

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. If and only if Senate Bill 2641 of the 100th
5 General Assembly, as amended by House Amendment No. 3 and House
6 Amendment No. 4, becomes law, then the Use Tax Act is amended
7 by changing Section 3-5 as follows:

8 (35 ILCS 105/3-5)

9 Sec. 3-5. Exemptions. Use of the following tangible
10 personal property is exempt from the tax imposed by this Act:

11 (1) Personal property purchased from a corporation,
12 society, association, foundation, institution, or
13 organization, other than a limited liability company, that is
14 organized and operated as a not-for-profit service enterprise
15 for the benefit of persons 65 years of age or older if the
16 personal property was not purchased by the enterprise for the
17 purpose of resale by the enterprise.

18 (2) Personal property purchased by a not-for-profit
19 Illinois county fair association for use in conducting,
20 operating, or promoting the county fair.

21 (3) Personal property purchased by a not-for-profit arts or
22 cultural organization that establishes, by proof required by
23 the Department by rule, that it has received an exemption under

1 Section 501(c)(3) of the Internal Revenue Code and that is
2 organized and operated primarily for the presentation or
3 support of arts or cultural programming, activities, or
4 services. These organizations include, but are not limited to,
5 music and dramatic arts organizations such as symphony
6 orchestras and theatrical groups, arts and cultural service
7 organizations, local arts councils, visual arts organizations,
8 and media arts organizations. On and after July 1, 2001 (the
9 effective date of Public Act 92-35) ~~this amendatory Act of the~~
10 ~~92nd General Assembly~~, however, an entity otherwise eligible
11 for this exemption shall not make tax-free purchases unless it
12 has an active identification number issued by the Department.

13 (4) Personal property purchased by a governmental body, by
14 a corporation, society, association, foundation, or
15 institution organized and operated exclusively for charitable,
16 religious, or educational purposes, or by a not-for-profit
17 corporation, society, association, foundation, institution, or
18 organization that has no compensated officers or employees and
19 that is organized and operated primarily for the recreation of
20 persons 55 years of age or older. A limited liability company
21 may qualify for the exemption under this paragraph only if the
22 limited liability company is organized and operated
23 exclusively for educational purposes. On and after July 1,
24 1987, however, no entity otherwise eligible for this exemption
25 shall make tax-free purchases unless it has an active exemption
26 identification number issued by the Department.

1 (5) Until July 1, 2003, a passenger car that is a
2 replacement vehicle to the extent that the purchase price of
3 the car is subject to the Replacement Vehicle Tax.

4 (6) Until July 1, 2003 and beginning again on September 1,
5 2004 through August 30, 2014, graphic arts machinery and
6 equipment, including repair and replacement parts, both new and
7 used, and including that manufactured on special order,
8 certified by the purchaser to be used primarily for graphic
9 arts production, and including machinery and equipment
10 purchased for lease. Equipment includes chemicals or chemicals
11 acting as catalysts but only if the chemicals or chemicals
12 acting as catalysts effect a direct and immediate change upon a
13 graphic arts product. Beginning on July 1, 2017, graphic arts
14 machinery and equipment is included in the manufacturing and
15 assembling machinery and equipment exemption under paragraph
16 (18).

17 (7) Farm chemicals.

18 (8) Legal tender, currency, medallions, or gold or silver
19 coinage issued by the State of Illinois, the government of the
20 United States of America, or the government of any foreign
21 country, and bullion.

22 (9) Personal property purchased from a teacher-sponsored
23 student organization affiliated with an elementary or
24 secondary school located in Illinois.

25 (10) A motor vehicle that is used for automobile renting,
26 as defined in the Automobile Renting Occupation and Use Tax

1 Act. This exemption does not include the purchase of a motor
2 vehicle which will be used in a car facilitation transaction,
3 as defined in Section 1-110.06 of the Illinois Vehicle Code.

4 (11) Farm machinery and equipment, both new and used,
5 including that manufactured on special order, certified by the
6 purchaser to be used primarily for production agriculture or
7 State or federal agricultural programs, including individual
8 replacement parts for the machinery and equipment, including
9 machinery and equipment purchased for lease, and including
10 implements of husbandry defined in Section 1-130 of the
11 Illinois Vehicle Code, farm machinery and agricultural
12 chemical and fertilizer spreaders, and nurse wagons required to
13 be registered under Section 3-809 of the Illinois Vehicle Code,
14 but excluding other motor vehicles required to be registered
15 under the Illinois Vehicle Code. Horticultural polyhouses or
16 hoop houses used for propagating, growing, or overwintering
17 plants shall be considered farm machinery and equipment under
18 this item (11). Agricultural chemical tender tanks and dry
19 boxes shall include units sold separately from a motor vehicle
20 required to be licensed and units sold mounted on a motor
21 vehicle required to be licensed if the selling price of the
22 tender is separately stated.

23 Farm machinery and equipment shall include precision
24 farming equipment that is installed or purchased to be
25 installed on farm machinery and equipment including, but not
26 limited to, tractors, harvesters, sprayers, planters, seeders,

1 or spreaders. Precision farming equipment includes, but is not
2 limited to, soil testing sensors, computers, monitors,
3 software, global positioning and mapping systems, and other
4 such equipment.

5 Farm machinery and equipment also includes computers,
6 sensors, software, and related equipment used primarily in the
7 computer-assisted operation of production agriculture
8 facilities, equipment, and activities such as, but not limited
9 to, the collection, monitoring, and correlation of animal and
10 crop data for the purpose of formulating animal diets and
11 agricultural chemicals. This item (11) is exempt from the
12 provisions of Section 3-90.

13 (12) Until June 30, 2013, fuel and petroleum products sold
14 to or used by an air common carrier, certified by the carrier
15 to be used for consumption, shipment, or storage in the conduct
16 of its business as an air common carrier, for a flight destined
17 for or returning from a location or locations outside the
18 United States without regard to previous or subsequent domestic
19 stopovers.

20 Beginning July 1, 2013, fuel and petroleum products sold to
21 or used by an air carrier, certified by the carrier to be used
22 for consumption, shipment, or storage in the conduct of its
23 business as an air common carrier, for a flight that (i) is
24 engaged in foreign trade or is engaged in trade between the
25 United States and any of its possessions and (ii) transports at
26 least one individual or package for hire from the city of

1 origination to the city of final destination on the same
2 aircraft, without regard to a change in the flight number of
3 that aircraft.

4 (13) Proceeds of mandatory service charges separately
5 stated on customers' bills for the purchase and consumption of
6 food and beverages purchased at retail from a retailer, to the
7 extent that the proceeds of the service charge are in fact
8 turned over as tips or as a substitute for tips to the
9 employees who participate directly in preparing, serving,
10 hosting or cleaning up the food or beverage function with
11 respect to which the service charge is imposed.

12 (14) Until July 1, 2003, oil field exploration, drilling,
13 and production equipment, including (i) rigs and parts of rigs,
14 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and
15 tubular goods, including casing and drill strings, (iii) pumps
16 and pump-jack units, (iv) storage tanks and flow lines, (v) any
17 individual replacement part for oil field exploration,
18 drilling, and production equipment, and (vi) machinery and
19 equipment purchased for lease; but excluding motor vehicles
20 required to be registered under the Illinois Vehicle Code.

21 (15) Photoprocessing machinery and equipment, including
22 repair and replacement parts, both new and used, including that
23 manufactured on special order, certified by the purchaser to be
24 used primarily for photoprocessing, and including
25 photoprocessing machinery and equipment purchased for lease.

26 (16) Coal and aggregate exploration, mining, off-highway

1 hauling, processing, maintenance, and reclamation equipment,
2 including replacement parts and equipment, and including
3 equipment purchased for lease, but excluding motor vehicles
4 required to be registered under the Illinois Vehicle Code. The
5 changes made to this Section by Public Act 97-767 apply on and
6 after July 1, 2003, but no claim for credit or refund is
7 allowed on or after August 16, 2013 (the effective date of
8 Public Act 98-456) for such taxes paid during the period
9 beginning July 1, 2003 and ending on August 16, 2013 (the
10 effective date of Public Act 98-456).

11 (17) Until July 1, 2003, distillation machinery and
12 equipment, sold as a unit or kit, assembled or installed by the
13 retailer, certified by the user to be used only for the
14 production of ethyl alcohol that will be used for consumption
15 as motor fuel or as a component of motor fuel for the personal
16 use of the user, and not subject to sale or resale.

17 (18) Manufacturing and assembling machinery and equipment
18 used primarily in the process of manufacturing or assembling
19 tangible personal property for wholesale or retail sale or
20 lease, whether that sale or lease is made directly by the
21 manufacturer or by some other person, whether the materials
22 used in the process are owned by the manufacturer or some other
23 person, or whether that sale or lease is made apart from or as
24 an incident to the seller's engaging in the service occupation
25 of producing machines, tools, dies, jigs, patterns, gauges, or
26 other similar items of no commercial value on special order for

1 a particular purchaser. The exemption provided by this
2 paragraph (18) does not include machinery and equipment used in
3 (i) the generation of electricity for wholesale or retail sale;
4 (ii) the generation or treatment of natural or artificial gas
5 for wholesale or retail sale that is delivered to customers
6 through pipes, pipelines, or mains; or (iii) the treatment of
7 water for wholesale or retail sale that is delivered to
8 customers through pipes, pipelines, or mains. The provisions of
9 Public Act 98-583 are declaratory of existing law as to the
10 meaning and scope of this exemption. Beginning on July 1, 2017,
11 the exemption provided by this paragraph (18) includes, but is
12 not limited to, graphic arts machinery and equipment, as
13 defined in paragraph (6) of this Section.

14 (19) Personal property delivered to a purchaser or
15 purchaser's donee inside Illinois when the purchase order for
16 that personal property was received by a florist located
17 outside Illinois who has a florist located inside Illinois
18 deliver the personal property.

19 (20) Semen used for artificial insemination of livestock
20 for direct agricultural production.

21 (21) Horses, or interests in horses, registered with and
22 meeting the requirements of any of the Arabian Horse Club
23 Registry of America, Appaloosa Horse Club, American Quarter
24 Horse Association, United States Trotting Association, or
25 Jockey Club, as appropriate, used for purposes of breeding or
26 racing for prizes. This item (21) is exempt from the provisions

1 of Section 3-90, and the exemption provided for under this item
2 (21) applies for all periods beginning May 30, 1995, but no
3 claim for credit or refund is allowed on or after January 1,
4 2008 for such taxes paid during the period beginning May 30,
5 2000 and ending on January 1, 2008.

6 (22) Computers and communications equipment utilized for
7 any hospital purpose and equipment used in the diagnosis,
8 analysis, or treatment of hospital patients purchased by a
9 lessor who leases the equipment, under a lease of one year or
10 longer executed or in effect at the time the lessor would
11 otherwise be subject to the tax imposed by this Act, to a
12 hospital that has been issued an active tax exemption
13 identification number by the Department under Section 1g of the
14 Retailers' Occupation Tax Act. If the equipment is leased in a
15 manner that does not qualify for this exemption or is used in
16 any other non-exempt manner, the lessor shall be liable for the
17 tax imposed under this Act or the Service Use Tax Act, as the
18 case may be, based on the fair market value of the property at
19 the time the non-qualifying use occurs. No lessor shall collect
20 or attempt to collect an amount (however designated) that
21 purports to reimburse that lessor for the tax imposed by this
22 Act or the Service Use Tax Act, as the case may be, if the tax
23 has not been paid by the lessor. If a lessor improperly
24 collects any such amount from the lessee, the lessee shall have
25 a legal right to claim a refund of that amount from the lessor.
26 If, however, that amount is not refunded to the lessee for any

1 reason, the lessor is liable to pay that amount to the
2 Department.

3 (23) Personal property purchased by a lessor who leases the
4 property, under a lease of one year or longer executed or in
5 effect at the time the lessor would otherwise be subject to the
6 tax imposed by this Act, to a governmental body that has been
7 issued an active sales tax exemption identification number by
8 the Department under Section 1g of the Retailers' Occupation
9 Tax Act. If the property is leased in a manner that does not
10 qualify for this exemption or used in any other non-exempt
11 manner, the lessor shall be liable for the tax imposed under
12 this Act or the Service Use Tax Act, as the case may be, based
13 on the fair market value of the property at the time the
14 non-qualifying use occurs. No lessor shall collect or attempt
15 to collect an amount (however designated) that purports to
16 reimburse that lessor for the tax imposed by this Act or the
17 Service Use Tax Act, as the case may be, if the tax has not been
18 paid by the lessor. If a lessor improperly collects any such
19 amount from the lessee, the lessee shall have a legal right to
20 claim a refund of that amount from the lessor. If, however,
21 that amount is not refunded to the lessee for any reason, the
22 lessor is liable to pay that amount to the Department.

23 (24) Beginning with taxable years ending on or after
24 December 31, 1995 and ending with taxable years ending on or
25 before December 31, 2004, personal property that is donated for
26 disaster relief to be used in a State or federally declared

1 disaster area in Illinois or bordering Illinois by a
2 manufacturer or retailer that is registered in this State to a
3 corporation, society, association, foundation, or institution
4 that has been issued a sales tax exemption identification
5 number by the Department that assists victims of the disaster
6 who reside within the declared disaster area.

7 (25) Beginning with taxable years ending on or after
8 December 31, 1995 and ending with taxable years ending on or
9 before December 31, 2004, personal property that is used in the
10 performance of infrastructure repairs in this State, including
11 but not limited to municipal roads and streets, access roads,
12 bridges, sidewalks, waste disposal systems, water and sewer
13 line extensions, water distribution and purification
14 facilities, storm water drainage and retention facilities, and
15 sewage treatment facilities, resulting from a State or
16 federally declared disaster in Illinois or bordering Illinois
17 when such repairs are initiated on facilities located in the
18 declared disaster area within 6 months after the disaster.

19 (26) Beginning July 1, 1999, game or game birds purchased
20 at a "game breeding and hunting preserve area" as that term is
21 used in the Wildlife Code. This paragraph is exempt from the
22 provisions of Section 3-90.

23 (27) A motor vehicle, as that term is defined in Section
24 1-146 of the Illinois Vehicle Code, that is donated to a
25 corporation, limited liability company, society, association,
26 foundation, or institution that is determined by the Department

1 to be organized and operated exclusively for educational
2 purposes. For purposes of this exemption, "a corporation,
3 limited liability company, society, association, foundation,
4 or institution organized and operated exclusively for
5 educational purposes" means all tax-supported public schools,
6 private schools that offer systematic instruction in useful
7 branches of learning by methods common to public schools and
8 that compare favorably in their scope and intensity with the
9 course of study presented in tax-supported schools, and
10 vocational or technical schools or institutes organized and
11 operated exclusively to provide a course of study of not less
12 than 6 weeks duration and designed to prepare individuals to
13 follow a trade or to pursue a manual, technical, mechanical,
14 industrial, business, or commercial occupation.

