



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3221

Introduced 2/11/2020, by Sen. Craig Wilcox

SYNOPSIS AS INTRODUCED:

35 ILCS 105/3-55	from Ch. 120, par. 439.3-55
35 ILCS 110/3-45	from Ch. 120, par. 439.33-45
35 ILCS 115/3-5	
35 ILCS 120/2-5	

Amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act. Reinstates the exemption for the use or sale of tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois. Provides that the exemption sunsets on June 30, 2022 (currently, June 30, 2016). Effective immediately.

LRB101 18081 HLH 67520 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The Use Tax Act is amended by changing Section
5 3-55 as follows:

6 (35 ILCS 105/3-55) (from Ch. 120, par. 439.3-55)

7 Sec. 3-55. Multistate exemption. To prevent actual or
8 likely multistate taxation, the tax imposed by this Act does
9 not apply to the use of tangible personal property in this
10 State under the following circumstances:

11 (a) The use, in this State, of tangible personal property
12 acquired outside this State by a nonresident individual and
13 brought into this State by the individual for his or her own
14 use while temporarily within this State or while passing
15 through this State.

16 (b) (Blank).

17 (c) The use, in this State, by owners, lessors, or shippers
18 of tangible personal property that is utilized by interstate
19 carriers for hire for use as rolling stock moving in interstate
20 commerce as long as so used by the interstate carriers for
21 hire, and equipment operated by a telecommunications provider,
22 licensed as a common carrier by the Federal Communications
23 Commission, which is permanently installed in or affixed to

1 aircraft moving in interstate commerce.

2 (d) The use, in this State, of tangible personal property
3 that is acquired outside this State and caused to be brought
4 into this State by a person who has already paid a tax in
5 another State in respect to the sale, purchase, or use of that
6 property, to the extent of the amount of the tax properly due
7 and paid in the other State.

8 (e) The temporary storage, in this State, of tangible
9 personal property that is acquired outside this State and that,
10 after being brought into this State and stored here
11 temporarily, is used solely outside this State or is physically
12 attached to or incorporated into other tangible personal
13 property that is used solely outside this State, or is altered
14 by converting, fabricating, manufacturing, printing,
15 processing, or shaping, and, as altered, is used solely outside
16 this State.

17 (f) The temporary storage in this State of building
18 materials and fixtures that are acquired either in this State
19 or outside this State by an Illinois registered combination
20 retailer and construction contractor, and that the purchaser
21 thereafter uses outside this State by incorporating that
22 property into real estate located outside this State.

23 (g) The use or purchase of tangible personal property by a
24 common carrier by rail or motor that receives the physical
25 possession of the property in Illinois, and that transports the
26 property, or shares with another common carrier in the

1 transportation of the property, out of Illinois on a standard
2 uniform bill of lading showing the seller of the property as
3 the shipper or consignor of the property to a destination
4 outside Illinois, for use outside Illinois.

5 (h) Except as provided in subsection (h-1), the use, in
6 this State, of a motor vehicle that was sold in this State to a
7 nonresident, even though the motor vehicle is delivered to the
8 nonresident in this State, if the motor vehicle is not to be
9 titled in this State, and if a drive-away permit is issued to
10 the motor vehicle as provided in Section 3-603 of the Illinois
11 Vehicle Code or if the nonresident purchaser has vehicle
12 registration plates to transfer to the motor vehicle upon
13 returning to his or her home state. The issuance of the
14 drive-away permit or having the out-of-state registration
15 plates to be transferred shall be prima facie evidence that the
16 motor vehicle will not be titled in this State.

17 (h-1) The exemption under subsection (h) does not apply if
18 the state in which the motor vehicle will be titled does not
19 allow a reciprocal exemption for the use in that state of a
20 motor vehicle sold and delivered in that state to an Illinois
21 resident but titled in Illinois. The tax collected under this
22 Act on the sale of a motor vehicle in this State to a resident
23 of another state that does not allow a reciprocal exemption
24 shall be imposed at a rate equal to the state's rate of tax on
25 taxable property in the state in which the purchaser is a
26 resident, except that the tax shall not exceed the tax that

1 would otherwise be imposed under this Act. At the time of the
2 sale, the purchaser shall execute a statement, signed under
3 penalty of perjury, of his or her intent to title the vehicle
4 in the state in which the purchaser is a resident within 30
5 days after the sale and of the fact of the payment to the State
6 of Illinois of tax in an amount equivalent to the state's rate
7 of tax on taxable property in his or her state of residence and
8 shall submit the statement to the appropriate tax collection
9 agency in his or her state of residence. In addition, the
10 retailer must retain a signed copy of the statement in his or
11 her records. Nothing in this subsection shall be construed to
12 require the removal of the vehicle from this state following
13 the filing of an intent to title the vehicle in the purchaser's
14 state of residence if the purchaser titles the vehicle in his
15 or her state of residence within 30 days after the date of
16 sale. The tax collected under this Act in accordance with this
17 subsection (h-1) shall be proportionately distributed as if the
18 tax were collected at the 6.25% general rate imposed under this
19 Act.

