale Trade
44-45 Retail Trade
48-49 Transportation and Warehousing
92 Public Administration

B) Categories that the agency reasonably believes the rulemaking will impact, including:

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viii. record keeping

15) Regulatory Agenda on which this rulemaking was summarized: July 2024

The full text of the Proposed Amendment begins on the next page:

Section 130.541 Returns for Aviation Fuel

Every person engaged in the business of selling aviation fuel at retail in this State during the preceding calendar month shall, instead of reporting and paying tax as otherwise required by Section 3 of the Retailers' Occupation Tax Act ("Act"), report and pay such tax on a separate aviation fuel tax return. The requirements related to the return shall be as provided in Section 3 of the Act. All sales of aviation fuel must be reported and the tax paid on Form ST-70, Aviation Fuel Sales and Use Tax Return. Receipts from the sale of aviation fuel must continue to be reported as total receipts on Form ST-1, Sales and Use Tax and E911 Surcharge Return, and then deducted as an Other Deduction on Schedule A, using the description "Sales of Aviation Fuel."

Notwithstanding any other provisions of the Act to the contrary, retailers selling aviation fuel shall file all aviation fuel tax returns and shall make all aviation fuel tax payments by electronic means in the manner and form required by the Department. "Aviation fuel" means jet fuel and aviation gasoline.

The discount under the Act is not allowed for the 1.25% portion of taxes paid on aviation fuel that is subject to the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133. The discount allowed under the Act for the 5% portion of taxes paid on aviation fuel is allowed only for returns filed in the manner required by the Act. [35 ILCS 120/3] If the aviation return and payment are not made electronically, then the discount is disallowed. For information regarding any Sustainable Aviation Fuel Purchase Credit, see 86 Ill. Adm. Code 130.333.

(Source: Added at 49 Ill. Reg. _____, effective _____)