

**Illinois Department of Revenue  
Regulations**

<b>Title 86 Part 131 Section 150</b>	<b>Marketplace Sellers – Obligations – Procedures – Hold Harmless Provisions</b>
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**TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE**

**PART 131  
LEVELING THE PLAYING FIELD FOR ILLINOIS RETAIL ACT**

**Section 131.150 Marketplace Sellers – Obligations – Procedures – Hold Harmless Provisions**

- a) Except as otherwise provided in this Section, a marketplace seller is not liable for State and local retailers' occupation taxes for sales of tangible personal property sold to Illinois purchasers through a marketplace, provided that, prior to its sales, it has obtained a certification from the marketplace facilitator as established in Section 131.145(b).
- b) A marketplace seller shall furnish to the marketplace facilitator information that is necessary for the marketplace facilitator to correctly remit tax on each sale made on its behalf over the marketplace. The information may include a certification that an item being sold is taxable, not taxable, exempt from taxation, or taxable at a specified rate (for example, at either the general merchandise rate or the preferential low rate of tax).
- c) A marketplace facilitator that relies in good faith on the information provided in subsection (b) by a marketplace seller shall be relieved of liability for the tax on that transaction. In this case, a marketplace seller is subject to audit on that transaction and shall be liable for any resulting State and local retailers' occupation taxes due.
- d) *Books and Records. A marketplace seller shall maintain books and records for all sales made through a marketplace in accordance with Section 7 of ROTA. [35 ILCS 120/2(e)]*
- e) A marketplace seller that makes sales to Illinois purchasers outside of a marketplace must examine its selling activities to determine its tax liabilities (i.e., determine if it is a remote retailer; retailer with a physical presence required to collect and remit use tax; or an Illinois retailer required to remit State and local retailers' occupation tax). (See Section 131.115 and Illustration A.) It must separately register with the Department to report and pay taxes incurred on these sales.
- f) A marketplace seller that incurs tax liability on sales made outside of a marketplace shall not include sales made through a marketplace on the separate returns filed with the Department, and shall not include any of its sales made through a marketplace when computing any retailers' discount on its separately filed returns.
- g) *If for any reason, the Department is prohibited from enforcing the marketplace facilitator's duty to remit taxes, the duty to remit those taxes remains with the marketplace seller, provided it is otherwise required to remit taxes under ROTA or the Use Tax Act. [35 ILCS 120/2(i)]*

- h) *The Department is prohibited from collecting State and local retailers' occupation taxes from both the marketplace seller and the marketplace facilitator on the same transaction. [35 ILCS 120/2(h)]*

(SOURCE: Adopted at 45 Ill. Reg. 931, effective December 31, 2020.)