20 (h-2) The following exemptions apply with respect to
21 certain aircraft:

22 (1) Beginning on July 1, 2007, no tax is imposed under
23 this Act on the purchase of an aircraft, as defined in
24 Section 3 of the Illinois Aeronautics Act, if all of the
25 following conditions are met:

26 (A) the aircraft leaves this State within 15 days

1 after the later of either the issuance of the final
2 billing for the purchase of the aircraft or the
3 authorized approval for return to service, completion
4 of the maintenance record entry, and completion of the
5 test flight and ground test for inspection, as required
6 by 14 C.F.R. 91.407;

7 (B) the aircraft is not based or registered in this
8 State after the purchase of the aircraft; and

9 (C) the purchaser provides the Department with a
10 signed and dated certification, on a form prescribed by
11 the Department, certifying that the requirements of
12 this item (1) are met. The certificate must also
13 include the name and address of the purchaser, the
14 address of the location where the aircraft is to be
15 titled or registered, the address of the primary
16 physical location of the aircraft, and other
17 information that the Department may reasonably
18 require.

19 (2) Beginning on July 1, 2007, no tax is imposed under
20 this Act on the use of an aircraft, as defined in Section 3
21 of the Illinois Aeronautics Act, that is temporarily
22 located in this State for the purpose of a prepurchase
23 evaluation if all of the following conditions are met:

24 (A) the aircraft is not based or registered in this
25 State after the prepurchase evaluation; and

26 (B) the purchaser provides the Department with a

1 signed and dated certification, on a form prescribed by
2 the Department, certifying that the requirements of
3 this item (2) are met. The certificate must also
4 include the name and address of the purchaser, the
5 address of the location where the aircraft is to be
6 titled or registered, the address of the primary
7 physical location of the aircraft, and other
8 information that the Department may reasonably
9 require.

10 (3) Beginning on July 1, 2007, no tax is imposed under
11 this Act on the use of an aircraft, as defined in Section 3
12 of the Illinois Aeronautics Act, that is temporarily
13 located in this State for the purpose of a post-sale
14 customization if all of the following conditions are met:

15 (A) the aircraft leaves this State within 15 days
16 after the authorized approval for return to service,
17 completion of the maintenance record entry, and
18 completion of the test flight and ground test for
19 inspection, as required by 14 C.F.R. 91.407;

20 (B) the aircraft is not based or registered in this
21 State either before or after the post-sale
22 customization; and

23 (C) the purchaser provides the Department with a
24 signed and dated certification, on a form prescribed by
25 the Department, certifying that the requirements of
26 this item (3) are met. The certificate must also

1 include the name and address of the purchaser, the
2 address of the location where the aircraft is to be
3 titled or registered, the address of the primary
4 physical location of the aircraft, and other
5 information that the Department may reasonably
6 require.

7 If tax becomes due under this subsection (h-2) because of
8 the purchaser's use of the aircraft in this State, the
9 purchaser shall file a return with the Department and pay the
10 tax on the fair market value of the aircraft. This return and
11 payment of the tax must be made no later than 30 days after the
12 aircraft is used in a taxable manner in this State. The tax is
13 based on the fair market value of the aircraft on the date that
14 it is first used in a taxable manner in this State.

15 For purposes of this subsection (h-2):

16 "Based in this State" means hangared, stored, or otherwise
17 used, excluding post-sale customizations as defined in this
18 Section, for 10 or more days in each 12-month period
19 immediately following the date of the sale of the aircraft.

20 "Post-sale customization" means any improvement,
21 maintenance, or repair that is performed on an aircraft
22 following a transfer of ownership of the aircraft.

23 "Prepurchase evaluation" means an examination of an
24 aircraft to provide a potential purchaser with information
25 relevant to the potential purchase.

26 "Registered in this State" means an aircraft registered

1 with the Department of Transportation, Aeronautics Division,
2 or titled or registered with the Federal Aviation
3 Administration to an address located in this State.

4 This subsection (h-2) is exempt from the provisions of
5 Section 3-90.

6 (i) Beginning July 1, 1999, the use, in this State, of fuel
7 acquired outside this State and brought into this State in the
8 fuel supply tanks of locomotives engaged in freight hauling and
9 passenger service for interstate commerce. This subsection is
10 exempt from the provisions of Section 3-90.

11 (j) Beginning on January 1, 2002 and through June 30, 2016,
12 and beginning again on the first day of the first month to
13 occur on or after the effective date of this amendatory Act of
14 the 101st General Assembly and through June 30, 2022, the use
15 of tangible personal property purchased from an Illinois
16 retailer by a taxpayer engaged in centralized purchasing
17 activities in Illinois who will, upon receipt of the property
18 in Illinois, temporarily store the property in Illinois (i) for
19 the purpose of subsequently transporting it outside this State
20 for use or consumption thereafter solely outside this State or
21 (ii) for the purpose of being processed, fabricated, or
22 manufactured into, attached to, or incorporated into other
23 tangible personal property to be transported outside this State
24 and thereafter used or consumed solely outside this State. The
25 Director of Revenue shall, pursuant to rules adopted in
26 accordance with the Illinois Administrative Procedure Act,

1 issue a permit to any taxpayer in good standing with the
2 Department who is eligible for the exemption under this
3 subsection (j). The permit issued under this subsection (j)
4 shall authorize the holder, to the extent and in the manner
5 specified in the rules adopted under this Act, to purchase
6 tangible personal property from a retailer exempt from the
7 taxes imposed by this Act. Taxpayers shall maintain all
8 necessary books and records to substantiate the use and
9 consumption of all such tangible personal property outside of
10 the State of Illinois.

11 (Source: P.A. 100-321, eff. 8-24-17.)