15 (28) Beginning January 1, 2000, personal property,
16 including food, purchased through fundraising events for the
17 benefit of a public or private elementary or secondary school,
18 a group of those schools, or one or more school districts if
19 the events are sponsored by an entity recognized by the school
20 district that consists primarily of volunteers and includes
21 parents and teachers of the school children. This paragraph
22 does not apply to fundraising events (i) for the benefit of
23 private home instruction or (ii) for which the fundraising
24 entity purchases the personal property sold at the events from
25 another individual or entity that sold the property for the
26 purpose of resale by the fundraising entity and that profits

1 from the sale to the fundraising entity. This paragraph is
2 exempt from the provisions of Section 3-90.

3 (29) Beginning January 1, 2000 and through December 31,
4 2001, new or used automatic vending machines that prepare and
5 serve hot food and beverages, including coffee, soup, and other
6 items, and replacement parts for these machines. Beginning
7 January 1, 2002 and through June 30, 2003, machines and parts
8 for machines used in commercial, coin-operated amusement and
9 vending business if a use or occupation tax is paid on the
10 gross receipts derived from the use of the commercial,
11 coin-operated amusement and vending machines. This paragraph
12 is exempt from the provisions of Section 3-90.

13 (30) Beginning January 1, 2001 and through June 30, 2016,
14 food for human consumption that is to be consumed off the
15 premises where it is sold (other than alcoholic beverages, soft
16 drinks, and food that has been prepared for immediate
17 consumption) and prescription and nonprescription medicines,
18 drugs, medical appliances, and insulin, urine testing
19 materials, syringes, and needles used by diabetics, for human
20 use, when purchased for use by a person receiving medical
21 assistance under Article V of the Illinois Public Aid Code who
22 resides in a licensed long-term care facility, as defined in
23 the Nursing Home Care Act, or in a licensed facility as defined
24 in the ID/DD Community Care Act, the MC/DD Act, or the
25 Specialized Mental Health Rehabilitation Act of 2013.

26 (31) Beginning on August 2, 2001 (the effective date of

1 ~~Public Act 92-227)~~ ~~this amendatory Act of the 92nd General~~
2 ~~Assembly,~~ computers and communications equipment utilized for
3 any hospital purpose and equipment used in the diagnosis,
4 analysis, or treatment of hospital patients purchased by a
5 lessor who leases the equipment, under a lease of one year or
6 longer executed or in effect at the time the lessor would
7 otherwise be subject to the tax imposed by this Act, to a
8 hospital that has been issued an active tax exemption
9 identification number by the Department under Section 1g of the
10 Retailers' Occupation Tax Act. If the equipment is leased in a
11 manner that does not qualify for this exemption or is used in
12 any other nonexempt manner, the lessor shall be liable for the
13 tax imposed under this Act or the Service Use Tax Act, as the
14 case may be, based on the fair market value of the property at
15 the time the nonqualifying use occurs. No lessor shall collect
16 or attempt to collect an amount (however designated) that
17 purports to reimburse that lessor for the tax imposed by this
18 Act or the Service Use Tax Act, as the case may be, if the tax
19 has not been paid by the lessor. If a lessor improperly
20 collects any such amount from the lessee, the lessee shall have
21 a legal right to claim a refund of that amount from the lessor.
22 If, however, that amount is not refunded to the lessee for any
23 reason, the lessor is liable to pay that amount to the
24 Department. This paragraph is exempt from the provisions of
25 Section 3-90.

26 (32) Beginning on August 2, 2001 (the effective date of

1 ~~Public Act 92-227)~~ ~~this amendatory Act of the 92nd General~~
2 ~~Assembly~~, personal property purchased by a lessor who leases
3 the property, under a lease of one year or longer executed or
4 in effect at the time the lessor would otherwise be subject to
5 the tax imposed by this Act, to a governmental body that has
6 been issued an active sales tax exemption identification number
7 by the Department under Section 1g of the Retailers' Occupation
8 Tax Act. If the property is leased in a manner that does not
9 qualify for this exemption or used in any other nonexempt
10 manner, the lessor shall be liable for the tax imposed under
11 this Act or the Service Use Tax Act, as the case may be, based
12 on the fair market value of the property at the time the
13 nonqualifying use occurs. No lessor shall collect or attempt to
14 collect an amount (however designated) that purports to
15 reimburse that lessor for the tax imposed by this Act or the
16 Service Use Tax Act, as the case may be, if the tax has not been
17 paid by the lessor. If a lessor improperly collects any such
18 amount from the lessee, the lessee shall have a legal right to
19 claim a refund of that amount from the lessor. If, however,
20 that amount is not refunded to the lessee for any reason, the
21 lessor is liable to pay that amount to the Department. This
22 paragraph is exempt from the provisions of Section 3-90.

23 (33) On and after July 1, 2003 and through June 30, 2004,
24 the use in this State of motor vehicles of the second division
25 with a gross vehicle weight in excess of 8,000 pounds and that
26 are subject to the commercial distribution fee imposed under

1 Section 3-815.1 of the Illinois Vehicle Code. Beginning on July
2 1, 2004 and through June 30, 2005, the use in this State of
3 motor vehicles of the second division: (i) with a gross vehicle
4 weight rating in excess of 8,000 pounds; (ii) that are subject
5 to the commercial distribution fee imposed under Section
6 3-815.1 of the Illinois Vehicle Code; and (iii) that are
7 primarily used for commercial purposes. Through June 30, 2005,
8 this exemption applies to repair and replacement parts added
9 after the initial purchase of such a motor vehicle if that
10 motor vehicle is used in a manner that would qualify for the
11 rolling stock exemption otherwise provided for in this Act. For
12 purposes of this paragraph, the term "used for commercial
13 purposes" means the transportation of persons or property in
14 furtherance of any commercial or industrial enterprise,
15 whether for-hire or not.

16 (34) Beginning January 1, 2008, tangible personal property
17 used in the construction or maintenance of a community water
18 supply, as defined under Section 3.145 of the Environmental
19 Protection Act, that is operated by a not-for-profit
20 corporation that holds a valid water supply permit issued under
21 Title IV of the Environmental Protection Act. This paragraph is
22 exempt from the provisions of Section 3-90.

23 (35) Beginning January 1, 2010, materials, parts,
24 equipment, components, and furnishings incorporated into or
25 upon an aircraft as part of the modification, refurbishment,
26 completion, replacement, repair, or maintenance of the

1 aircraft. This exemption includes consumable supplies used in
2 the modification, refurbishment, completion, replacement,
3 repair, and maintenance of aircraft, but excludes any
4 materials, parts, equipment, components, and consumable
5 supplies used in the modification, replacement, repair, and
6 maintenance of aircraft engines or power plants, whether such
7 engines or power plants are installed or uninstalled upon any
8 such aircraft. "Consumable supplies" include, but are not
9 limited to, adhesive, tape, sandpaper, general purpose
10 lubricants, cleaning solution, latex gloves, and protective
11 films. This exemption applies only to the use of qualifying
12 tangible personal property by persons who modify, refurbish,
13 complete, repair, replace, or maintain aircraft and who (i)
14 hold an Air Agency Certificate and are empowered to operate an
15 approved repair station by the Federal Aviation
16 Administration, (ii) have a Class IV Rating, and (iii) conduct
17 operations in accordance with Part 145 of the Federal Aviation
18 Regulations. The exemption does not include aircraft operated
19 by a commercial air carrier providing scheduled passenger air
20 service pursuant to authority issued under Part 121 or Part 129
21 of the Federal Aviation Regulations. The changes made to this
22 paragraph (35) by Public Act 98-534 are declarative of existing
23 law.

24 (36) Tangible personal property purchased by a
25 public-facilities corporation, as described in Section
26 11-65-10 of the Illinois Municipal Code, for purposes of

1 constructing or furnishing a municipal convention hall, but
2 only if the legal title to the municipal convention hall is
3 transferred to the municipality without any further
4 consideration by or on behalf of the municipality at the time
5 of the completion of the municipal convention hall or upon the
6 retirement or redemption of any bonds or other debt instruments
7 issued by the public-facilities corporation in connection with
8 the development of the municipal convention hall. This
9 exemption includes existing public-facilities corporations as
10 provided in Section 11-65-25 of the Illinois Municipal Code.
11 This paragraph is exempt from the provisions of Section 3-90.

12 (37) Beginning January 1, 2017, menstrual pads, tampons,
13 and menstrual cups.

14 (38) Merchandise that is subject to the Rental Purchase
15 Agreement Occupation and Use Tax. The purchaser must certify
16 that the item is purchased to be rented subject to a rental
17 purchase agreement, as defined in the Rental Purchase Agreement
18 Act, and provide proof of registration under the Rental
19 Purchase Agreement Occupation and Use Tax Act. This paragraph
20 is exempt from the provisions of Section 3-90.

21 (Source: P.A. 99-180, eff. 7-29-15; 99-855, eff. 8-19-16;
22 100-22, eff. 7-6-17; 100-437, eff. 1-1-18; revised 9-27-17.)

23 Section 10. If and only if Senate Bill 2641 of the 100th
24 General Assembly, as amended by House Amendment No. 3 and House
25 Amendment No. 4, becomes law, then the Retailers' Occupation

1 Tax Act is amended by changing Section 2-5 as follows:

2 (35 ILCS 120/2-5)

3 Sec. 2-5. Exemptions. Gross receipts from proceeds from the
4 sale of the following tangible personal property are exempt
5 from the tax imposed by this Act:

6 (1) Farm chemicals.

7 (2) Farm machinery and equipment, both new and used,
8 including that manufactured on special order, certified by
9 the purchaser to be used primarily for production
10 agriculture or State or federal agricultural programs,
11 including individual replacement parts for the machinery
12 and equipment, including machinery and equipment purchased
13 for lease, and including implements of husbandry defined in
14 Section 1-130 of the Illinois Vehicle Code, farm machinery
15 and agricultural chemical and fertilizer spreaders, and
16 nurse wagons required to be registered under Section 3-809
17 of the Illinois Vehicle Code, but excluding other motor
18 vehicles required to be registered under the Illinois
19 Vehicle Code. Horticultural polyhouses or hoop houses used
20 for propagating, growing, or overwintering plants shall be
21 considered farm machinery and equipment under this item
22 (2). Agricultural chemical tender tanks and dry boxes shall
23 include units sold separately from a motor vehicle required
24 to be licensed and units sold mounted on a motor vehicle
25 required to be licensed, if the selling price of the tender

1 is separately stated.

2 Farm machinery and equipment shall include precision
3 farming equipment that is installed or purchased to be
4 installed on farm machinery and equipment including, but
5 not limited to, tractors, harvesters, sprayers, planters,
6 seeders, or spreaders. Precision farming equipment
7 includes, but is not limited to, soil testing sensors,
8 computers, monitors, software, global positioning and
9 mapping systems, and other such equipment.

10 Farm machinery and equipment also includes computers,
11 sensors, software, and related equipment used primarily in
12 the computer-assisted operation of production agriculture
13 facilities, equipment, and activities such as, but not
14 limited to, the collection, monitoring, and correlation of
15 animal and crop data for the purpose of formulating animal
16 diets and agricultural chemicals. This item (2) is exempt
17 from the provisions of Section 2-70.

18 (3) Until July 1, 2003, distillation machinery and
19 equipment, sold as a unit or kit, assembled or installed by
20 the retailer, certified by the user to be used only for the
21 production of ethyl alcohol that will be used for
22 consumption as motor fuel or as a component of motor fuel
23 for the personal use of the user, and not subject to sale
24 or resale.

25 (4) Until July 1, 2003 and beginning again September 1,
26 2004 through August 30, 2014, graphic arts machinery and

1 equipment, including repair and replacement parts, both
2 new and used, and including that manufactured on special
3 order or purchased for lease, certified by the purchaser to
4 be used primarily for graphic arts production. Equipment
5 includes chemicals or chemicals acting as catalysts but
6 only if the chemicals or chemicals acting as catalysts
7 effect a direct and immediate change upon a graphic arts
8 product. Beginning on July 1, 2017, graphic arts machinery
9 and equipment is included in the manufacturing and
10 assembling machinery and equipment exemption under
11 paragraph (14).

12 (5) A motor vehicle that is used for automobile
13 renting, as defined in the Automobile Renting Occupation
14 and Use Tax Act. This paragraph is exempt from the
15 provisions of Section 2-70. This exemption does not include
16 the sale of a motor vehicle which will be used in a car
17 facilitation transaction, as defined in Section 1-110.06
18 of the Illinois Vehicle Code.

19 (6) Personal property sold by a teacher-sponsored
20 student organization affiliated with an elementary or
21 secondary school located in Illinois.

22 (7) Until July 1, 2003, proceeds of that portion of the
23 selling price of a passenger car the sale of which is
24 subject to the Replacement Vehicle Tax.

25 (8) Personal property sold to an Illinois county fair
26 association for use in conducting, operating, or promoting

1 the county fair.

2 (9) Personal property sold to a not-for-profit arts or
3 cultural organization that establishes, by proof required
4 by the Department by rule, that it has received an
5 exemption under Section 501(c)(3) of the Internal Revenue
6 Code and that is organized and operated primarily for the
7 presentation or support of arts or cultural programming,
8 activities, or services. These organizations include, but
9 are not limited to, music and dramatic arts organizations
10 such as symphony orchestras and theatrical groups, arts and
11 cultural service organizations, local arts councils,
12 visual arts organizations, and media arts organizations.
13 On and after July 1, 2001 (the effective date of Public Act
14 92-35) ~~this amendatory Act of the 92nd General Assembly,~~
15 however, an entity otherwise eligible for this exemption
16 shall not make tax-free purchases unless it has an active
17 identification number issued by the Department.

18 (10) Personal property sold by a corporation, society,
19 association, foundation, institution, or organization,
20 other than a limited liability company, that is organized
21 and operated as a not-for-profit service enterprise for the
22 benefit of persons 65 years of age or older if the personal
23 property was not purchased by the enterprise for the
24 purpose of resale by the enterprise.

25 (11) Personal property sold to a governmental body, to
26 a corporation, society, association, foundation, or

1 institution organized and operated exclusively for
2 charitable, religious, or educational purposes, or to a
3 not-for-profit corporation, society, association,
4 foundation, institution, or organization that has no
5 compensated officers or employees and that is organized and
6 operated primarily for the recreation of persons 55 years
7 of age or older. A limited liability company may qualify
8 for the exemption under this paragraph only if the limited
9 liability company is organized and operated exclusively
10 for educational purposes. On and after July 1, 1987,
11 however, no entity otherwise eligible for this exemption
12 shall make tax-free purchases unless it has an active
13 identification number issued by the Department.

14 (12) (Blank).

