

Sales/Use/Indirect:

Illinois: Proposed Rules Address Nexus, Occasional Sales, and Leveling the Playing Field for Retail Act

Proposed Amended 86 Ill. Adm. Code sections 130.101 et al., and 150.201 et al., Ill. Dept. of Rev. (9/9/22). The Illinois Department of Revenue proposed amendments to the Illinois general retailers' occupation and use tax rules to provide additional clarity, conformity, and guidance related to the Leveling the Playing Field for Illinois Retail Act, including:

URL: https://www.ilsos.gov/departments/index/register/volume46/register_volume46_issue_37.pdf

- Providing that out-of-state purchasers without nexus who use drop shipment situations now include remote retailers who do not meet a tax remittance threshold and are not required to remit Illinois retailers' occupation tax;
- Specifying that no sales made over a marketplace are occasional sales under the Illinois retailers' occupation tax; and
- Clarifying that out-of-state retailers who lose physical presence must evaluate whether they have "Wayfair nexus" before ceasing to collect and remit Illinois use tax.

Comments on these various proposed changes are due no later than 45 days from their September 9, 2022 publication date. Please contact us with any questions.

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