12 Section 10. The Service Use Tax Act is amended by changing
13 Section 3-45 as follows:

14 (35 ILCS 110/3-45) (from Ch. 120, par. 439.33-45)

15 Sec. 3-45. Multistate exemption. To prevent actual or
16 likely multistate taxation, the tax imposed by this Act does
17 not apply to the use of tangible personal property in this
18 State under the following circumstances:

19 (a) The use, in this State, of property acquired outside
20 this State by a nonresident individual and brought into this
21 State by the individual for his or her own use while
22 temporarily within this State or while passing through this
23 State.

24 (b) The use, in this State, of property that is acquired

1 outside this State and that is moved into this State for use as
2 rolling stock moving in interstate commerce.

3 (c) The use, in this State, of property that is acquired
4 outside this State and caused to be brought into this State by
5 a person who has already paid a tax in another state in respect
6 to the sale, purchase, or use of that property, to the extent
7 of the amount of the tax properly due and paid in the other
8 state.

9 (d) The temporary storage, in this State, of property that
10 is acquired outside this State and that after being brought
11 into this State and stored here temporarily, is used solely
12 outside this State or is physically attached to or incorporated
13 into other property that is used solely outside this State, or
14 is altered by converting, fabricating, manufacturing,
15 printing, processing, or shaping, and, as altered, is used
16 solely outside this State.

17 (e) Beginning July 1, 1999, the use, in this State, of fuel
18 acquired outside this State and brought into this State in the
19 fuel supply tanks of locomotives engaged in freight hauling and
20 passenger service for interstate commerce. This subsection is
21 exempt from the provisions of Section 3-75.

22 (f) Beginning on January 1, 2002 and through June 30, 2016,
23 and beginning again on the first day of the first month to
24 occur on or after the effective date of this amendatory Act of
25 the 101st General Assembly and through June 30, 2022, the use
26 of tangible personal property purchased from an Illinois

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

22 (Source: P.A. 97-73, eff. 6-30-11.)

23 Section 15. The Service Occupation Tax Act is amended by
24 changing Section 3-5 as follows:

1 (35 ILCS 115/3-5)

2 Sec. 3-5. Exemptions. The following tangible personal
3 property is exempt from the tax imposed by this Act:

4 (1) Personal property sold by a corporation, society,
5 association, foundation, institution, or organization, other
6 than a limited liability company, that is organized and
7 operated as a not-for-profit service enterprise for the benefit
8 of persons 65 years of age or older if the personal property
9 was not purchased by the enterprise for the purpose of resale
10 by the enterprise.

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

14 (3) Personal property purchased by any not-for-profit arts
15 or cultural organization that establishes, by proof required by
16 the Department by rule, that it has received an exemption under
17 Section 501(c)(3) of the Internal Revenue Code and that is
18 organized and operated primarily for the presentation or
19 support of arts or cultural programming, activities, or
20 services. These organizations include, but are not limited to,
21 music and dramatic arts organizations such as symphony
22 orchestras and theatrical groups, arts and cultural service
23 organizations, local arts councils, visual arts organizations,
24 and media arts organizations. On and after July 1, 2001 (the
25 effective date of Public Act 92-35), however, an entity
26 otherwise eligible for this exemption shall not make tax-free

1 purchases unless it has an active identification number issued
2 by the Department.

3 (4) Legal tender, currency, medallions, or gold or silver
4 coinage issued by the State of Illinois, the government of the
5 United States of America, or the government of any foreign
6 country, and bullion.

7 (5) Until July 1, 2003 and beginning again on September 1,
8 2004 through August 30, 2014, graphic arts machinery and
9 equipment, including repair and replacement parts, both new and
10 used, and including that manufactured on special order or
11 purchased for lease, certified by the purchaser to be used
12 primarily for graphic arts production. Equipment includes
13 chemicals or chemicals acting as catalysts but only if the
14 chemicals or chemicals acting as catalysts effect a direct and
15 immediate change upon a graphic arts product. Beginning on July
16 1, 2017, graphic arts machinery and equipment is included in
17 the manufacturing and assembling machinery and equipment
18 exemption under Section 2 of this Act.

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

22 (7) Farm machinery and equipment, both new and used,
23 including that manufactured on special order, certified by the
24 purchaser to be used primarily for production agriculture or
25 State or federal agricultural programs, including individual
26 replacement parts for the machinery and equipment, including

1 machinery and equipment purchased for lease, and including
2 implements of husbandry defined in Section 1-130 of the
3 Illinois Vehicle Code, farm machinery and agricultural
4 chemical and fertilizer spreaders, and nurse wagons required to
5 be registered under Section 3-809 of the Illinois Vehicle Code,
6 but excluding other motor vehicles required to be registered
7 under the Illinois Vehicle Code. Horticultural polyhouses or
8 hoop houses used for propagating, growing, or overwintering
9 plants shall be considered farm machinery and equipment under
10 this item (7). Agricultural chemical tender tanks and dry boxes
11 shall include units sold separately from a motor vehicle
12 required to be licensed and units sold mounted on a motor
13 vehicle required to be licensed if the selling price of the
14 tender is separately stated.

15 Farm machinery and equipment shall include precision
16 farming equipment that is installed or purchased to be
17 installed on farm machinery and equipment including, but not
18 limited to, tractors, harvesters, sprayers, planters, seeders,
19 or spreaders. Precision farming equipment includes, but is not
20 limited to, soil testing sensors, computers, monitors,
21 software, global positioning and mapping systems, and other
22 such equipment.