15 (12-5) On and after July 1, 2003 and through June 30,
16 2004, motor vehicles of the second division with a gross
17 vehicle weight in excess of 8,000 pounds that are subject
18 to the commercial distribution fee imposed under Section
19 3-815.1 of the Illinois Vehicle Code. Beginning on July 1,
20 2004 and through June 30, 2005, the use in this State of
21 motor vehicles of the second division: (i) with a gross
22 vehicle weight rating in excess of 8,000 pounds; (ii) that
23 are subject to the commercial distribution fee imposed
24 under Section 3-815.1 of the Illinois Vehicle Code; and
25 (iii) that are primarily used for commercial purposes.
26 Through June 30, 2005, this exemption applies to repair and

1 replacement parts added after the initial purchase of such
2 a motor vehicle if that motor vehicle is used in a manner
3 that would qualify for the rolling stock exemption
4 otherwise provided for in this Act. For purposes of this
5 paragraph, "used for commercial purposes" means the
6 transportation of persons or property in furtherance of any
7 commercial or industrial enterprise whether for-hire or
8 not.

9 (13) Proceeds from sales to owners, lessors, or
10 shippers of tangible personal property that is utilized by
11 interstate carriers for hire for use as rolling stock
12 moving in interstate commerce and equipment operated by a
13 telecommunications provider, licensed as a common carrier
14 by the Federal Communications Commission, which is
15 permanently installed in or affixed to aircraft moving in
16 interstate commerce.

17 (14) Machinery and equipment that will be used by the
18 purchaser, or a lessee of the purchaser, primarily in the
19 process of manufacturing or assembling tangible personal
20 property for wholesale or retail sale or lease, whether the
21 sale or lease is made directly by the manufacturer or by
22 some other person, whether the materials used in the
23 process are owned by the manufacturer or some other person,
24 or whether the sale or lease is made apart from or as an
25 incident to the seller's engaging in the service occupation
26 of producing machines, tools, dies, jigs, patterns,

1 gauges, or other similar items of no commercial value on
2 special order for a particular purchaser. The exemption
3 provided by this paragraph (14) does not include machinery
4 and equipment used in (i) the generation of electricity for
5 wholesale or retail sale; (ii) the generation or treatment
6 of natural or artificial gas for wholesale or retail sale
7 that is delivered to customers through pipes, pipelines, or
8 mains; or (iii) the treatment of water for wholesale or
9 retail sale that is delivered to customers through pipes,
10 pipelines, or mains. The provisions of Public Act 98-583
11 are declaratory of existing law as to the meaning and scope
12 of this exemption. Beginning on July 1, 2017, the exemption
13 provided by this paragraph (14) includes, but is not
14 limited to, graphic arts machinery and equipment, as
15 defined in paragraph (4) of this Section.

16 (15) Proceeds of mandatory service charges separately
17 stated on customers' bills for purchase and consumption of
18 food and beverages, to the extent that the proceeds of the
19 service charge are in fact turned over as tips or as a
20 substitute for tips to the employees who participate
21 directly in preparing, serving, hosting or cleaning up the
22 food or beverage function with respect to which the service
23 charge is imposed.

24 (16) Petroleum products sold to a purchaser if the
25 seller is prohibited by federal law from charging tax to
26 the purchaser.

1 (17) Tangible personal property sold to a common
2 carrier by rail or motor that receives the physical
3 possession of the property in Illinois and that transports
4 the property, or shares with another common carrier in the
5 transportation of the property, out of Illinois on a
6 standard uniform bill of lading showing the seller of the
7 property as the shipper or consignor of the property to a
8 destination outside Illinois, for use outside Illinois.

9 (18) Legal tender, currency, medallions, or gold or
10 silver coinage issued by the State of Illinois, the
11 government of the United States of America, or the
12 government of any foreign country, and bullion.

13 (19) Until July 1, 2003, oil field exploration,
14 drilling, and production equipment, including (i) rigs and
15 parts of rigs, rotary rigs, cable tool rigs, and workover
16 rigs, (ii) pipe and tubular goods, including casing and
17 drill strings, (iii) pumps and pump-jack units, (iv)
18 storage tanks and flow lines, (v) any individual
19 replacement part for oil field exploration, drilling, and
20 production equipment, and (vi) machinery and equipment
21 purchased for lease; but excluding motor vehicles required
22 to be registered under the Illinois Vehicle Code.

23 (20) Photoprocessing machinery and equipment,
24 including repair and replacement parts, both new and used,
25 including that manufactured on special order, certified by
26 the purchaser to be used primarily for photoprocessing, and

1 including photoprocessing machinery and equipment
2 purchased for lease.

3 (21) Coal and aggregate exploration, mining,
4 off-highway hauling, processing, maintenance, and
5 reclamation equipment, including replacement parts and
6 equipment, and including equipment purchased for lease,
7 but excluding motor vehicles required to be registered
8 under the Illinois Vehicle Code. The changes made to this
9 Section by Public Act 97-767 apply on and after July 1,
10 2003, but no claim for credit or refund is allowed on or
11 after August 16, 2013 (the effective date of Public Act
12 98-456) for such taxes paid during the period beginning
13 July 1, 2003 and ending on August 16, 2013 (the effective
14 date of Public Act 98-456).

15 (22) Until June 30, 2013, fuel and petroleum products
16 sold to or used by an air carrier, certified by the carrier
17 to be used for consumption, shipment, or storage in the
18 conduct of its business as an air common carrier, for a
19 flight destined for or returning from a location or
20 locations outside the United States without regard to
21 previous or subsequent domestic stopovers.

22 Beginning July 1, 2013, fuel and petroleum products
23 sold to or used by an air carrier, certified by the carrier
24 to be used for consumption, shipment, or storage in the
25 conduct of its business as an air common carrier, for a
26 flight that (i) is engaged in foreign trade or is engaged

1 in trade between the United States and any of its
2 possessions and (ii) transports at least one individual or
3 package for hire from the city of origination to the city
4 of final destination on the same aircraft, without regard
5 to a change in the flight number of that aircraft.

6 (23) A transaction in which the purchase order is
7 received by a florist who is located outside Illinois, but
8 who has a florist located in Illinois deliver the property
9 to the purchaser or the purchaser's donee in Illinois.

10 (24) Fuel consumed or used in the operation of ships,
11 barges, or vessels that are used primarily in or for the
12 transportation of property or the conveyance of persons for
13 hire on rivers bordering on this State if the fuel is
14 delivered by the seller to the purchaser's barge, ship, or
15 vessel while it is afloat upon that bordering river.

16 (25) Except as provided in item (25-5) of this Section,
17 a motor vehicle sold in this State to a nonresident even
18 though the motor vehicle is delivered to the nonresident in
19 this State, if the motor vehicle is not to be titled in
20 this State, and if a drive-away permit is issued to the
21 motor vehicle as provided in Section 3-603 of the Illinois
22 Vehicle Code or if the nonresident purchaser has vehicle
23 registration plates to transfer to the motor vehicle upon
24 returning to his or her home state. The issuance of the
25 drive-away permit or having the out-of-state registration
26 plates to be transferred is prima facie evidence that the

1 motor vehicle will not be titled in this State.

2 (25-5) The exemption under item (25) does not apply if
3 the state in which the motor vehicle will be titled does
4 not allow a reciprocal exemption for a motor vehicle sold
5 and delivered in that state to an Illinois resident but
6 titled in Illinois. The tax collected under this Act on the
7 sale of a motor vehicle in this State to a resident of
8 another state that does not allow a reciprocal exemption
9 shall be imposed at a rate equal to the state's rate of tax
10 on taxable property in the state in which the purchaser is
11 a resident, except that the tax shall not exceed the tax
12 that would otherwise be imposed under this Act. At the time
13 of the sale, the purchaser shall execute a statement,
14 signed under penalty of perjury, of his or her intent to
15 title the vehicle in the state in which the purchaser is a
16 resident within 30 days after the sale and of the fact of
17 the payment to the State of Illinois of tax in an amount
18 equivalent to the state's rate of tax on taxable property
19 in his or her state of residence and shall submit the
20 statement to the appropriate tax collection agency in his
21 or her state of residence. In addition, the retailer must
22 retain a signed copy of the statement in his or her
23 records. Nothing in this item shall be construed to require
24 the removal of the vehicle from this state following the
25 filing of an intent to title the vehicle in the purchaser's
26 state of residence if the purchaser titles the vehicle in

1 his or her state of residence within 30 days after the date
2 of sale. The tax collected under this Act in accordance
3 with this item (25-5) shall be proportionately distributed
4 as if the tax were collected at the 6.25% general rate
5 imposed under this Act.

6 (25-7) Beginning on July 1, 2007, no tax is imposed
7 under this Act on the sale of an aircraft, as defined in
8 Section 3 of the Illinois Aeronautics Act, if all of the
9 following conditions are met:

10 (1) the aircraft leaves this State within 15 days
11 after the later of either the issuance of the final
12 billing for the sale of the aircraft, or the authorized
13 approval for return to service, completion of the
14 maintenance record entry, and completion of the test
15 flight and ground test for inspection, as required by
16 14 C.F.R. 91.407;

17 (2) the aircraft is not based or registered in this
18 State after the sale of the aircraft; and

19 (3) the seller retains in his or her books and
20 records and provides to the Department a signed and
21 dated certification from the purchaser, on a form
22 prescribed by the Department, certifying that the
23 requirements of this item (25-7) are met. The
24 certificate must also include the name and address of
25 the purchaser, the address of the location where the
26 aircraft is to be titled or registered, the address of

1 the primary physical location of the aircraft, and
2 other information that the Department may reasonably
3 require.

4 For purposes of this item (25-7):

5 "Based in this State" means hangared, stored, or
6 otherwise used, excluding post-sale customizations as
7 defined in this Section, for 10 or more days in each
8 12-month period immediately following the date of the sale
9 of the aircraft.

10 "Registered in this State" means an aircraft
11 registered with the Department of Transportation,
12 Aeronautics Division, or titled or registered with the
13 Federal Aviation Administration to an address located in
14 this State.

15 This paragraph (25-7) is exempt from the provisions of
16 Section 2-70.

17 (26) Semen used for artificial insemination of
18 livestock for direct agricultural production.

19 (27) Horses, or interests in horses, registered with
20 and meeting the requirements of any of the Arabian Horse
21 Club Registry of America, Appaloosa Horse Club, American
22 Quarter Horse Association, United States Trotting
23 Association, or Jockey Club, as appropriate, used for
24 purposes of breeding or racing for prizes. This item (27)
25 is exempt from the provisions of Section 2-70, and the
26 exemption provided for under this item (27) applies for all

1 periods beginning May 30, 1995, but no claim for credit or
2 refund is allowed on or after January 1, 2008 (the
3 effective date of Public Act 95-88) for such taxes paid
4 during the period beginning May 30, 2000 and ending on
5 January 1, 2008 (the effective date of Public Act 95-88).

6 (28) Computers and communications equipment utilized
7 for any hospital purpose and equipment used in the
8 diagnosis, analysis, or treatment of hospital patients
9 sold to a lessor who leases the equipment, under a lease of
10 one year or longer executed or in effect at the time of the
11 purchase, to a hospital that has been issued an active tax
12 exemption identification number by the Department under
13 Section 1g of this Act.

14 (29) Personal property sold to a lessor who leases the
15 property, under a lease of one year or longer executed or
16 in effect at the time of the purchase, to a governmental
17 body that has been issued an active tax exemption
18 identification number by the Department under Section 1g of
19 this Act.

20 (30) Beginning with taxable years ending on or after
21 December 31, 1995 and ending with taxable years ending on
22 or before December 31, 2004, personal property that is
23 donated for disaster relief to be used in a State or
24 federally declared disaster area in Illinois or bordering
25 Illinois by a manufacturer or retailer that is registered
26 in this State to a corporation, society, association,

1 foundation, or institution that has been issued a sales tax
2 exemption identification number by the Department that
3 assists victims of the disaster who reside within the
4 declared disaster area.

5 (31) Beginning with taxable years ending on or after
6 December 31, 1995 and ending with taxable years ending on
7 or before December 31, 2004, personal property that is used
8 in the performance of infrastructure repairs in this State,
9 including but not limited to municipal roads and streets,
10 access roads, bridges, sidewalks, waste disposal systems,
11 water and sewer line extensions, water distribution and
12 purification facilities, storm water drainage and
13 retention facilities, and sewage treatment facilities,
14 resulting from a State or federally declared disaster in
15 Illinois or bordering Illinois when such repairs are
16 initiated on facilities located in the declared disaster
17 area within 6 months after the disaster.

18 (32) Beginning July 1, 1999, game or game birds sold at
19 a "game breeding and hunting preserve area" as that term is
20 used in the Wildlife Code. This paragraph is exempt from
21 the provisions of Section 2-70.

22 (33) A motor vehicle, as that term is defined in
23 Section 1-146 of the Illinois Vehicle Code, that is donated
24 to a corporation, limited liability company, society,
25 association, foundation, or institution that is determined
26 by the Department to be organized and operated exclusively

1 for educational purposes. For purposes of this exemption,
2 "a corporation, limited liability company, society,
3 association, foundation, or institution organized and
4 operated exclusively for educational purposes" means all
5 tax-supported public schools, private schools that offer
6 systematic instruction in useful branches of learning by
7 methods common to public schools and that compare favorably
8 in their scope and intensity with the course of study
9 presented in tax-supported schools, and vocational or
10 technical schools or institutes organized and operated
11 exclusively to provide a course of study of not less than 6
12 weeks duration and designed to prepare individuals to
13 follow a trade or to pursue a manual, technical,
14 mechanical, industrial, business, or commercial
15 occupation.

16 (34) Beginning January 1, 2000, personal property,
17 including food, purchased through fundraising events for
18 the benefit of a public or private elementary or secondary
19 school, a group of those schools, or one or more school
20 districts if the events are sponsored by an entity
21 recognized by the school district that consists primarily
22 of volunteers and includes parents and teachers of the
23 school children. This paragraph does not apply to
24 fundraising events (i) for the benefit of private home
25 instruction or (ii) for which the fundraising entity
26 purchases the personal property sold at the events from

1 another individual or entity that sold the property for the
2 purpose of resale by the fundraising entity and that
3 profits from the sale to the fundraising entity. This
4 paragraph is exempt from the provisions of Section 2-70.

5 (35) Beginning January 1, 2000 and through December 31,
6 2001, new or used automatic vending machines that prepare
7 and serve hot food and beverages, including coffee, soup,
8 and other items, and replacement parts for these machines.
9 Beginning January 1, 2002 and through June 30, 2003,
10 machines and parts for machines used in commercial,
11 coin-operated amusement and vending business if a use or
12 occupation tax is paid on the gross receipts derived from
13 the use of the commercial, coin-operated amusement and
14 vending machines. This paragraph is exempt from the
15 provisions of Section 2-70.

