

## Administrative Hearings

Once a taxpayer is issued a Notice of Tax Liability, Notice of Deficiency, Notice of Claim Denial, Notice of Tentative Audit Denial of Claim, Registration Denial, Notice of Personal Liability (NPL or 1002(d)), Notice of Penalty Liability (Motor Fuel Violation), or Reasonable Cause Denial, and the taxpayer does not agree with the notice, the taxpayer may request an administrative hearing within the time periods listed on the notice.

### Jurisdiction

The amount at issue on those notices will determine whether the request for an administrative hearing should be made to the Department of Revenue or the Illinois Independent Tax Tribunal (Tax Tribunal).

- Jurisdiction of the Tax Tribunal is limited to Notices of Tax Liability, Notices of Deficiency, Notices of Claim Denial, and Notices of Penalty Liability and the amount of tax at issue, exclusive of penalty and interest, is more than \$15,000, or if no tax is assessed but the total in penalties and interest is more than \$15,000. The taxpayer may file a petition with the Tax Tribunal as provided by the rules of the Tax Tribunal (86 Ill. Admin. Code 5000.10 et seq.). The Tax Tribunal will issue a decision to the taxpayer.
- In all other cases that do not fall within the jurisdiction of the Tax Tribunal, taxpayers may request an administrative hearing with the Department of Revenue. Administrative hearings are formal legal proceedings conducted pursuant to the rules adopted by the Department and are presided over by an Administrative Law Judge (ALJ). After the hearing, a recommendation by the ALJ will be submitted to the Director. The Director will accept or reject the ALJ's recommendation and the Department will issue a copy of the administrative hearing decision to the taxpayer.

**Note:** Notices issued for the following taxes are under the jurisdiction of the Department of Revenue regardless of the amount of tax or penalty at issue:

- Bingo Tax
- Cigarette Machine Operators' Occupation Tax
- Charitable Games Tax
- Chicago Home Rule Municipal Soft Drink Retailers' Occupation Tax
- County Motor Fuel Tax
- Dry Cleaning Solvent Tax
- Energy Assistance Charges - Electric and Gas
- Illinois Hydraulic Fracturing Tax
- Liquor Taxes
- Live Adult Entertainment Facility Surcharge
- Medical Cannabis Cultivation Privilege Tax
- Metropolitan Pier and Exposition Authority (MPEA) Food & Beverage Tax
- Private Party Vehicle Use Tax
- Pull Tabs Tax
- Real Estate Transfer Tax
- Renewal Energy Resources and Coal Technology Development Assistance Charge
- Rental Housing Support Program Surcharge

- Tire User Fee

**Forms**

Requests to the Department for an administrative hearing should be made on forms provided on the Department's website.

Form AH-4 (Sales, Use, Excise & Related Taxes)

Form EAR-14 (Income Tax)

Form IL-2848 (Power of Attorney)

**Department Rules**

Illinois Department of Administrative Hearing Rules are located on the Department's website under Part 200 (86 Ill. Admin. Code 200.101 et seq.).

**Note:** Sections 115, 162, and 170 are being amended to allow the service of certain administrative hearing notices by email.