23 Farm machinery and equipment also includes computers,
24 sensors, software, and related equipment used primarily in the
25 computer-assisted operation of production agriculture
26 facilities, equipment, and activities such as, but not limited

1 to, the collection, monitoring, and correlation of animal and
2 crop data for the purpose of formulating animal diets and
3 agricultural chemicals. This item (7) is exempt from the
4 provisions of Section 3-55.

5 (8) Until June 30, 2013, fuel and petroleum products sold
6 to or used by an air common carrier, certified by the carrier
7 to be used for consumption, shipment, or storage in the conduct
8 of its business as an air common carrier, for a flight destined
9 for or returning from a location or locations outside the
10 United States without regard to previous or subsequent domestic
11 stopovers.

12 Beginning July 1, 2013, fuel and petroleum products sold to
13 or used by an air carrier, certified by the carrier to be used
14 for consumption, shipment, or storage in the conduct of its
15 business as an air common carrier, for a flight that (i) is
16 engaged in foreign trade or is engaged in trade between the
17 United States and any of its possessions and (ii) transports at
18 least one individual or package for hire from the city of
19 origination to the city of final destination on the same
20 aircraft, without regard to a change in the flight number of
21 that aircraft.

22 (9) Proceeds of mandatory service charges separately
23 stated on customers' bills for the purchase and consumption of
24 food and beverages, to the extent that the proceeds of the
25 service charge are in fact turned over as tips or as a
26 substitute for tips to the employees who participate directly

1 in preparing, serving, hosting or cleaning up the food or
2 beverage function with respect to which the service charge is
3 imposed.

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

13 (11) Photoprocessing machinery and equipment, including
14 repair and replacement parts, both new and used, including that
15 manufactured on special order, certified by the purchaser to be
16 used primarily for photoprocessing, and including
17 photoprocessing machinery and equipment purchased for lease.

18 (12) Until July 1, 2023, coal and aggregate exploration,
19 mining, off-highway hauling, processing, maintenance, and
20 reclamation equipment, including replacement parts and
21 equipment, and including equipment purchased for lease, but
22 excluding motor vehicles required to be registered under the
23 Illinois Vehicle Code. The changes made to this Section by
24 Public Act 97-767 apply on and after July 1, 2003, but no claim
25 for credit or refund is allowed on or after August 16, 2013
26 (the effective date of Public Act 98-456) for such taxes paid

1 during the period beginning July 1, 2003 and ending on August
2 16, 2013 (the effective date of Public Act 98-456).

3 (13) Beginning January 1, 1992 and through June 30, 2016,
4 food for human consumption that is to be consumed off the
5 premises where it is sold (other than alcoholic beverages, soft
6 drinks and food that has been prepared for immediate
7 consumption) and prescription and non-prescription medicines,
8 drugs, medical appliances, and insulin, urine testing
9 materials, syringes, and needles used by diabetics, for human
10 use, when purchased for use by a person receiving medical
11 assistance under Article V of the Illinois Public Aid Code who
12 resides in a licensed long-term care facility, as defined in
13 the Nursing Home Care Act, or in a licensed facility as defined
14 in the ID/DD Community Care Act, the MC/DD Act, or the
15 Specialized Mental Health Rehabilitation Act of 2013.

16 (14) Semen used for artificial insemination of livestock
17 for direct agricultural production.

18 (15) Horses, or interests in horses, registered with and
19 meeting the requirements of any of the Arabian Horse Club
20 Registry of America, Appaloosa Horse Club, American Quarter
21 Horse Association, United States Trotting Association, or
22 Jockey Club, as appropriate, used for purposes of breeding or
23 racing for prizes. This item (15) is exempt from the provisions
24 of Section 3-55, and the exemption provided for under this item
25 (15) applies for all periods beginning May 30, 1995, but no
26 claim for credit or refund is allowed on or after January 1,

1 2008 (the effective date of Public Act 95-88) for such taxes
2 paid during the period beginning May 30, 2000 and ending on
3 January 1, 2008 (the effective date of Public Act 95-88).

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

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

18 (18) Beginning with taxable years ending on or after
19 December 31, 1995 and ending with taxable years ending on or
20 before December 31, 2004, personal property that is donated for
21 disaster relief to be used in a State or federally declared
22 disaster area in Illinois or bordering Illinois by a
23 manufacturer or retailer that is registered in this State to a
24 corporation, society, association, foundation, or institution
25 that has been issued a sales tax exemption identification
26 number by the Department that assists victims of the disaster

1 who reside within the declared disaster area.

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

14 (20) Beginning July 1, 1999, game or game birds sold at a
15 "game breeding and hunting preserve area" as that term is used
16 in the Wildlife Code. This paragraph is exempt from the
17 provisions of Section 3-55.

18 (21) A motor vehicle, as that term is defined in Section
19 1-146 of the Illinois Vehicle Code, that is donated to a
20 corporation, limited liability company, society, association,
21 foundation, or institution that is determined by the Department
22 to be organized and operated exclusively for educational
23 purposes. For purposes of this exemption, "a corporation,
24 limited liability company, society, association, foundation,
25 or institution organized and operated exclusively for
26 educational purposes" means all tax-supported public schools,

1 private schools that offer systematic instruction in useful
2 branches of learning by methods common to public schools and
3 that compare favorably in their scope and intensity with the
4 course of study presented in tax-supported schools, and
5 vocational or technical schools or institutes organized and
6 operated exclusively to provide a course of study of not less
7 than 6 weeks duration and designed to prepare individuals to
8 follow a trade or to pursue a manual, technical, mechanical,
9 industrial, business, or commercial occupation.