16 (35-5) Beginning August 23, 2001 and through June 30,
17 2016, food for human consumption that is to be consumed off
18 the premises where it is sold (other than alcoholic
19 beverages, soft drinks, and food that has been prepared for
20 immediate consumption) and prescription and
21 nonprescription medicines, drugs, medical appliances, and
22 insulin, urine testing materials, syringes, and needles
23 used by diabetics, for human use, when purchased for use by
24 a person receiving medical assistance under Article V of
25 the Illinois Public Aid Code who resides in a licensed
26 long-term care facility, as defined in the Nursing Home

1 Care Act, or a licensed facility as defined in the ID/DD
2 Community Care Act, the MC/DD Act, or the Specialized
3 Mental Health Rehabilitation Act of 2013.

4 (36) Beginning August 2, 2001, computers and
5 communications equipment utilized for any hospital purpose
6 and equipment used in the diagnosis, analysis, or treatment
7 of hospital patients sold to a lessor who leases the
8 equipment, under a lease of one year or longer executed or
9 in effect at the time of the purchase, to a hospital that
10 has been issued an active tax exemption identification
11 number by the Department under Section 1g of this Act. This
12 paragraph is exempt from the provisions of Section 2-70.

13 (37) Beginning August 2, 2001, personal property sold
14 to a lessor who leases the property, under a lease of one
15 year or longer executed or in effect at the time of the
16 purchase, to a governmental body that has been issued an
17 active tax exemption identification number by the
18 Department under Section 1g of this Act. This paragraph is
19 exempt from the provisions of Section 2-70.

20 (38) Beginning on January 1, 2002 and through June 30,
21 2016, tangible personal property purchased from an
22 Illinois retailer by a taxpayer engaged in centralized
23 purchasing activities in Illinois who will, upon receipt of
24 the property in Illinois, temporarily store the property in
25 Illinois (i) for the purpose of subsequently transporting
26 it outside this State for use or consumption thereafter

1 solely outside this State or (ii) for the purpose of being
2 processed, fabricated, or manufactured into, attached to,
3 or incorporated into other tangible personal property to be
4 transported outside this State and thereafter used or
5 consumed solely outside this State. The Director of Revenue
6 shall, pursuant to rules adopted in accordance with the
7 Illinois Administrative Procedure Act, issue a permit to
8 any taxpayer in good standing with the Department who is
9 eligible for the exemption under this paragraph (38). The
10 permit issued under this paragraph (38) shall authorize the
11 holder, to the extent and in the manner specified in the
12 rules adopted under this Act, to purchase tangible personal
13 property from a retailer exempt from the taxes imposed by
14 this Act. Taxpayers shall maintain all necessary books and
15 records to substantiate the use and consumption of all such
16 tangible personal property outside of the State of
17 Illinois.

18 (39) Beginning January 1, 2008, tangible personal
19 property used in the construction or maintenance of a
20 community water supply, as defined under Section 3.145 of
21 the Environmental Protection Act, that is operated by a
22 not-for-profit corporation that holds a valid water supply
23 permit issued under Title IV of the Environmental
24 Protection Act. This paragraph is exempt from the
25 provisions of Section 2-70.

26 (40) Beginning January 1, 2010, materials, parts,

1 equipment, components, and furnishings incorporated into
2 or upon an aircraft as part of the modification,
3 refurbishment, completion, replacement, repair, or
4 maintenance of the aircraft. This exemption includes
5 consumable supplies used in the modification,
6 refurbishment, completion, replacement, repair, and
7 maintenance of aircraft, but excludes any materials,
8 parts, equipment, components, and consumable supplies used
9 in the modification, replacement, repair, and maintenance
10 of aircraft engines or power plants, whether such engines
11 or power plants are installed or uninstalled upon any such
12 aircraft. "Consumable supplies" include, but are not
13 limited to, adhesive, tape, sandpaper, general purpose
14 lubricants, cleaning solution, latex gloves, and
15 protective films. This exemption applies only to the sale
16 of qualifying tangible personal property to persons who
17 modify, refurbish, complete, replace, or maintain an
18 aircraft and who (i) hold an Air Agency Certificate and are
19 empowered to operate an approved repair station by the
20 Federal Aviation Administration, (ii) have a Class IV
21 Rating, and (iii) conduct operations in accordance with
22 Part 145 of the Federal Aviation Regulations. The exemption
23 does not include aircraft operated by a commercial air
24 carrier providing scheduled passenger air service pursuant
25 to authority issued under Part 121 or Part 129 of the
26 Federal Aviation Regulations. The changes made to this

1 paragraph (40) by Public Act 98-534 are declarative of
2 existing law.

3 (41) Tangible personal property sold to a
4 public-facilities corporation, as described in Section
5 11-65-10 of the Illinois Municipal Code, for purposes of
6 constructing or furnishing a municipal convention hall,
7 but only if the legal title to the municipal convention
8 hall is transferred to the municipality without any further
9 consideration by or on behalf of the municipality at the
10 time of the completion of the municipal convention hall or
11 upon the retirement or redemption of any bonds or other
12 debt instruments issued by the public-facilities
13 corporation in connection with the development of the
14 municipal convention hall. This exemption includes
15 existing public-facilities corporations as provided in
16 Section 11-65-25 of the Illinois Municipal Code. This
17 paragraph is exempt from the provisions of Section 2-70.

18 (42) Beginning January 1, 2017, menstrual pads,
19 tampons, and menstrual cups.

20 (43) Merchandise that is subject to the Rental Purchase
21 Agreement Occupation and Use Tax. The purchaser must
22 certify that the item is purchased to be rented subject to
23 a rental purchase agreement, as defined in the Rental
24 Purchase Agreement Act, and provide proof of registration
25 under the Rental Purchase Agreement Occupation and Use Tax
26 Act. This paragraph is exempt from the provisions of

1 Section 2-70.

2 (Source: P.A. 99-180, eff. 7-29-15; 99-855, eff. 8-19-16;
3 100-22, eff. 7-6-17; 100-321, eff. 8-24-17; 100-437, eff.
4 1-1-18; revised 9-26-17.)

5 Section 15. If and only if Senate Bill 2641 of the 100th
6 General Assembly, as amended by House Amendment No. 3 and House
7 Amendment No. 4, becomes law, then the Automobile Renting
8 Occupation and Use Tax Act is amended by changing Section 2 as
9 follows:

10 (35 ILCS 155/2) (from Ch. 120, par. 1702)

11 Sec. 2. Definitions. "Renting" means any transfer of the
12 possession or right to possession of an automobile to a user
13 for a valuable consideration for a period of one year or less,
14 including the facilitation of the use of a privately-owned
15 passenger motor vehicle ~~for use~~ by persons other than the
16 vehicle's registered owner as ~~an~~ part of a car facilitation
17 transaction, as defined in Section 1-110.06 of the Illinois
18 Vehicle Code.

19 "Renting" does not include making a charge for the use of
20 an automobile where the rentor, either himself or through an
21 agent, furnishes a service of operating an automobile so that
22 the rentor remains in possession of the automobile, because
23 this does not constitute a transfer of possession or right to
24 possession of the automobile.

1 "Renting" does not include the making of a charge by an
2 automobile dealer for the use of an automobile as a
3 demonstrator in connection with the dealer's business of
4 selling, where the charge is merely made to recover the costs
5 of operating the automobile as a demonstrator and is not
6 intended as a rental or leasing charge in the ordinary sense.

7 "Automobile" means (1) any motor vehicle of the first
8 division, or (2) a motor vehicle of the second division which:
9 (A) is a self-contained motor vehicle designed or permanently
10 converted to provide living quarters for recreational, camping
11 or travel use, with direct walk through access to the living
12 quarters from the driver's seat; (B) is of the van
13 configuration designed for the transportation of not less than
14 7 nor more than 16 passengers, as defined in Section 1-146 of
15 the Illinois Vehicle Code; or (C) has a Gross Vehicle Weight
16 Rating, as defined in Section 1-124.5 of the Illinois Vehicle
17 Code, of 8,000 pounds or less.

18 "Department" means the Department of Revenue.

19 "Person" means any natural individual, firm, partnership,
20 association, joint stock company, joint adventure, public or
21 private corporation, limited liability company, or a receiver,
22 executor, trustee, conservator or other representative
23 appointed by order of any court.

24 "Rentor" means any person, firm, corporation or
25 association engaged in the business of renting or leasing
26 automobiles to users. For this purpose, the objective of making

1 a profit is not necessary to make the renting activity a
2 business. "Rentor" includes a car facilitation company as
3 defined in Section 1-110.05 of the Illinois Vehicle Code.

4 "Rentee" means any user to whom the possession, or the
5 right to possession, of an automobile is transferred for a
6 valuable consideration for a period of one year or less,
7 whether paid for by the "rentee" or by someone else.

8 "Gross receipts" from the renting of tangible personal
9 property or "rent" means the total rental price or leasing
10 price. In the case of rental transactions in which the
11 consideration is paid to the rentor on an installment basis,
12 the amounts of such payments shall be included by the rentor in
13 gross receipts or rent only as and when payments are received
14 by the rentor.

15 "Gross receipts" does not include receipts received by an
16 automobile dealer from a manufacturer or service contract
17 provider for the use of an automobile by a person while that
18 person's automobile is being repaired by that automobile dealer
19 and the repair is made pursuant to a manufacturer's warranty or
20 a service contract where a manufacturer or service contract
21 provider reimburses that automobile dealer pursuant to a
22 manufacturer's warranty or a service contract and the
23 reimbursement is merely made to recover the costs of operating
24 the automobile as a loaner vehicle.

25 "Rental price" means the consideration for renting or
26 leasing an automobile valued in money, whether received in

1 money or otherwise, including cash credits, property and
2 services, and shall be determined without any deduction on
3 account of the cost of the property rented, the cost of
4 materials used, labor or service cost, or any other expense
5 whatsoever, but does not include charges that are added by a
6 rentor on account of the rentor's tax liability under this Act
7 or on account of the rentor's duty to collect, from the rentee,
8 the tax that is imposed by Section 4 of this Act. The phrase
9 "rental price" does not include compensation paid to a rentor
10 by a rentee in consideration of the waiver by the rentor of any
11 right of action or claim against the rentee for loss or damage
12 to the automobile rented and also does not include a separately
13 stated charge for insurance or recovery of refueling costs or
14 other separately stated charges that are not for the use of
15 tangible personal property.

16 (Source: 10000SB2641ham003.)

17 Section 20. If and only if Senate Bill 2641 of the 100th
18 General Assembly, as amended by House Amendment No. 3 and House
19 Amendment No. 4, becomes law, then the Counties Code is amended
20 by changing Section 5-1032 as follows:

21 (55 ILCS 5/5-1032) (from Ch. 34, par. 5-1032)

22 Sec. 5-1032. County Automobile Renting Occupation Tax. The
23 corporate authorities of a county may impose a tax upon all
24 persons engaged in the business of renting automobiles in the

1 county, but outside any municipality, at the rate of not to
2 exceed 1% of the gross receipts from such business. For the
3 purposes of imposing a tax under this Section, the facilitation
4 of the use of a privately-owned passenger motor vehicle ~~for use~~
5 by a person other than the vehicle's registered owner as a part
6 of a car facilitation transaction, as defined in Section
7 1-110.06 of the Illinois Vehicle Code, constitutes engaging in
8 the business of renting automobiles in the county. The tax
9 imposed by a county pursuant to this Section and all civil
10 penalties that may be assessed as an Incident thereof shall be
11 collected and enforced by the State Department of Revenue. The
12 certificate of registration which is issued by the Department
13 to a retailer under the "Retailers' Occupation Tax Act",
14 approved June 23, 1933, as amended, or under the "Automobile
15 Renting Occupation and Use Tax Act", enacted by the
16 Eighty-Second General Assembly, shall permit such person to
17 engage in a business which is taxable under any ordinance or
18 resolution enacted pursuant to this Section without
19 registering separately with the Department under such
20 ordinance or resolution or under this Section. The Department
21 shall have full power to administer and enforce this Section;
22 to collect all taxes and penalties due hereunder; to dispose of
23 taxes and penalties so collected in the manner hereinafter
24 provided, and to determine all rights to credit memoranda,
25 arising on account of the erroneous payment of tax or penalty
26 hereunder. In the administration of, and compliance with, this

1 Section, the Department and persons who are subject to this
2 Section shall have the same rights, remedies, privileges,
3 immunities, powers and duties, and be subject to the same
4 conditions, restrictions, limitations, penalties and
5 definitions of terms, and employ the same modes of procedure,
6 as are prescribed in Sections 2 and 3 (in respect to all
7 provisions therein other than the State rate of tax; and with
8 relation to the provisions of the "Retailers' Occupation Tax"
9 referred to therein, except as to the disposition of taxes and
10 penalties collected, and except for the provision allowing
11 retailers a deduction from the tax to cover certain costs, and
12 except that credit memoranda issued hereunder may not be used
13 to discharge any State tax liability) of the "Automobile
14 Renting Occupation and Use Tax Act", as the same are now or may
15 hereafter be amended, as fully as if provisions contained in
16 those Sections of said Act were set forth herein.

17 Persons subject to any tax imposed pursuant to the
18 authority granted in this Section may reimburse themselves for
19 their tax liability hereunder by separately stating such tax as
20 an additional charge, which charge may be stated in
21 combination, in a single amount, with State tax which sellers
22 are required to collect under the "Automobile Renting
23 Occupation and Use Tax Act" pursuant to such bracket schedules
24 as the Department may prescribe.

25 Whenever the Department determines that a refund should be
26 made under this Section to a claimant instead of issuing a

1 credit memorandum, the Department shall notify the State
2 Comptroller, who shall cause the order to be drawn for the
3 amount specified, and to the person named, in such notification
4 from the Department. Such refund shall be paid by the State
5 Treasurer out of the county automobile renting tax fund.

6 The Department shall forthwith pay over to the State
7 Treasurer, ex-officio, as trustee, all taxes and penalties
8 collected hereunder. On or before the 25th day of each calendar
9 month, the Department shall prepare and certify to the
10 Comptroller the disbursement of stated sums of money to named
11 counties from which renters have paid taxes or penalties
12 hereunder to the Department during the second preceding
13 calendar month. The amount to be paid to each county shall be
14 the amount (not including credit memoranda) collected
15 hereunder during the second preceding calendar month by the
16 Department, and not including an amount equal to the amount of
17 refunds made during the second preceding calendar month by the
18 Department on behalf of such county, less 2% of such balance,
19 which sum shall be retained by the State Treasurer to cover the
20 costs incurred by the Department in administering and enforcing
21 this Section as provided herein. The Department at the time of
22 each monthly disbursement to the counties shall prepare and
23 certify to the Comptroller the amount, so retained by the State
24 Treasurer, to be paid into the General Revenue Fund of the
25 State Treasury. Within 10 days after receipt, by the
26 Comptroller, of the disbursement certification to the counties

1 and the General Revenue Fund, provided for in this Section to
2 be given to the Comptroller by the Department, the Comptroller
3 shall cause the orders to be drawn for the respective amounts
4 in accordance with the directions contained in such
5 certification.

