

The Department of Revenue proposed an amendment that will impact establishments that sell alcohol at retail:

The Department of Revenue proposed an amendment to "Retailers' Occupation Tax" (86 Ill. Adm. Code 130; 35 Ill. Reg. 19649) requiring liquor retailers who sell alcoholic liquor at retail through a liquor store, tavern, or restaurant to file a monthly statement listing the total amount paid for liquor during the preceding calendar month electronically beginning 2/1/12. The amendment also allows the taxpayer to petition DOR for a waiver of the electronic filing requirement if the taxpayer does not have access to the Internet. (DOR states that it is curtailing the option to file the information by telephone.)

Bottom Line: This rulemaking is proposed as part of an effort to eliminate the Department of Revenue's TeleFile program. These rules currently require liquor retailers to file a monthly statement of liquor purchases on an ST-1 return that is Tele-filed. This amendment eliminates the requirement to TeleFile the ST-1 return and instead requires that liquor retailers filing their monthly statement of liquor purchases include this statement on an ST-1 return that is electronically filed. The rules specify that this change will be effective for returns due on and after February 1, 2012. The statute mandating that liquor retailers file a monthly statement allows the Department to adopt rules requiring the statement to be filed either electronically or telephonically. Originally the Department chose to require telephonic filing; however, the number of telephonic filers has dropped significantly, while the number of electronic filers has increased significantly. Due to these factors, as well as budgetary constraints, the Department has chosen to discontinue its TeleFile program. These rules implement that determination. The rules do provide however that a taxpayer may petition for a waiver of the electronic filing requirement. The Department has made this accommodation for taxpayers that demonstrate they do not have access to the Internet. Persons who wish to submit comments or have questions are encouraged to contact Jerilynn Troxell-Gorden, Illinois Department of Revenue's Legal Services Office at (217) 782-2844 or Jerilynn.Gorden@Illinois.gov.

The Department of Financial and Professional Regulation proposed amendments that will impact small businesses employing licensed, professional land surveyors:

The Department of Financial and Professional Regulation proposed amendments to rules titled "Illinois Professional Land Surveyor Act of 1989" (68 Ill. Adm. Code 1270; 35 Ill. Reg. 19570), implementing Public Acts 96-626 and 97-543, that clarify minimum requirements allowing a candidate to sit for the Fundamentals of Surveying licensure examination. The rulemaking also clarifies the type of experience and degree required for licensure application, and applicants who receive their education in a foreign country are required to have their education evaluated on a course-by-course basis. The rulemaking also increases the licensure restoration fee from \$20 to \$50 and strikes attendance at land surveying education programs as a demonstration of competence when applying for license restoration. Further amendments update the American Land Title Association's handbook for effect 2011 standards.

Bottom Line: Pursuant to Public Acts 96-626 and 97-543, this rulemaking clarifies the minimum requirements to sit for the Fundamentals of Surveying in order to be enrolled as a Land Surveyor-in-Training pursuant to Section 13 of the Act, and also clarifies the experience required. The rule provides clarification of the type of degree needed for verification of education for licensure applications and clarifies which applicants must provide proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) and foreign evaluations. American Land Title Association (ALTA) surveys are also being updated pursuant to the national requirement change from 2005 to the 2011 standard. Also the fee for restoration of a lapsed license is increased from \$20 to \$50. Interested persons who wish to submit comments or have questions can contact Craig Cellini at (217) 785-0813 or email Craig.Cellini@Illinois.gov.

The Illinois Commerce Commission proposed a new Part which will impact entities engaged in the business of collateral recovery (repossession of vehicles or other property subject to a security, lease, or rental agreement):

The Illinois Commerce Commission proposed a new Part titled "Collateral Recovery" (92 Ill. Adm. Code 1480; 35 Ill. Reg. 19995) implementing Public Act 97-576 that created an Act to regulate individuals and entities engaged in the business of collateral recovery (repossession of vehicles or other property subject to a security, lease, or rental agreement). (For example, a "repossession agency" may engage in the recovery of lost or stolen property, securing evidence concerning repossession and recovery to be used before a court, inventorying recovery property, or prevention of misappropriation or concealment of property or documents.) Covered topics include repossession agency and recovery manager licensure, recovery permits, personnel registration, certification programs for recovery managers and repossession agency employees, maintenance and inspections of books and records, property inventory, main and branch offices and remote storage locations, insurance, requirements governing leasing and vehicle identification, enforcement proceedings, license or permit holder probation, administrative citations, and fees.

Bottom Line: The rules implement the Collateral Recovery Act. The Collateral Recovery Act vests in the Illinois Commerce Commission the authority to regulate individuals and entities engaged in the business of collateral recovery for the protection for the public. The rules require individuals and entities to comply with specified procedures to obtain licenses, registrations, and permits from the Illinois Commerce Commission to engage in collateral recovery activities. The proposed rules also set forth procedures for administrative hearings before the Illinois Commerce Commission. With respect to reporting, the proposed rules require licensed repossession agencies to file annual reports with the ICC. With respect to bookkeeping, the proposed rules adopt generally accepted accounting principles. The proposed rules require individuals seeking recovery manager licensure or Class E recovery permits from the ICC to submit proof of completion of an approved certification program. For questions or to submit comments, contact Katie Kowalska, Office of Transportation Counsel, Transportation Division ICC, at (217) 524-4227 or email kkowalska@icc.illinois.gov.