10 (22) Beginning January 1, 2000, personal property,
11 including food, purchased through fundraising events for the
12 benefit of a public or private elementary or secondary school,
13 a group of those schools, or one or more school districts if
14 the events are sponsored by an entity recognized by the school
15 district that consists primarily of volunteers and includes
16 parents and teachers of the school children. This paragraph
17 does not apply to fundraising events (i) for the benefit of
18 private home instruction or (ii) for which the fundraising
19 entity purchases the personal property sold at the events from
20 another individual or entity that sold the property for the
21 purpose of resale by the fundraising entity and that profits
22 from the sale to the fundraising entity. This paragraph is
23 exempt from the provisions of Section 3-55.

24 (23) Beginning January 1, 2000 and through December 31,
25 2001, new or used automatic vending machines that prepare and
26 serve hot food and beverages, including coffee, soup, and other

1 items, and replacement parts for these machines. Beginning
2 January 1, 2002 and through June 30, 2003, machines and parts
3 for machines used in commercial, coin-operated amusement and
4 vending business if a use or occupation tax is paid on the
5 gross receipts derived from the use of the commercial,
6 coin-operated amusement and vending machines. This paragraph
7 is exempt from the provisions of Section 3-55.

8 (24) Beginning on August 2, 2001 (the effective date of
9 Public Act 92-227), computers and communications equipment
10 utilized for any hospital purpose and equipment used in the
11 diagnosis, analysis, or treatment of hospital patients sold to
12 a lessor who leases the equipment, under a lease of one year or
13 longer executed or in effect at the time of the purchase, to a
14 hospital that has been issued an active tax exemption
15 identification number by the Department under Section 1g of the
16 Retailers' Occupation Tax Act. This paragraph is exempt from
17 the provisions of Section 3-55.

18 (25) Beginning on August 2, 2001 (the effective date of
19 Public Act 92-227), personal property sold to a lessor who
20 leases the property, under a lease of one year or longer
21 executed or in effect at the time of the purchase, to a
22 governmental body that has been issued an active tax exemption
23 identification number by the Department under Section 1g of the
24 Retailers' Occupation Tax Act. This paragraph is exempt from
25 the provisions of Section 3-55.

26 (26) Beginning on January 1, 2002 and through June 30,

1 2016, and beginning again on the first day of the first month
2 to occur on or after the effective date of this amendatory Act
3 of the 101st General Assembly and through June 30, 2022,
4 tangible personal property purchased from an Illinois retailer
5 by a taxpayer engaged in centralized purchasing activities in
6 Illinois who will, upon receipt of the property in Illinois,
7 temporarily store the property in Illinois (i) for the purpose
8 of subsequently transporting it outside this State for use or
9 consumption thereafter solely outside this State or (ii) for
10 the purpose of being processed, fabricated, or manufactured
11 into, attached to, or incorporated into other tangible personal
12 property to be transported outside this State and thereafter
13 used or consumed solely outside this State. The Director of
14 Revenue shall, pursuant to rules adopted in accordance with the
15 Illinois Administrative Procedure Act, issue a permit to any
16 taxpayer in good standing with the Department who is eligible
17 for the exemption under this paragraph (26). The permit issued
18 under this paragraph (26) shall authorize the holder, to the
19 extent and in the manner specified in the rules adopted under
20 this Act, to purchase tangible personal property from a
21 retailer exempt from the taxes imposed by this Act. Taxpayers
22 shall maintain all necessary books and records to substantiate
23 the use and consumption of all such tangible personal property
24 outside of the State of Illinois.

25 (27) Beginning January 1, 2008, tangible personal property
26 used in the construction or maintenance of a community water

1 supply, as defined under Section 3.145 of the Environmental
2 Protection Act, that is operated by a not-for-profit
3 corporation that holds a valid water supply permit issued under
4 Title IV of the Environmental Protection Act. This paragraph is
5 exempt from the provisions of Section 3-55.

6 (28) Tangible personal property sold to a
7 public-facilities corporation, as described in Section
8 11-65-10 of the Illinois Municipal Code, for purposes of
9 constructing or furnishing a municipal convention hall, but
10 only if the legal title to the municipal convention hall is
11 transferred to the municipality without any further
12 consideration by or on behalf of the municipality at the time
13 of the completion of the municipal convention hall or upon the
14 retirement or redemption of any bonds or other debt instruments
15 issued by the public-facilities corporation in connection with
16 the development of the municipal convention hall. This
17 exemption includes existing public-facilities corporations as
18 provided in Section 11-65-25 of the Illinois Municipal Code.
19 This paragraph is exempt from the provisions of Section 3-55.