6 Nothing in this Section shall be construed to authorize a
7 county to impose a tax upon the privilege of engaging in any
8 business which under the constitution of the United States may
9 not be made the subject of taxation by this State.

10 An ordinance or resolution imposing a tax hereunder or
11 effecting a change in the rate thereof shall be effective on
12 the first day of the calendar month next following the month in
13 which such ordinance or resolution is passed. The corporate
14 authorities of any county which levies a tax authorized by this
15 Section shall transmit to the Department of Revenue on or not
16 later than 5 days after passage of the ordinance or resolution
17 a certified copy of the ordinance or resolution imposing such
18 tax whereupon the Department of Revenue shall proceed to
19 administer and enforce this Section on behalf of such county as
20 of the effective date of the ordinance or resolution. Upon a
21 change in rate of a tax levied hereunder, or upon the
22 discontinuance of the tax, the corporate authorities of the
23 county shall on or not later than 5 days after passage of the
24 ordinance or resolution discontinuing the tax or effecting a
25 change in rate transmit to the Department of Revenue a
26 certified copy of the ordinance or resolution effecting such

1 change or discontinuance.

2 The Department of Revenue must upon the request of the
3 County Clerk or County Board submit to a county a list of those
4 persons who are registered with the Department to pay
5 automobile renting occupation tax within the unincorporated
6 area of that governmental unit. This list shall contain only
7 the names of persons who have paid the tax and not the amount
8 of tax paid by such person.

9 This Section shall be known and may be cited as the "County
10 Automobile Renting Occupation Tax Law".

11 (Source: 10000SB2641ham003.)

12 Section 25. If and only if Senate Bill 2641 of the 100th
13 General Assembly, as amended by House Amendment No. 3 and House
14 Amendment No. 4, becomes law, then the Illinois Municipal Code
15 is amended by changing Section 8-11-7 as follows:

16 (65 ILCS 5/8-11-7) (from Ch. 24, par. 8-11-7)

17 Sec. 8-11-7. The corporate authorities of a municipality
18 may impose a tax upon all persons engaged in the business of
19 renting automobiles in the municipality at the rate of not to
20 exceed 1% of the gross receipts from such business. For the
21 purposes of imposing a tax under this Section, the facilitation
22 of the use of a privately-owned passenger motor vehicle ~~for use~~
23 by a person other than the vehicle's registered owner as a part
24 of a car facilitation transaction, as defined in Section

1 1-110.06 of the Illinois Vehicle Code, constitutes engaging in
2 the business of renting automobiles in the municipality. The
3 tax imposed by a municipality pursuant to this Section and all
4 civil penalties that may be assessed as an incident thereof
5 shall be collected and enforced by the State Department of
6 Revenue. The certificate of registration which is issued by the
7 Department to a retailer under the Retailers' Occupation Tax
8 Act or under the Automobile Renting Occupation and Use Tax Act
9 shall permit such person to engage in a business which is
10 taxable under any ordinance or resolution enacted pursuant to
11 this Section without registering separately with the
12 Department under such ordinance or resolution or under this
13 Section. The Department shall have full power to administer and
14 enforce this Section; to collect all taxes and penalties due
15 hereunder; to dispose of taxes and penalties so collected in
16 the manner hereinafter provided; and to determine all rights to
17 credit memoranda, arising on account of the erroneous payment
18 of tax or penalty hereunder. In the administration of, and
19 compliance with, this Section, the Department and persons who
20 are subject to this Section shall have the same rights,
21 remedies, privileges, immunities, powers and duties, and be
22 subject to the same conditions, restrictions, limitations,
23 penalties and definitions of terms, and employ the same modes
24 of procedure, as are prescribed in Sections 2 and 3 (in respect
25 to all provisions therein other than the State rate of tax; and
26 with relation to the provisions of the "Retailers' Occupation

1 Tax" referred to therein, except as to the disposition of taxes
2 and penalties collected, and except for the provision allowing
3 retailers a deduction from the tax to cover certain costs, and
4 except that credit memoranda issued hereunder may not be used
5 to discharge any State tax liability) of the Automobile Renting
6 Occupation and Use Tax Act, as fully as if those provisions
7 were set forth herein.

8 Persons subject to any tax imposed pursuant to the
9 authority granted in this Section may reimburse themselves for
10 their tax liability hereunder by separately stating such tax as
11 an additional charge, which charge may be stated in
12 combination, in a single amount, with State tax which sellers
13 are required to collect under the Automobile Renting Occupation
14 and Use Tax Act pursuant to such bracket schedules as the
15 Department may prescribe.

16 Whenever the Department determines that a refund should be
17 made under this Section to a claimant instead of issuing a
18 credit memorandum, the Department shall notify the State
19 Comptroller, who shall cause the order to be drawn for the
20 amount specified, and to the person named, in such notification
21 from the Department. Such refund shall be paid by the State
22 Treasurer out of the municipal automobile renting tax fund.

23 The Department shall forthwith pay over to the State
24 Treasurer, ex-officio, as trustee, all taxes and penalties
25 collected hereunder. On or before the 25th day of each calendar
26 month, the Department shall prepare and certify to the

1 Comptroller the disbursement of stated sums of money to named
2 municipalities, the municipalities to be those from which
3 rentors have paid taxes or penalties hereunder to the
4 Department during the second preceding calendar month. The
5 amount to be paid to each municipality shall be the amount (not
6 including credit memoranda) collected hereunder during the
7 second preceding calendar month by the Department, and not
8 including an amount equal to the amount of refunds made during
9 the second preceding calendar month by the Department on behalf
10 of such municipality, less 1.6% of such balance, which sum
11 shall be retained by the State Treasurer to cover the costs
12 incurred by the Department in administering and enforcing this
13 Section as provided herein. The Department at the time of each
14 monthly disbursement to the municipalities shall prepare and
15 certify to the Comptroller the amount, so retained by the State
16 Treasurer, to be paid into the General Revenue Fund of the
17 State Treasury. Within 10 days after receipt, by the
18 Comptroller, of the disbursement certification to the
19 municipalities and the General Revenue Fund, provided for in
20 this Section to be given to the Comptroller by the Department,
21 the Comptroller shall cause the orders to be drawn for the
22 respective amounts in accordance with the directions contained
23 in such certification.

24 Nothing in this Section shall be construed to authorize a
25 municipality to impose a tax upon the privilege of engaging in
26 any business which under the Constitution of the United States

1 may not be made the subject of taxation by this State.

2 An ordinance or resolution imposing a tax hereunder or
3 effecting a change in the rate thereof shall be effective on
4 the first day of the calendar month next following publication
5 as provided in Section 1-2-4. The corporate authorities of any
6 municipality which levies a tax authorized by this Section
7 shall transmit to the Department of Revenue on or not later
8 than 5 days after publication a certified copy of the ordinance
9 or resolution imposing such tax whereupon the Department of
10 Revenue shall proceed to administer and enforce this Section on
11 behalf of such municipality as of the effective date of the
12 ordinance or resolution. Upon a change in rate of a tax levied
13 hereunder, or upon the discontinuance of the tax, the corporate
14 authorities of the municipality shall on or not later than 5
15 days after publication of the ordinance or resolution
16 discontinuing the tax or effecting a change in rate transmit to
17 the Department of Revenue a certified copy of the ordinance or
18 resolution effecting such change or discontinuance.

19 The Department of Revenue must upon the request of the
20 municipal clerk, city council or village board of trustees
21 submit to a city, village or incorporated town a list of those
22 persons who are registered with the Department to pay
23 automobile renting occupation tax within that governmental
24 unit. This list shall contain only the names of persons who
25 have paid the tax and not the amount of tax paid by such
26 person.

1 As used in this Section, "municipal" and "municipality"
2 means a city, village or incorporated town, including an
3 incorporated town which has superseded a civil township.

4 This Section shall be known and may be cited as the
5 "Municipal Automobile Renting Occupation Tax Act".

6 (Source: 10000SB2641ham003.)

7 Section 30. If and only if Senate Bill 2641 of the 100th
8 General Assembly, as amended by House Amendment No. 3 and House
9 Amendment No. 4, becomes law, then the Illinois Vehicle Code is
10 amended by changing Sections 11-208.6, 11-208.8, 11-208.9, and
11 11-1201.1 as follows:

12 (625 ILCS 5/11-208.6)

13 Sec. 11-208.6. Automated traffic law enforcement system.

14 (a) As used in this Section, "automated traffic law
15 enforcement system" means a device with one or more motor
16 vehicle sensors working in conjunction with a red light signal
17 to produce recorded images of motor vehicles entering an
18 intersection against a red signal indication in violation of
19 Section 11-306 of this Code or a similar provision of a local
20 ordinance.

21 An automated traffic law enforcement system is a system, in
22 a municipality or county operated by a governmental agency,
23 that produces a recorded image of a motor vehicle's violation
24 of a provision of this Code or a local ordinance and is

1 designed to obtain a clear recorded image of the vehicle and
2 the vehicle's license plate. The recorded image must also
3 display the time, date, and location of the violation.

4 (b) As used in this Section, "recorded images" means images
5 recorded by an automated traffic law enforcement system on:

6 (1) 2 or more photographs;

7 (2) 2 or more microphotographs;

8 (3) 2 or more electronic images; or

9 (4) a video recording showing the motor vehicle and, on
10 at least one image or portion of the recording, clearly
11 identifying the registration plate number of the motor
12 vehicle.

13 (b-5) A municipality or county that produces a recorded
14 image of a motor vehicle's violation of a provision of this
15 Code or a local ordinance must make the recorded images of a
16 violation accessible to the alleged violator by providing the
17 alleged violator with a website address, accessible through the
18 Internet.

19 (c) Except as provided under Section 11-208.8 of this Code,
20 a county or municipality, including a home rule county or
21 municipality, may not use an automated traffic law enforcement
22 system to provide recorded images of a motor vehicle for the
23 purpose of recording its speed. Except as provided under
24 Section 11-208.8 of this Code, the regulation of the use of
25 automated traffic law enforcement systems to record vehicle
26 speeds is an exclusive power and function of the State. This

1 subsection (c) is a denial and limitation of home rule powers
2 and functions under subsection (h) of Section 6 of Article VII
3 of the Illinois Constitution.

4 (c-5) A county or municipality, including a home rule
5 county or municipality, may not use an automated traffic law
6 enforcement system to issue violations in instances where the
7 motor vehicle comes to a complete stop and does not enter the
8 intersection, as defined by Section 1-132 of this Code, during
9 the cycle of the red signal indication unless one or more
10 pedestrians or bicyclists are present, even if the motor
11 vehicle stops at a point past a stop line or crosswalk where a
12 driver is required to stop, as specified in subsection (c) of
13 Section 11-306 of this Code or a similar provision of a local
14 ordinance.

15 (c-6) A county, or a municipality with less than 2,000,000
16 inhabitants, including a home rule county or municipality, may
17 not use an automated traffic law enforcement system to issue
18 violations in instances where a motorcyclist enters an
19 intersection against a red signal indication when the red
20 signal fails to change to a green signal within a reasonable
21 period of time not less than 120 seconds because of a signal
22 malfunction or because the signal has failed to detect the
23 arrival of the motorcycle due to the motorcycle's size or
24 weight.

25 (d) For each violation of a provision of this Code or a
26 local ordinance recorded by an automatic traffic law

1 enforcement system, the county or municipality having
2 jurisdiction shall issue a written notice of the violation to
3 the registered owner of the vehicle as the alleged violator.
4 The notice shall be delivered to the registered owner of the
5 vehicle, by mail, within 30 days after the Secretary of State
6 notifies the municipality or county of the identity of the
7 owner of the vehicle, but in no event later than 90 days after
8 the violation.

9 The notice shall include:

10 (1) the name and address of the registered owner of the
11 vehicle;

12 (2) the registration number of the motor vehicle
13 involved in the violation;

14 (3) the violation charged;

15 (4) the location where the violation occurred;

16 (5) the date and time of the violation;

17 (6) a copy of the recorded images;

18 (7) the amount of the civil penalty imposed and the
19 requirements of any traffic education program imposed and
20 the date by which the civil penalty should be paid and the
21 traffic education program should be completed;

22 (8) a statement that recorded images are evidence of a
23 violation of a red light signal;

24 (9) a warning that failure to pay the civil penalty, to
25 complete a required traffic education program, or to
26 contest liability in a timely manner is an admission of

1 liability and may result in a suspension of the driving
2 privileges of the registered owner of the vehicle;

3 (10) a statement that the person may elect to proceed
4 by:

5 (A) paying the fine, completing a required traffic
6 education program, or both; or

7 (B) challenging the charge in court, by mail, or by
8 administrative hearing; and

9 (11) a website address, accessible through the
10 Internet, where the person may view the recorded images of
11 the violation.

12 (e) If a person charged with a traffic violation, as a
13 result of an automated traffic law enforcement system, does not
14 pay the fine or complete a required traffic education program,
15 or both, or successfully contest the civil penalty resulting
16 from that violation, the Secretary of State shall suspend the
17 driving privileges of the registered owner of the vehicle under
18 Section 6-306.5 of this Code for failing to complete a required
19 traffic education program or to pay any fine or penalty due and
20 owing, or both, as a result of a combination of 5 violations of
21 the automated traffic law enforcement system or the automated
22 speed enforcement system under Section 11-208.8 of this Code.

23 (f) Based on inspection of recorded images produced by an
24 automated traffic law enforcement system, a notice alleging
25 that the violation occurred shall be evidence of the facts
26 contained in the notice and admissible in any proceeding

1 alleging a violation under this Section.

2 (g) Recorded images made by an automatic traffic law
3 enforcement system are confidential and shall be made available
4 only to the alleged violator and governmental and law
5 enforcement agencies for purposes of adjudicating a violation
6 of this Section, for statistical purposes, or for other
7 governmental purposes. Any recorded image evidencing a
8 violation of this Section, however, may be admissible in any
9 proceeding resulting from the issuance of the citation.

10 (h) The court or hearing officer may consider in defense of
11 a violation:

12 (1) that the motor vehicle or registration plates of
13 the motor vehicle were stolen before the violation occurred
14 and not under the control of or in the possession of the
15 owner at the time of the violation;

16 (2) that the driver of the vehicle passed through the
17 intersection when the light was red either (i) in order to
18 yield the right-of-way to an emergency vehicle or (ii) as
19 part of a funeral procession; and

20 (3) any other evidence or issues provided by municipal
21 or county ordinance.

22 (i) To demonstrate that the motor vehicle or the
23 registration plates were stolen before the violation occurred
24 and were not under the control or possession of the owner at
25 the time of the violation, the owner must submit proof that a
26 report concerning the stolen motor vehicle or registration

1 plates was filed with a law enforcement agency in a timely
2 manner.

