

**Illinois Department of Revenue
Regulations**

Title 86 Part 660 Section 660.16 Retailer Licenses

TITLE 86: REVENUE

**PART 660
TOBACCO PRODUCTS TAX ACT OF 1995**

Section 660.16 Retailer Licenses

- a) *Beginning on January 1, 2016, no person may engage in business as a retailer of tobacco products in this State without first having obtained a license from the Department. Application for license shall be made to the Department, by electronic means, in a form prescribed by the Department. Each applicant for a license under this Section shall furnish to the Department, in an electronic format established by the Department, the following information:*
- 1) *the name and address of the applicant;*
 - 2) the social security number or FEIN of the applicant;
 - 3) the address of the applicant's principal place of business;
 - 4) *the address of the location or locations at which the applicant proposes to engage in business as a retailer of tobacco products in this State [35 ILCS 143/10-21];*
 - 5) In the case of:
 - A) a publicly traded corporation, the FEIN of the corporation and the name and title of the Chief Financial Officer, Chief Operating Officer, and any other officer or employee with responsibility for preparing tax returns under the Act, along with the last 4 digits of each of their social security numbers; and
 - B) all other corporations, the FEIN of the corporation and the name, title and social security number of each corporate officer;
 - 6) in the case of a limited liability company, the name, social security number or FEIN of each manager and member;
 - 7) in the case of a partnership, the name, title, social security number or FEIN of each general partner and each limited partner, if any;
 - 8) such other additional information as the Department may lawfully require.

- b) *The annual license fee payable to the Department for each retailer's license shall be \$75. Each applicant for license shall pay the fee to the Department at the time of submitting its application for license to the Department. The applicant for a license under this Section shall electronically file and pay the fee.*
- c) *A separate annual license fee shall be paid for each place of business at which a person who is required to procure a retailer's license under Section 10-21 of the Act proposes to engage in business as a retailer in Illinois under the Act.*
- d) *The following are ineligible to receive a retailer's license under the Act:*
 - 1) *a person who has been convicted of a felony under any federal or State law for smuggling cigarettes or tobacco products or tobacco tax evasion, if the Department, after investigation and a hearing if requested by the applicant, determines that person has not been sufficiently rehabilitated to warrant the public trust; and*
 - 2) *a corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of that corporation, would not be eligible to receive a license under the Act for any reason.*
- e) *The Department, upon receipt of an application and license fee, in proper form, from a person who is eligible to receive a retailer's license under the Act, will issue to the applicant a license in the form prescribed by the Department. That license shall permit the applicant to whom it is issued to engage in business as a retailer under the Act at the place shown in his or her application. All licenses issued by the Department under this Section shall be valid for a period not to exceed one year after issuance unless sooner revoked, canceled or suspended as provided in the Act. No license issued under this Section is transferable or assignable. The license shall be conspicuously displayed in the place of business conducted by the licensee in Illinois under the license. A person who obtains a license as a retailer who ceases to do business as specified in the license, or who never commenced business, or whose license is suspended or revoked, shall immediately surrender the license to the Department. The Department shall not issue a license to a retailer unless the retailer is also validly registered under the Retailers' Occupation Tax Act [35 ILCS 130/4g]. A retailer, as defined under the Act, need not obtain an additional license under the Act, but shall be deemed to be sufficiently licensed by virtue of his being properly licensed as a retailer under Section 4g of the Cigarette Tax Act.*
- f) *Any person aggrieved by any decision of the Department under Section 10-21 of the Act may, within 30 days after notice of the decision, protest and request a hearing. Upon receiving a request for a hearing, the Department shall give notice to the person requesting the hearing of the time and place fixed for the hearing and shall hold a hearing in conformity with the provisions of the Act and then issue its final administrative decision in the matter to that person. In the absence of a protest and request for a hearing within 30 days, the Department's decision shall become final without any further determination being made or notice given. [35 ILCS 143/10-21]*

(Source: Added at 40 Ill. Reg. 10954, effective July 29, 2016)