20 (29) Beginning January 1, 2010, materials, parts,
21 equipment, components, and furnishings incorporated into or
22 upon an aircraft as part of the modification, refurbishment,
23 completion, replacement, repair, or maintenance of the
24 aircraft. This exemption includes consumable supplies used in
25 the modification, refurbishment, completion, replacement,
26 repair, and maintenance of aircraft, but excludes any

1 materials, parts, equipment, components, and consumable
2 supplies used in the modification, replacement, repair, and
3 maintenance of aircraft engines or power plants, whether such
4 engines or power plants are installed or uninstalled upon any
5 such aircraft. "Consumable supplies" include, but are not
6 limited to, adhesive, tape, sandpaper, general purpose
7 lubricants, cleaning solution, latex gloves, and protective
8 films. This exemption applies only to the transfer of
9 qualifying tangible personal property incident to the
10 modification, refurbishment, completion, replacement, repair,
11 or maintenance of an aircraft by persons who (i) hold an Air
12 Agency Certificate and are empowered to operate an approved
13 repair station by the Federal Aviation Administration, (ii)
14 have a Class IV Rating, and (iii) conduct operations in
15 accordance with Part 145 of the Federal Aviation Regulations.
16 The exemption does not include aircraft operated by a
17 commercial air carrier providing scheduled passenger air
18 service pursuant to authority issued under Part 121 or Part 129
19 of the Federal Aviation Regulations. The changes made to this
20 paragraph (29) by Public Act 98-534 are declarative of existing
21 law.

22 (30) Beginning January 1, 2017, menstrual pads, tampons,
23 and menstrual cups.

24 (31) Tangible personal property transferred to a purchaser
25 who is exempt from tax by operation of federal law. This
26 paragraph is exempt from the provisions of Section 3-55.

1 (32) Qualified tangible personal property used in the
2 construction or operation of a data center that has been
3 granted a certificate of exemption by the Department of
4 Commerce and Economic Opportunity, whether that tangible
5 personal property is purchased by the owner, operator, or
6 tenant of the data center or by a contractor or subcontractor
7 of the owner, operator, or tenant. Data centers that would have
8 qualified for a certificate of exemption prior to January 1,
9 2020 had this amendatory Act of the 101st General Assembly been
10 in effect, may apply for and obtain an exemption for subsequent
11 purchases of computer equipment or enabling software purchased
12 or leased to upgrade, supplement, or replace computer equipment
13 or enabling software purchased or leased in the original
14 investment that would have qualified.

15 The Department of Commerce and Economic Opportunity shall
16 grant a certificate of exemption under this item (32) to
17 qualified data centers as defined by Section 605-1025 of the
18 Department of Commerce and Economic Opportunity Law of the
19 Civil Administrative Code of Illinois.

20 For the purposes of this item (32):

21 "Data center" means a building or a series of buildings
22 rehabilitated or constructed to house working servers in
23 one physical location or multiple sites within the State of
24 Illinois.

25 "Qualified tangible personal property" means:
26 electrical systems and equipment; climate control and

1 chilling equipment and systems; mechanical systems and
2 equipment; monitoring and secure systems; emergency
3 generators; hardware; computers; servers; data storage
4 devices; network connectivity equipment; racks; cabinets;
5 telecommunications cabling infrastructure; raised floor
6 systems; peripheral components or systems; software;
7 mechanical, electrical, or plumbing systems; battery
8 systems; cooling systems and towers; temperature control
9 systems; other cabling; and other data center
10 infrastructure equipment and systems necessary to operate
11 qualified tangible personal property, including fixtures;
12 and component parts of any of the foregoing, including
13 installation, maintenance, repair, refurbishment, and
14 replacement of qualified tangible personal property to
15 generate, transform, transmit, distribute, or manage
16 electricity necessary to operate qualified tangible
17 personal property; and all other tangible personal
18 property that is essential to the operations of a computer
19 data center. The term "qualified tangible personal
20 property" also includes building materials physically
21 incorporated in to the qualifying data center. To document
22 the exemption allowed under this Section, the retailer must
23 obtain from the purchaser a copy of the certificate of
24 eligibility issued by the Department of Commerce and
25 Economic Opportunity.

26 This item (32) is exempt from the provisions of Section

1 3-55.

2 (Source: P.A. 100-22, eff. 7-6-17; 100-594, eff. 6-29-18;
3 100-1171, eff. 1-4-19; 101-31, eff. 6-28-19; 101-81, eff.
4 7-12-19.)

5 Section 20. The Retailers' Occupation Tax Act is amended by
6 changing Section 2-5 as follows:

7 (35 ILCS 120/2-5)

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

11 (1) Farm chemicals.

12 (2) Farm machinery and equipment, both new and used,
13 including that manufactured on special order, certified by
14 the purchaser to be used primarily for production
15 agriculture or State or federal agricultural programs,
16 including individual replacement parts for the machinery
17 and equipment, including machinery and equipment purchased
18 for lease, and including implements of husbandry defined in
19 Section 1-130 of the Illinois Vehicle Code, farm machinery
20 and agricultural chemical and fertilizer spreaders, and
21 nurse wagons required to be registered under Section 3-809
22 of the Illinois Vehicle Code, but excluding other motor
23 vehicles required to be registered under the Illinois
24 Vehicle Code. Horticultural polyhouses or hoop houses used

1 for propagating, growing, or overwintering plants shall be
2 considered farm machinery and equipment under this item
3 (2). Agricultural chemical tender tanks and dry boxes shall
4 include units sold separately from a motor vehicle required
5 to be licensed and units sold mounted on a motor vehicle
6 required to be licensed, if the selling price of the tender
7 is separately stated.

8 Farm machinery and equipment shall include precision
9 farming equipment that is installed or purchased to be
10 installed on farm machinery and equipment including, but
11 not limited to, tractors, harvesters, sprayers, planters,
12 seeders, or spreaders. Precision farming equipment
13 includes, but is not limited to, soil testing sensors,
14 computers, monitors, software, global positioning and
15 mapping systems, and other such equipment.