3 (j) Unless the driver of the motor vehicle received a
4 Uniform Traffic Citation from a police officer at the time of
5 the violation, the motor vehicle owner is subject to a civil
6 penalty not exceeding \$100 or the completion of a traffic
7 education program, or both, plus an additional penalty of not
8 more than \$100 for failure to pay the original penalty or to
9 complete a required traffic education program, or both, in a
10 timely manner, if the motor vehicle is recorded by an automated
11 traffic law enforcement system. A violation for which a civil
12 penalty is imposed under this Section is not a violation of a
13 traffic regulation governing the movement of vehicles and may
14 not be recorded on the driving record of the owner of the
15 vehicle.

16 (j-3) A registered owner who is a holder of a valid
17 commercial driver's license is not required to complete a
18 traffic education program.

19 (j-5) For purposes of the required traffic education
20 program only, a registered owner may submit an affidavit to the
21 court or hearing officer swearing that at the time of the
22 alleged violation, the vehicle was in the custody and control
23 of another person. The affidavit must identify the person in
24 custody and control of the vehicle, including the person's name
25 and current address. The person in custody and control of the
26 vehicle at the time of the violation is required to complete

1 the required traffic education program. If the person in
2 custody and control of the vehicle at the time of the violation
3 completes the required traffic education program, the
4 registered owner of the vehicle is not required to complete a
5 traffic education program.

6 (k) An intersection equipped with an automated traffic law
7 enforcement system must be posted with a sign visible to
8 approaching traffic indicating that the intersection is being
9 monitored by an automated traffic law enforcement system.

10 (k-3) A municipality or county that has one or more
11 intersections equipped with an automated traffic law
12 enforcement system must provide notice to drivers by posting
13 the locations of automated traffic law systems on the
14 municipality or county website.

15 (k-5) An intersection equipped with an automated traffic
16 law enforcement system must have a yellow change interval that
17 conforms with the Illinois Manual on Uniform Traffic Control
18 Devices (IMUTCD) published by the Illinois Department of
19 Transportation.

20 (k-7) A municipality or county operating an automated
21 traffic law enforcement system shall conduct a statistical
22 analysis to assess the safety impact of each automated traffic
23 law enforcement system at an intersection following
24 installation of the system. The statistical analysis shall be
25 based upon the best available crash, traffic, and other data,
26 and shall cover a period of time before and after installation

1 of the system sufficient to provide a statistically valid
2 comparison of safety impact. The statistical analysis shall be
3 consistent with professional judgment and acceptable industry
4 practice. The statistical analysis also shall be consistent
5 with the data required for valid comparisons of before and
6 after conditions and shall be conducted within a reasonable
7 period following the installation of the automated traffic law
8 enforcement system. The statistical analysis required by this
9 subsection (k-7) shall be made available to the public and
10 shall be published on the website of the municipality or
11 county. If the statistical analysis for the 36 month period
12 following installation of the system indicates that there has
13 been an increase in the rate of accidents at the approach to
14 the intersection monitored by the system, the municipality or
15 county shall undertake additional studies to determine the
16 cause and severity of the accidents, and may take any action
17 that it determines is necessary or appropriate to reduce the
18 number or severity of the accidents at that intersection.

19 (l) The compensation paid for an automated traffic law
20 enforcement system must be based on the value of the equipment
21 or the services provided and may not be based on the number of
22 traffic citations issued or the revenue generated by the
23 system.

24 (m) This Section applies only to the counties of Cook,
25 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
26 to municipalities located within those counties.

1 (n) The fee for participating in a traffic education
2 program under this Section shall not exceed \$25.

3 A low-income individual required to complete a traffic
4 education program under this Section who provides proof of
5 eligibility for the federal earned income tax credit under
6 Section 32 of the Internal Revenue Code or the Illinois earned
7 income tax credit under Section 212 of the Illinois Income Tax
8 Act shall not be required to pay any fee for participating in a
9 required traffic education program.

10 (o) A municipality or county shall make a certified report
11 to the Secretary of State pursuant to Section 6-306.5 of this
12 Code whenever a registered owner of a vehicle has failed to pay
13 any fine or penalty due and owing as a result of a combination
14 of 5 offenses for automated traffic law or speed enforcement
15 system violations.

16 (p) No person who is the lessor of a motor vehicle pursuant
17 to a written lease agreement shall be liable for an automated
18 speed or traffic law enforcement system violation involving
19 such motor vehicle during the period of the lease; provided
20 that upon the request of the appropriate authority received
21 within 120 days after the violation occurred, the lessor
22 provides within 60 days after such receipt the name and address
23 of the lessee. The drivers license number of a lessee may be
24 subsequently individually requested by the appropriate
25 authority if needed for enforcement of this Section.

26 Upon the provision of information by the lessor pursuant to

1 this subsection, the county or municipality may issue the
2 violation to the lessee of the vehicle in the same manner as it
3 would issue a violation to a registered owner of a vehicle
4 pursuant to this Section, and the lessee may be held liable for
5 the violation.

6 (q) A citation issued under this Section that is dismissed
7 with respect to the registered owner of a vehicle under
8 subsection (e) of Section 30 of the Renter's Financial
9 Responsibility and Protection Act may be issued and delivered
10 by mail or other means to a car facilitation company identified
11 in the registered owner's affidavit of non-liability.

12 (Source: P.A. 97-29, eff. 1-1-12; 97-627, eff. 1-1-12; 97-672,
13 eff. 7-1-12; 97-762, eff. 7-6-12; 98-463, eff. 8-16-13.)

14 (625 ILCS 5/11-208.8)

15 Sec. 11-208.8. Automated speed enforcement systems in
16 safety zones.

17 (a) As used in this Section:

18 "Automated speed enforcement system" means a photographic
19 device, radar device, laser device, or other electrical or
20 mechanical device or devices installed or utilized in a safety
21 zone and designed to record the speed of a vehicle and obtain a
22 clear photograph or other recorded image of the vehicle and the
23 vehicle's registration plate while the driver is violating
24 Article VI of Chapter 11 of this Code or a similar provision of
25 a local ordinance.

1 An automated speed enforcement system is a system, located
2 in a safety zone which is under the jurisdiction of a
3 municipality, that produces a recorded image of a motor
4 vehicle's violation of a provision of this Code or a local
5 ordinance and is designed to obtain a clear recorded image of
6 the vehicle and the vehicle's license plate. The recorded image
7 must also display the time, date, and location of the
8 violation.

9 "Owner" means the person or entity to whom the vehicle is
10 registered.

11 "Recorded image" means images recorded by an automated
12 speed enforcement system on:

13 (1) 2 or more photographs;

14 (2) 2 or more microphotographs;

15 (3) 2 or more electronic images; or

16 (4) a video recording showing the motor vehicle and, on
17 at least one image or portion of the recording, clearly
18 identifying the registration plate number of the motor
19 vehicle.

20 "Safety zone" means an area that is within one-eighth of a
21 mile from the nearest property line of any public or private
22 elementary or secondary school, or from the nearest property
23 line of any facility, area, or land owned by a school district
24 that is used for educational purposes approved by the Illinois
25 State Board of Education, not including school district
26 headquarters or administrative buildings. A safety zone also

1 includes an area that is within one-eighth of a mile from the
2 nearest property line of any facility, area, or land owned by a
3 park district used for recreational purposes. However, if any
4 portion of a roadway is within either one-eighth mile radius,
5 the safety zone also shall include the roadway extended to the
6 furthest portion of the next furthest intersection. The term
7 "safety zone" does not include any portion of the roadway known
8 as Lake Shore Drive or any controlled access highway with 8 or
9 more lanes of traffic.

10 (a-5) The automated speed enforcement system shall be
11 operational and violations shall be recorded only at the
12 following times:

13 (i) if the safety zone is based upon the property line
14 of any facility, area, or land owned by a school district,
15 only on school days and no earlier than 6 a.m. and no later
16 than 8:30 p.m. if the school day is during the period of
17 Monday through Thursday, or 9 p.m. if the school day is a
18 Friday; and

19 (ii) if the safety zone is based upon the property line
20 of any facility, area, or land owned by a park district, no
21 earlier than one hour prior to the time that the facility,
22 area, or land is open to the public or other patrons, and
23 no later than one hour after the facility, area, or land is
24 closed to the public or other patrons.

25 (b) A municipality that produces a recorded image of a
26 motor vehicle's violation of a provision of this Code or a

1 local ordinance must make the recorded images of a violation
2 accessible to the alleged violator by providing the alleged
3 violator with a website address, accessible through the
4 Internet.

5 (c) Notwithstanding any penalties for any other violations
6 of this Code, the owner of a motor vehicle used in a traffic
7 violation recorded by an automated speed enforcement system
8 shall be subject to the following penalties:

9 (1) if the recorded speed is no less than 6 miles per
10 hour and no more than 10 miles per hour over the legal
11 speed limit, a civil penalty not exceeding \$50, plus an
12 additional penalty of not more than \$50 for failure to pay
13 the original penalty in a timely manner; or

14 (2) if the recorded speed is more than 10 miles per
15 hour over the legal speed limit, a civil penalty not
16 exceeding \$100, plus an additional penalty of not more than
17 \$100 for failure to pay the original penalty in a timely
18 manner.

19 A penalty may not be imposed under this Section if the
20 driver of the motor vehicle received a Uniform Traffic Citation
21 from a police officer for a speeding violation occurring within
22 one-eighth of a mile and 15 minutes of the violation that was
23 recorded by the system. A violation for which a civil penalty
24 is imposed under this Section is not a violation of a traffic
25 regulation governing the movement of vehicles and may not be
26 recorded on the driving record of the owner of the vehicle. A

1 law enforcement officer is not required to be present or to
2 witness the violation. No penalty may be imposed under this
3 Section if the recorded speed of a vehicle is 5 miles per hour
4 or less over the legal speed limit. The municipality may send,
5 in the same manner that notices are sent under this Section, a
6 speed violation warning notice where the violation involves a
7 speed of 5 miles per hour or less above the legal speed limit.

8 (d) The net proceeds that a municipality receives from
9 civil penalties imposed under an automated speed enforcement
10 system, after deducting all non-personnel and personnel costs
11 associated with the operation and maintenance of such system,
12 shall be expended or obligated by the municipality for the
13 following purposes:

14 (i) public safety initiatives to ensure safe passage
15 around schools, and to provide police protection and
16 surveillance around schools and parks, including but not
17 limited to: (1) personnel costs; and (2) non-personnel
18 costs such as construction and maintenance of public safety
19 infrastructure and equipment;

20 (ii) initiatives to improve pedestrian and traffic
21 safety;

22 (iii) construction and maintenance of infrastructure
23 within the municipality, including but not limited to roads
24 and bridges; and

25 (iv) after school programs.

26 (e) For each violation of a provision of this Code or a

1 local ordinance recorded by an automated speed enforcement
2 system, the municipality having jurisdiction shall issue a
3 written notice of the violation to the registered owner of the
4 vehicle as the alleged violator. The notice shall be delivered
5 to the registered owner of the vehicle, by mail, within 30 days
6 after the Secretary of State notifies the municipality of the
7 identity of the owner of the vehicle, but in no event later
8 than 90 days after the violation.

9 (f) The notice required under subsection (e) of this
10 Section shall include:

11 (1) the name and address of the registered owner of the
12 vehicle;

13 (2) the registration number of the motor vehicle
14 involved in the violation;

15 (3) the violation charged;

16 (4) the date, time, and location where the violation
17 occurred;

18 (5) a copy of the recorded image or images;

19 (6) the amount of the civil penalty imposed and the
20 date by which the civil penalty should be paid;

21 (7) a statement that recorded images are evidence of a
22 violation of a speed restriction;

23 (8) a warning that failure to pay the civil penalty or
24 to contest liability in a timely manner is an admission of
25 liability and may result in a suspension of the driving
26 privileges of the registered owner of the vehicle;

1 (9) a statement that the person may elect to proceed
2 by:

3 (A) paying the fine; or

4 (B) challenging the charge in court, by mail, or by
5 administrative hearing; and

6 (10) a website address, accessible through the
7 Internet, where the person may view the recorded images of
8 the violation.

9 (g) If a person charged with a traffic violation, as a
10 result of an automated speed enforcement system, does not pay
11 the fine or successfully contest the civil penalty resulting
12 from that violation, the Secretary of State shall suspend the
13 driving privileges of the registered owner of the vehicle under
14 Section 6-306.5 of this Code for failing to pay any fine or
15 penalty due and owing, or both, as a result of a combination of
16 5 violations of the automated speed enforcement system or the
17 automated traffic law under Section 11-208.6 of this Code.

18 (h) Based on inspection of recorded images produced by an
19 automated speed enforcement system, a notice alleging that the
20 violation occurred shall be evidence of the facts contained in
21 the notice and admissible in any proceeding alleging a
22 violation under this Section.

23 (i) Recorded images made by an automated speed enforcement
24 system are confidential and shall be made available only to the
25 alleged violator and governmental and law enforcement agencies
26 for purposes of adjudicating a violation of this Section, for

1 statistical purposes, or for other governmental purposes. Any
2 recorded image evidencing a violation of this Section, however,
3 may be admissible in any proceeding resulting from the issuance
4 of the citation.

5 (j) The court or hearing officer may consider in defense of
6 a violation:

7 (1) that the motor vehicle or registration plates of
8 the motor vehicle were stolen before the violation occurred
9 and not under the control or in the possession of the owner
10 at the time of the violation;

11 (2) that the driver of the motor vehicle received a
12 Uniform Traffic Citation from a police officer for a
13 speeding violation occurring within one-eighth of a mile
14 and 15 minutes of the violation that was recorded by the
15 system; and

16 (3) any other evidence or issues provided by municipal
17 ordinance.

18 (k) To demonstrate that the motor vehicle or the
19 registration plates were stolen before the violation occurred
20 and were not under the control or possession of the owner at
21 the time of the violation, the owner must submit proof that a
22 report concerning the stolen motor vehicle or registration
23 plates was filed with a law enforcement agency in a timely
24 manner.

25 (l) A roadway equipped with an automated speed enforcement
26 system shall be posted with a sign conforming to the national

1 Manual on Uniform Traffic Control Devices that is visible to
2 approaching traffic stating that vehicle speeds are being
3 photo-enforced and indicating the speed limit. The
4 municipality shall install such additional signage as it
5 determines is necessary to give reasonable notice to drivers as
6 to where automated speed enforcement systems are installed.

7 (m) A roadway where a new automated speed enforcement
8 system is installed shall be posted with signs providing 30
9 days notice of the use of a new automated speed enforcement
10 system prior to the issuance of any citations through the
11 automated speed enforcement system.

12 (n) The compensation paid for an automated speed
13 enforcement system must be based on the value of the equipment
14 or the services provided and may not be based on the number of
15 traffic citations issued or the revenue generated by the
16 system.

17 (o) A municipality shall make a certified report to the
18 Secretary of State pursuant to Section 6-306.5 of this Code
19 whenever a registered owner of a vehicle has failed to pay any
20 fine or penalty due and owing as a result of a combination of 5
21 offenses for automated speed or traffic law enforcement system
22 violations.

23 (p) No person who is the lessor of a motor vehicle pursuant
24 to a written lease agreement shall be liable for an automated
25 speed or traffic law enforcement system violation involving
26 such motor vehicle during the period of the lease; provided

1 that upon the request of the appropriate authority received
2 within 120 days after the violation occurred, the lessor
3 provides within 60 days after such receipt the name and address
4 of the lessee. The drivers license number of a lessee may be
5 subsequently individually requested by the appropriate
6 authority if needed for enforcement of this Section.

7 Upon the provision of information by the lessor pursuant to
8 this subsection, the municipality may issue the violation to
9 the lessee of the vehicle in the same manner as it would issue
10 a violation to a registered owner of a vehicle pursuant to this
11 Section, and the lessee may be held liable for the violation.

12 (q) A municipality using an automated speed enforcement
13 system must provide notice to drivers by publishing the
14 locations of all safety zones where system equipment is
15 installed on the website of the municipality.

16 (r) A municipality operating an automated speed
17 enforcement system shall conduct a statistical analysis to
18 assess the safety impact of the system. The statistical
19 analysis shall be based upon the best available crash, traffic,
20 and other data, and shall cover a period of time before and
21 after installation of the system sufficient to provide a
22 statistically valid comparison of safety impact. The
23 statistical analysis shall be consistent with professional
24 judgment and acceptable industry practice. The statistical
25 analysis also shall be consistent with the data required for
26 valid comparisons of before and after conditions and shall be

1 conducted within a reasonable period following the
2 installation of the automated traffic law enforcement system.
3 The statistical analysis required by this subsection shall be
4 made available to the public and shall be published on the
5 website of the municipality.

6 (s) This Section applies only to municipalities with a
7 population of 1,000,000 or more inhabitants.

8 (t) A citation issued under this Section that is dismissed
9 with respect to the registered owner of a vehicle under
10 subsection (e) of Section 30 of the Renter's Financial
11 Responsibility and Protection Act may be issued and delivered
12 by mail or other means to a car facilitation company identified
13 in the registered owner's affidavit of non-liability.

14 (Source: P.A. 97-672, eff. 7-1-12; 97-674, eff. 7-1-12; 98-463,
15 eff. 8-16-13.)

16 (625 ILCS 5/11-208.9)

17 Sec. 11-208.9. Automated traffic law enforcement system;
18 approaching, overtaking, and passing a school bus.

19 (a) As used in this Section, "automated traffic law
20 enforcement system" means a device with one or more motor
21 vehicle sensors working in conjunction with the visual signals
22 on a school bus, as specified in Sections 12-803 and 12-805 of
23 this Code, to produce recorded images of motor vehicles that
24 fail to stop before meeting or overtaking, from either
25 direction, any school bus stopped at any location for the

1 purpose of receiving or discharging pupils in violation of
2 Section 11-1414 of this Code or a similar provision of a local
3 ordinance.

4 An automated traffic law enforcement system is a system, in
5 a municipality or county operated by a governmental agency,
6 that produces a recorded image of a motor vehicle's violation
7 of a provision of this Code or a local ordinance and is
8 designed to obtain a clear recorded image of the vehicle and
9 the vehicle's license plate. The recorded image must also
10 display the time, date, and location of the violation.

11 (b) As used in this Section, "recorded images" means images
12 recorded by an automated traffic law enforcement system on:

- 13 (1) 2 or more photographs;
14 (2) 2 or more microphotographs;
15 (3) 2 or more electronic images; or
16 (4) a video recording showing the motor vehicle and, on
17 at least one image or portion of the recording, clearly
18 identifying the registration plate number of the motor
19 vehicle.

20 (c) A municipality or county that produces a recorded image
21 of a motor vehicle's violation of a provision of this Code or a
22 local ordinance must make the recorded images of a violation
23 accessible to the alleged violator by providing the alleged
24 violator with a website address, accessible through the
25 Internet.

26 (d) For each violation of a provision of this Code or a

1 local ordinance recorded by an automated traffic law
2 enforcement system, the county or municipality having
3 jurisdiction shall issue a written notice of the violation to
4 the registered owner of the vehicle as the alleged violator.
5 The notice shall be delivered to the registered owner of the
6 vehicle, by mail, within 30 days after the Secretary of State
7 notifies the municipality or county of the identity of the
8 owner of the vehicle, but in no event later than 90 days after
9 the violation.

10 (e) The notice required under subsection (d) shall include:

11 (1) the name and address of the registered owner of the
12 vehicle;

13 (2) the registration number of the motor vehicle
14 involved in the violation;

15 (3) the violation charged;

16 (4) the location where the violation occurred;

17 (5) the date and time of the violation;

18 (6) a copy of the recorded images;

19 (7) the amount of the civil penalty imposed and the
20 date by which the civil penalty should be paid;

21 (8) a statement that recorded images are evidence of a
22 violation of overtaking or passing a school bus stopped for
23 the purpose of receiving or discharging pupils;

24 (9) a warning that failure to pay the civil penalty or
25 to contest liability in a timely manner is an admission of
26 liability and may result in a suspension of the driving

1 privileges of the registered owner of the vehicle;

2 (10) a statement that the person may elect to proceed
3 by:

4 (A) paying the fine; or

5 (B) challenging the charge in court, by mail, or by
6 administrative hearing; and

7 (11) a website address, accessible through the
8 Internet, where the person may view the recorded images of
9 the violation.

10 (f) If a person charged with a traffic violation, as a
11 result of an automated traffic law enforcement system under
12 this Section, does not pay the fine or successfully contest the
13 civil penalty resulting from that violation, the Secretary of
14 State shall suspend the driving privileges of the registered
15 owner of the vehicle under Section 6-306.5 of this Code for
16 failing to pay any fine or penalty due and owing as a result of
17 a combination of 5 violations of the automated traffic law
18 enforcement system or the automated speed enforcement system
19 under Section 11-208.8 of this Code.

20 (g) Based on inspection of recorded images produced by an
21 automated traffic law enforcement system, a notice alleging
22 that the violation occurred shall be evidence of the facts
23 contained in the notice and admissible in any proceeding
24 alleging a violation under this Section.

25 (h) Recorded images made by an automated traffic law
26 enforcement system are confidential and shall be made available

1 only to the alleged violator and governmental and law
2 enforcement agencies for purposes of adjudicating a violation
3 of this Section, for statistical purposes, or for other
4 governmental purposes. Any recorded image evidencing a
5 violation of this Section, however, may be admissible in any
6 proceeding resulting from the issuance of the citation.

7 (i) The court or hearing officer may consider in defense of
8 a violation:

9 (1) that the motor vehicle or registration plates of
10 the motor vehicle were stolen before the violation occurred
11 and not under the control of or in the possession of the
12 owner at the time of the violation;

13 (2) that the driver of the motor vehicle received a
14 Uniform Traffic Citation from a police officer for a
15 violation of Section 11-1414 of this Code within one-eighth
16 of a mile and 15 minutes of the violation that was recorded
17 by the system;

18 (3) that the visual signals required by Sections 12-803
19 and 12-805 of this Code were damaged, not activated, not
20 present in violation of Sections 12-803 and 12-805, or
21 inoperable; and

22 (4) any other evidence or issues provided by municipal
23 or county ordinance.

24 (j) To demonstrate that the motor vehicle or the
25 registration plates were stolen before the violation occurred
26 and were not under the control or possession of the owner at

1 the time of the violation, the owner must submit proof that a
2 report concerning the stolen motor vehicle or registration
3 plates was filed with a law enforcement agency in a timely
4 manner.

5 (k) Unless the driver of the motor vehicle received a
6 Uniform Traffic Citation from a police officer at the time of
7 the violation, the motor vehicle owner is subject to a civil
8 penalty not exceeding \$150 for a first time violation or \$500
9 for a second or subsequent violation, plus an additional
10 penalty of not more than \$100 for failure to pay the original
11 penalty in a timely manner, if the motor vehicle is recorded by
12 an automated traffic law enforcement system. A violation for
13 which a civil penalty is imposed under this Section is not a
14 violation of a traffic regulation governing the movement of
15 vehicles and may not be recorded on the driving record of the
16 owner of the vehicle, but may be recorded by the municipality
17 or county for the purpose of determining if a person is subject
18 to the higher fine for a second or subsequent offense.

19 (l) A school bus equipped with an automated traffic law
20 enforcement system must be posted with a sign indicating that
21 the school bus is being monitored by an automated traffic law
22 enforcement system.

23 (m) A municipality or county that has one or more school
24 buses equipped with an automated traffic law enforcement system
25 must provide notice to drivers by posting a list of school
26 districts using school buses equipped with an automated traffic

1 law enforcement system on the municipality or county website.
2 School districts that have one or more school buses equipped
3 with an automated traffic law enforcement system must provide
4 notice to drivers by posting that information on their
5 websites.

6 (n) A municipality or county operating an automated traffic
7 law enforcement system shall conduct a statistical analysis to
8 assess the safety impact in each school district using school
9 buses equipped with an automated traffic law enforcement system
10 following installation of the system. The statistical analysis
11 shall be based upon the best available crash, traffic, and
12 other data, and shall cover a period of time before and after
13 installation of the system sufficient to provide a
14 statistically valid comparison of safety impact. The
15 statistical analysis shall be consistent with professional
16 judgment and acceptable industry practice. The statistical
17 analysis also shall be consistent with the data required for
18 valid comparisons of before and after conditions and shall be
19 conducted within a reasonable period following the
20 installation of the automated traffic law enforcement system.
21 The statistical analysis required by this subsection shall be
22 made available to the public and shall be published on the
23 website of the municipality or county. If the statistical
24 analysis for the 36-month period following installation of the
25 system indicates that there has been an increase in the rate of
26 accidents at the approach to school buses monitored by the

1 system, the municipality or county shall undertake additional
2 studies to determine the cause and severity of the accidents,
3 and may take any action that it determines is necessary or
4 appropriate to reduce the number or severity of the accidents
5 involving school buses equipped with an automated traffic law
6 enforcement system.

7 (o) The compensation paid for an automated traffic law
8 enforcement system must be based on the value of the equipment
9 or the services provided and may not be based on the number of
10 traffic citations issued or the revenue generated by the
11 system.

12 (p) No person who is the lessor of a motor vehicle pursuant
13 to a written lease agreement shall be liable for an automated
14 speed or traffic law enforcement system violation involving
15 such motor vehicle during the period of the lease; provided
16 that upon the request of the appropriate authority received
17 within 120 days after the violation occurred, the lessor
18 provides within 60 days after such receipt the name and address
19 of the lessee. The drivers license number of a lessee may be
20 subsequently individually requested by the appropriate
21 authority if needed for enforcement of this Section.

22 Upon the provision of information by the lessor pursuant to
23 this subsection, the county or municipality may issue the
24 violation to the lessee of the vehicle in the same manner as it
25 would issue a violation to a registered owner of a vehicle
26 pursuant to this Section, and the lessee may be held liable for

1 the violation.

2 (q) A municipality or county shall make a certified report
3 to the Secretary of State pursuant to Section 6-306.5 of this
4 Code whenever a registered owner of a vehicle has failed to pay
5 any fine or penalty due and owing as a result of a combination
6 of 5 offenses for automated traffic law or speed enforcement
7 system violations.

8 (r) After a municipality or county enacts an ordinance
9 providing for automated traffic law enforcement systems under
10 this Section, each school district within that municipality or
11 county's jurisdiction may implement an automated traffic law
12 enforcement system under this Section. The elected school board
13 for that district must approve the implementation of an
14 automated traffic law enforcement system. The school district
15 shall be responsible for entering into a contract, approved by
16 the elected school board of that district, with vendors for the
17 installation, maintenance, and operation of the automated
18 traffic law enforcement system. The school district must enter
19 into an intergovernmental agreement, approved by the elected
20 school board of that district, with the municipality or county
21 with jurisdiction over that school district for the
22 administration of the automated traffic law enforcement
23 system. The proceeds from a school district's automated traffic
24 law enforcement system's fines shall be divided equally between
25 the school district and the municipality or county
26 administering the automated traffic law enforcement system.

1 (s) A citation issued under this Section that is dismissed
2 with respect to the registered owner of a vehicle under
3 subsection (e) of Section 30 of the Renter's Financial
4 Responsibility and Protection Act may be issued and delivered
5 by mail or other means to a car facilitation company identified
6 in the registered owner's affidavit of non-liability.

7 (Source: P.A. 98-556, eff. 1-1-14.)

8 (625 ILCS 5/11-1201.1)

9 Sec. 11-1201.1. Automated Railroad Crossing Enforcement
10 System.

11 (a) For the purposes of this Section, an automated railroad
12 grade crossing enforcement system is a system in a municipality
13 or county operated by a governmental agency that produces a
14 recorded image of a motor vehicle's violation of a provision of
15 this Code or local ordinance and is designed to obtain a clear
16 recorded image of the vehicle and vehicle's license plate. The
17 recorded image must also display the time, date, and location
18 of the violation.

19 As used in this Section, "recorded images" means images
20 recorded by an automated railroad grade crossing enforcement
21 system on:

22 (1) 2 or more photographs;

23 (2) 2 or more microphotographs;

24 (3) 2 or more electronic images; or

25 (4) a video recording showing the motor vehicle and, on

1 at least one image or portion of the recording, clearly
2 identifying the registration plate number of the motor
3 vehicle.

4 (b) The Illinois Commerce Commission may, in cooperation
5 with a local law enforcement agency, establish in any county or
6 municipality an automated railroad grade crossing enforcement
7 system at any railroad grade crossing equipped with a crossing
8 gate designated by local authorities. Local authorities
9 desiring the establishment of an automated railroad crossing
10 enforcement system must initiate the process by enacting a
11 local ordinance requesting the creation of such a system. After
12 the ordinance has been enacted, and before any additional steps
13 toward the establishment of the system are undertaken, the
14 local authorities and the Commission must agree to a plan for
15 obtaining, from any combination of federal, State, and local
16 funding sources, the moneys required for the purchase and
17 installation of any necessary equipment.

18 (b-1) (Blank.)

19 (c) For each violation of Section 11-1201 of this Code or a
20 local ordinance recorded by an automated railroad grade
21 crossing enforcement system, the county or municipality having
22 jurisdiction shall issue a written notice of the violation to
23 the registered owner of the vehicle as the alleged violator.
24 The notice shall be delivered to the registered owner of the
25 vehicle, by mail, no later than 90 days after the violation.