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

24 (3) Until July 1, 2003, distillation machinery and
25 equipment, sold as a unit or kit, assembled or installed by
26 the retailer, certified by the user to be used only for the

1 production of ethyl alcohol that will be used for
2 consumption as motor fuel or as a component of motor fuel
3 for the personal use of the user, and not subject to sale
4 or resale.

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

18 (5) A motor vehicle that is used for automobile
19 renting, as defined in the Automobile Renting Occupation
20 and Use Tax Act. This paragraph is exempt from the
21 provisions of Section 2-70.

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

25 (7) Until July 1, 2003, proceeds of that portion of the
26 selling price of a passenger car the sale of which is

1 subject to the Replacement Vehicle Tax.

2 (8) Personal property sold to an Illinois county fair
3 association for use in conducting, operating, or promoting
4 the county fair.

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

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

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

16 (12) (Blank).

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

1 (iii) that are primarily used for commercial purposes.
2 Through June 30, 2005, this exemption applies to repair and
3 replacement parts added after the initial purchase of such
4 a motor vehicle if that motor vehicle is used in a manner
5 that would qualify for the rolling stock exemption
6 otherwise provided for in this Act. For purposes of this
7 paragraph, "used for commercial purposes" means the
8 transportation of persons or property in furtherance of any
9 commercial or industrial enterprise whether for-hire or
10 not.

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

19 (14) Machinery and equipment that will be used by the
20 purchaser, or a lessee of the purchaser, primarily in the
21 process of manufacturing or assembling tangible personal
22 property for wholesale or retail sale or lease, whether the
23 sale or lease is made directly by the manufacturer or by
24 some other person, whether the materials used in the
25 process are owned by the manufacturer or some other person,
26 or whether the sale or lease is made apart from or as an

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

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

26 (16) Tangible personal property sold to a purchaser if

1 the purchaser is exempt from use tax by operation of
2 federal law. This paragraph is exempt from the provisions
3 of Section 2-70.

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

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

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

26 (20) Photoprocessing machinery and equipment,

1 including repair and replacement parts, both new and used,
2 including that manufactured on special order, certified by
3 the purchaser to be used primarily for photoprocessing, and
4 including photoprocessing machinery and equipment
5 purchased for lease.

6 (21) Until July 1, 2023, coal and aggregate
7 exploration, mining, off-highway hauling, processing,
8 maintenance, and reclamation equipment, including
9 replacement parts and equipment, and including equipment
10 purchased for lease, but excluding motor vehicles required
11 to be registered under the Illinois Vehicle Code. The
12 changes made to this Section by Public Act 97-767 apply on
13 and after July 1, 2003, but no claim for credit or refund
14 is allowed on or after August 16, 2013 (the effective date
15 of Public Act 98-456) for such taxes paid during the period
16 beginning July 1, 2003 and ending on August 16, 2013 (the
17 effective date of Public Act 98-456).

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

25 Beginning July 1, 2013, fuel and petroleum products
26 sold to or used by an air carrier, certified by the carrier

1 to be used for consumption, shipment, or storage in the
2 conduct of its business as an air common carrier, for a
3 flight that (i) is engaged in foreign trade or is engaged
4 in trade between the United States and any of its
5 possessions and (ii) transports at least one individual or
6 package for hire from the city of origination to the city
7 of final destination on the same aircraft, without regard
8 to a change in the flight number of that aircraft.

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

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

19 (25) Except as provided in item (25-5) of this Section,
20 a motor vehicle sold in this State to a nonresident even
21 though the motor vehicle is delivered to the nonresident in
22 this State, if the motor vehicle is not to be titled in
23 this State, and if a drive-away permit is issued to the
24 motor vehicle as provided in Section 3-603 of the Illinois
25 Vehicle Code or if the nonresident purchaser has vehicle
26 registration plates to transfer to the motor vehicle upon

1 returning to his or her home state. The issuance of the
2 drive-away permit or having the out-of-state registration
3 plates to be transferred is prima facie evidence that the
4 motor vehicle will not be titled in this State.

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

1 the removal of the vehicle from this state following the
2 filing of an intent to title the vehicle in the purchaser's
3 state of residence if the purchaser titles the vehicle in
4 his or her state of residence within 30 days after the date
5 of sale. The tax collected under this Act in accordance
6 with this item (25-5) shall be proportionately distributed
7 as if the tax were collected at the 6.25% general rate
8 imposed under this Act.

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

13 (1) the aircraft leaves this State within 15 days
14 after the later of either the issuance of the final
15 billing for the sale of the aircraft, or the authorized
16 approval for return to service, completion of the
17 maintenance record entry, and completion of the test
18 flight and ground test for inspection, as required by
19 14 C.F.R. 91.407;

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

22 (3) the seller retains in his or her books and
23 records and provides to the Department a signed and
24 dated certification from the purchaser, on a form
25 prescribed by the Department, certifying that the
26 requirements of this item (25-7) are met. The

1 certificate must also include the name and address of
2 the purchaser, the address of the location where the
3 aircraft is to be titled or registered, the address of
4 the primary physical location of the aircraft, and
5 other information that the Department may reasonably
6 require.

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

8 "Based in this State" means hangared, stored, or
9 otherwise used, excluding post-sale customizations as
10 defined in this Section, for 10 or more days in each
11 12-month period immediately following the date of the sale
12 of the aircraft.