26 The notice shall include:

1 (1) the name and address of the registered owner of the
2 vehicle;

3 (2) the registration number of the motor vehicle
4 involved in the violation;

5 (3) the violation charged;

6 (4) the location where the violation occurred;

7 (5) the date and time of the violation;

8 (6) a copy of the recorded images;

9 (7) the amount of the civil penalty imposed and the
10 date by which the civil penalty should be paid;

11 (8) a statement that recorded images are evidence of a
12 violation of a railroad grade crossing;

13 (9) a warning that failure to pay the civil penalty or
14 to contest liability in a timely manner is an admission of
15 liability and may result in a suspension of the driving
16 privileges of the registered owner of the vehicle; and

17 (10) a statement that the person may elect to proceed
18 by:

19 (A) paying the fine; or

20 (B) challenging the charge in court, by mail, or by
21 administrative hearing.

22 (d) If a person charged with a traffic violation, as a
23 result of an automated railroad grade crossing enforcement
24 system, does not pay or successfully contest the civil penalty
25 resulting from that violation, the Secretary of State shall
26 suspend the driving privileges of the registered owner of the

1 vehicle under Section 6-306.5 of this Code for failing to pay
2 any fine or penalty due and owing as a result of 5 violations
3 of the automated railroad grade crossing enforcement system.

4 (d-1) (Blank.)

5 (d-2) (Blank.)

6 (e) Based on inspection of recorded images produced by an
7 automated railroad grade crossing enforcement system, a notice
8 alleging that the violation occurred shall be evidence of the
9 facts contained in the notice and admissible in any proceeding
10 alleging a violation under this Section.

11 (e-1) Recorded images made by an automated railroad grade
12 crossing enforcement system are confidential and shall be made
13 available only to the alleged violator and governmental and law
14 enforcement agencies for purposes of adjudicating a violation
15 of this Section, for statistical purposes, or for other
16 governmental purposes. Any recorded image evidencing a
17 violation of this Section, however, may be admissible in any
18 proceeding resulting from the issuance of the citation.

19 (e-2) The court or hearing officer may consider the
20 following in the defense of a violation:

21 (1) that the motor vehicle or registration plates of
22 the motor vehicle were stolen before the violation occurred
23 and not under the control of or in the possession of the
24 owner at the time of the violation;

25 (2) that the driver of the motor vehicle received a
26 Uniform Traffic Citation from a police officer at the time

1 of the violation for the same offense;

2 (3) any other evidence or issues provided by municipal
3 or county ordinance.

4 (e-3) To demonstrate that the motor vehicle or the
5 registration plates were stolen before the violation occurred
6 and were not under the control or possession of the owner at
7 the time of the violation, the owner must submit proof that a
8 report concerning the stolen motor vehicle or registration
9 plates was filed with a law enforcement agency in a timely
10 manner.

11 (f) Rail crossings equipped with an automatic railroad
12 grade crossing enforcement system shall be posted with a sign
13 visible to approaching traffic stating that the railroad grade
14 crossing is being monitored, that citations will be issued, and
15 the amount of the fine for violation.

16 (g) The compensation paid for an automated railroad grade
17 crossing enforcement system must be based on the value of the
18 equipment or the services provided and may not be based on the
19 number of citations issued or the revenue generated by the
20 system.

21 (h) (Blank.)

22 (i) If any part or parts of this Section are held by a
23 court of competent jurisdiction to be unconstitutional, the
24 unconstitutionality shall not affect the validity of the
25 remaining parts of this Section. The General Assembly hereby
26 declares that it would have passed the remaining parts of this

1 Section if it had known that the other part or parts of this
2 Section would be declared unconstitutional.

3 (j) Penalty. A civil fine of \$250 shall be imposed for a
4 first violation of this Section, and a civil fine of \$500 shall
5 be imposed for a second or subsequent violation of this
6 Section.

7 (k) A citation issued under this Section that is dismissed
8 with respect to the registered owner of a vehicle under
9 subsection (e) of Section 30 of the Renter's Financial
10 Responsibility and Protection Act may be issued and delivered
11 by mail or other means to a car facilitation company identified
12 in the registered owner's affidavit of non-liability.

13 (Source: P.A. 96-478, eff. 1-1-10.)

14 Section 35. If and only if Senate Bill 2641 of the 100th
15 General Assembly, as amended by House Amendment No. 3 and House
16 Amendment No. 4, becomes law, then the Automated Traffic
17 Control Systems in Highway Construction or Maintenance Zones
18 Act is amended by changing Section 45 as follows:

19 (625 ILCS 7/45)

20 Sec. 45. Vehicle rental or leasing company's
21 identification of a renter or lessee.

22 (a) A Uniform Traffic Citation issued under this Act to a
23 motor vehicle rental or leasing company shall be dismissed with
24 respect to the rental or leasing company if:

1 (1) the company responds to the Uniform Traffic
2 Citation by submitting, within 30 days of the mailing of
3 the citation, an affidavit of non-liability stating that,
4 at the time of the alleged speeding or other traffic
5 violation, the vehicle was in the custody and control of a
6 renter or lessee under the terms of a rental agreement or
7 lease; and

8 (2) the company provides the driver's license number,
9 name, and address of the renter or lessee.

10 (a-5) A Uniform Traffic Citation issued under this Act to
11 the registered owner of a vehicle used in a car facilitation
12 transaction, as defined in Section 1-110.06 of the Illinois
13 Vehicle Code, shall be dismissed with respect to the registered
14 owner if:

15 (1) the registered owner responds to the Uniform
16 Traffic Citation by submitting, within 30 days of the
17 mailing of the citation, an affidavit of non-liability
18 stating that, at the time of the alleged speeding or other
19 traffic violation, the vehicle was under the operation and
20 control of a person other than the vehicle's registered
21 owner under a car facilitation transaction facilitated by a
22 car facilitation company; and

23 (2) the registered owner provides proof of the
24 transaction facilitated by the car facilitation company
25 between the registered owner of the vehicle and the driver
26 of the vehicle during the alleged violation.

1 (b) A Uniform Traffic Citation dismissed with respect to a
2 motor vehicle rental or leasing company in accordance with
3 subsection (a) may then be issued and delivered by mail or
4 other means to the renter or lessee identified in the affidavit
5 of non-liability.

6 (c) A Uniform Traffic Citation that is dismissed with
7 respect to the registered owner of a vehicle under subsection
8 (a-5) may be issued and delivered by mail or other means to the
9 car facilitation company identified in the registered owner's
10 affidavit of non-liability.

11 (Source: 10000SB2641ham003.)

12 Section 40. If and only if Senate Bill 2641 of the 100th
13 General Assembly, as amended by House Amendment No. 3 and House
14 Amendment No. 4, becomes law, then the Renter's Financial
15 Responsibility and Protection Act is amended by changing
16 Section 30 as follows:

17 (625 ILCS 27/30)

18 Sec. 30. Car facilitation company obligations and
19 liability.

20 (a) Notwithstanding any provision to the contrary, a rental
21 company that is a car facilitation company shall, when
22 applicable, be subject to the statutory and regulatory
23 obligations pertaining to all motor vehicle rental companies.

24 (b) If any loss or injury occurs at any time a vehicle is

1 under the operation and control of a person other than the
2 vehicle's registered owner under a car facilitation
3 transaction facilitated by a car facilitation company, the
4 company shall assume all liability of the registered owner of
5 the vehicle used in the car facilitation transaction and shall
6 be considered the vehicle's owner for all purposes.

7 (c) A car facilitation company continues to be liable under
8 subsection (b) of this Section until the vehicle is returned to
9 a location designated by the company, and one of the following
10 occur:

11 (1) the expiration of the car facilitation period
12 established for the vehicle occurs;

13 (2) the intent to terminate the vehicle's car
14 facilitation transaction is verifiably communicated to the
15 company; or

16 (3) the vehicle's registered owner takes possession
17 and control of the vehicle.

18 If any loss giving rise to a claim occurs, the car
19 facilitation company shall initially assume liability for a
20 claim in which a dispute exists as to who was in control of the
21 vehicle and seek indemnification if it is later determined that
22 the registered owner was in possession of the vehicle.

23 (d) At no time shall the registered owner of the vehicle or
24 the owner's insurer be held liable for any loss, injury,
25 damage, or violation involving his or her vehicle occurring
26 during a car facilitation transaction unless it is shown that

1 the registered owner was operating or in control of the vehicle
2 at the time of the loss, injury, damage, or violation.

3 (e) Notwithstanding any provision to the contrary, for the
4 purpose of the issuance of a civil penalty for a violation of
5 Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 of the
6 Illinois Vehicle Code, the violation shall be dismissed with
7 respect to the registered owner of the vehicle, and the car
8 facilitation company shall be considered the vehicle's owner
9 for purposes of violation, if:

10 (1) the registered owner responds to the citation by
11 submitting, within 30 days of the mailing of the citation,
12 an affidavit of non-liability stating that, at the time of
13 the alleged violation, the vehicle was under the operation
14 and control of a person other than the vehicle's registered
15 owner under a car facilitation transaction facilitated by a
16 car facilitation company; and

17 (2) the registered owner provides proof of the
18 transaction facilitated by the car facilitation company
19 with the driver of his or her vehicle during the alleged
20 violation.

21 (f) Nothing in this Section shall limit the liability of
22 the car facilitation company for any acts or omissions by the
23 company that result in injury to any persons as a result of the
24 use or operation of a vehicle during a car facilitation
25 transaction.

26 (g) For the purpose of the allocation of liability for a

1 private passenger vehicle used in relation to a motor vehicle
2 rental company that is a car facilitation company, as defined
3 in Section 1-110.05 of the Illinois Vehicle Code, the car
4 facilitation company shall assume liability if any damaged to
5 the vehicle occurs:

6 (1) at any time when the vehicle is not in possession
7 of the vehicle's registered owner and at the car
8 facilitation company's designated location or other
9 location designated for the car facilitation transaction
10 while being made available to rent;

11 (2) under the operation and control of a person other
12 than the vehicle's registered owner under a car
13 facilitation transaction facilitated by that company; or

14 (3) at the car facilitation company's designated area
15 or other location designated for the car facilitation
16 transaction not being made available to rent, but not yet
17 in the possession of the vehicle's registered owner.

18 Nothing in this subsection (g) prevents a car facilitation
19 company from holding a renter in a car facilitation transaction
20 liable to the extent permitted under this Section.

21 A car facilitation company continues to be liable under
22 this subsection (g) until the end of the car facilitation
23 transaction as described in subsection (c) of this Section or
24 as described in this subsection (g). At no time shall the
25 registered owner of the vehicle or the owner's insurer be
26 liable for any exposure, including negligent entrustment, of

1 the vehicle involved in a car facilitation transaction.

2 Except as otherwise provided in this Section or in Section
3 45 of the Automated Traffic Control Systems in Highway
4 Construction or Maintenance Zones Act, nothing in this
5 subsection shall be construed to relieve the registered owner
6 of the vehicle from any liability imposed by any ordinance or
7 resolution of a unit of local government.

8 (h) Notwithstanding any other law and unless otherwise
9 excluded, an owner's insurer may exclude any and all coverage
10 and the duty to defend or indemnify for any claim made under a
11 car facilitation transaction.

12 (i) An owner's insurer that defends or indemnifies a claim
13 against its insured that is determined to be excluded under the
14 terms of its policy shall have the right to seek contribution
15 against the insurer of the car facilitation company, if the
16 claim is:

17 (1) made against the registered owner of the vehicle or
18 renter in the car facilitation transaction for loss or
19 injury that occurs during the car facilitation
20 transaction; and

21 (2) excluded under the terms of the insurer's policy.

22 (j) Nothing in this Section invalidates or limits an
23 exclusion contained in an owner's insurance policy for any
24 coverage included in the policy.

25 (k) An owner's insurer may deny issuance of, cancel, void,
26 terminate, rescind, or deny renewal of an insurance policy

1 covering a motor vehicle that has been made available for a car
2 facilitation transaction if the applicant or policyholder of
3 the insurance policy fails to provide complete and accurate
4 information about the use of a motor vehicle through a car
5 facilitation transaction as requested by the insurer during the
6 application or renewal process of the insurance policy.

7 (1) Nothing in this Section requires any owner's insurance
8 policy to:

9 (1) provide primary or excess coverage during the car
10 facilitation transaction;

11 (2) imply that any insurance policy provides coverage
12 for a motor vehicle during the car facilitation
13 transaction; or

14 (3) preclude an insurer from providing coverage for a
15 vehicle while the vehicle is made available or used through
16 a car facilitation transaction if the insurer elects to do
17 so by contract or endorsement.

18 (m) The car facilitation company shall collect and verify
19 records pertaining to the use of a vehicle, including, but not
20 limited to, times used, fees paid by the rentor, and revenues
21 received by the vehicle owner, and provide that information
22 upon request to the registered owner of the vehicle, the
23 owner's insurer, or and the insurer of a person operating the
24 vehicle during the car facilitation transaction when a claim
25 has been made against an insured involving a dispute as to
26 whether the insurer's policy of the registered owner of the

1 vehicle or the person operating the vehicle and shall retain
2 the records for a reasonable period after the expiration of the
3 applicable personal injury statute of limitations.

4 (n) The car facilitation company shall have sole
5 responsibility for any equipment, such as a GPS system or other
6 special equipment, that is put in or on the vehicle to monitor
7 or facilitate the transaction, and shall agree to indemnify and
8 hold harmless the vehicle owner for any damage to or theft of
9 such equipment.

10 (o) The car facilitation company shall:

11 (1) verify that the registered vehicle does not have
12 any safety recalls on the vehicle for which the repairs
13 have not been made; and

14 (2) notify the owner of the registered vehicle of the
15 requirements under subsection (p) of this Section.

16 (p) If the registered owner of the vehicle has received an
17 actual notice of a safety recall on the motor vehicle, the
18 registered owner of the vehicle may not make the motor vehicle
19 available through the car facilitation company until the safety
20 recall repair has been made.

21 If a registered owner of a vehicle receives an actual
22 notice of a safety recall on a registered vehicle while the
23 registered vehicle is made available or in use through the car
24 facilitation company, the registered owner of the vehicle shall
25 remove the shared motor vehicle from participation as soon as
26 practicably possible, but no later than 72 hours after

1 receiving the notice of the safety recall and shall not allow
2 the vehicle to be used in a car facilitation transaction until
3 the safety recall repair has been made.

4 (q) A citation for a violation of Section 11-208.6,
5 11-208.8, 11-208.9, or 11-1201.1 of the Illinois Vehicle Code
6 that is dismissed with respect to the registered owner of a
7 vehicle under subsection (e) of this Section may be issued and
8 delivered by mail or other means to the car facilitation
9 company identified in the registered owner's affidavit of
10 non-liability.

11 (Source: 10000SB2641ham003; 10000SB2641ham004.)

12 Section 99. Effective date. This Act takes effect January
13 1, 2019.