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

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

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

22 (27) Horses, or interests in horses, registered with
23 and meeting the requirements of any of the Arabian Horse
24 Club Registry of America, Appaloosa Horse Club, American
25 Quarter Horse Association, United States Trotting
26 Association, or Jockey Club, as appropriate, used for

1 purposes of breeding or racing for prizes. This item (27)
2 is exempt from the provisions of Section 2-70, and the
3 exemption provided for under this item (27) applies for all
4 periods beginning May 30, 1995, but no claim for credit or
5 refund is allowed on or after January 1, 2008 (the
6 effective date of Public Act 95-88) for such taxes paid
7 during the period beginning May 30, 2000 and ending on
8 January 1, 2008 (the effective date of Public Act 95-88).

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

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

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

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

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

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

25 (33) A motor vehicle, as that term is defined in
26 Section 1-146 of the Illinois Vehicle Code, that is donated

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

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

1 fundraising events (i) for the benefit of private home
2 instruction or (ii) for which the fundraising entity
3 purchases the personal property sold at the events from
4 another individual or entity that sold the property for the
5 purpose of resale by the fundraising entity and that
6 profits from the sale to the fundraising entity. This
7 paragraph is exempt from the provisions of Section 2-70.

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

19 (35-5) Beginning August 23, 2001 and through June 30,
20 2016, food for human consumption that is to be consumed off
21 the premises where it is sold (other than alcoholic
22 beverages, soft drinks, and food that has been prepared for
23 immediate consumption) and prescription and
24 nonprescription medicines, drugs, medical appliances, and
25 insulin, urine testing materials, syringes, and needles
26 used by diabetics, for human use, when purchased for use by

1 a person receiving medical assistance under Article V of
2 the Illinois Public Aid Code who resides in a licensed
3 long-term care facility, as defined in the Nursing Home
4 Care Act, or a licensed facility as defined in the ID/DD
5 Community Care Act, the MC/DD Act, or the Specialized
6 Mental Health Rehabilitation Act of 2013.

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

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

23 (38) Beginning on January 1, 2002 and through June 30,
24 2016, and beginning again on the first day of the first
25 month to occur on or after the effective date of this
26 amendatory Act of the 101st General Assembly and through

1 June 30, 2022, tangible personal property purchased from an
2 Illinois retailer by a taxpayer engaged in centralized
3 purchasing activities in Illinois who will, upon receipt of
4 the property in Illinois, temporarily store the property in
5 Illinois (i) for the purpose of subsequently transporting
6 it outside this State for use or consumption thereafter
7 solely outside this State or (ii) for the purpose of being
8 processed, fabricated, or manufactured into, attached to,
9 or incorporated into other tangible personal property to be
10 transported outside this State and thereafter used or
11 consumed solely outside this State. The Director of Revenue
12 shall, pursuant to rules adopted in accordance with the
13 Illinois Administrative Procedure Act, issue a permit to
14 any taxpayer in good standing with the Department who is
15 eligible for the exemption under this paragraph (38). The
16 permit issued under this paragraph (38) shall authorize the
17 holder, to the extent and in the manner specified in the
18 rules adopted under this Act, to purchase tangible personal
19 property from a retailer exempt from the taxes imposed by
20 this Act. Taxpayers shall maintain all necessary books and
21 records to substantiate the use and consumption of all such
22 tangible personal property outside of the State of
23 Illinois.

24 (39) Beginning January 1, 2008, tangible personal
25 property used in the construction or maintenance of a
26 community water supply, as defined under Section 3.145 of

1 the Environmental Protection Act, that is operated by a
2 not-for-profit corporation that holds a valid water supply
3 permit issued under Title IV of the Environmental
4 Protection Act. This paragraph is exempt from the
5 provisions of Section 2-70.

6 (40) Beginning January 1, 2010, materials, parts,
7 equipment, components, and furnishings incorporated into
8 or upon an aircraft as part of the modification,
9 refurbishment, completion, replacement, repair, or
10 maintenance of the aircraft. This exemption includes
11 consumable supplies used in the modification,
12 refurbishment, completion, replacement, repair, and
13 maintenance of aircraft, but excludes any materials,
14 parts, equipment, components, and consumable supplies used
15 in the modification, replacement, repair, and maintenance
16 of aircraft engines or power plants, whether such engines
17 or power plants are installed or uninstalled upon any such
18 aircraft. "Consumable supplies" include, but are not
19 limited to, adhesive, tape, sandpaper, general purpose
20 lubricants, cleaning solution, latex gloves, and
21 protective films. This exemption applies only to the sale
22 of qualifying tangible personal property to persons who
23 modify, refurbish, complete, replace, or maintain an
24 aircraft and who (i) hold an Air Agency Certificate and are
25 empowered to operate an approved repair station by the
26 Federal Aviation Administration, (ii) have a Class IV

1 Rating, and (iii) conduct operations in accordance with
2 Part 145 of the Federal Aviation Regulations. The exemption
3 does not include aircraft operated by a commercial air
4 carrier providing scheduled passenger air service pursuant
5 to authority issued under Part 121 or Part 129 of the
6 Federal Aviation Regulations. The changes made to this
7 paragraph (40) by Public Act 98-534 are declarative of
8 existing law.

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

24 (42) Beginning January 1, 2017, menstrual pads,
25 tampons, and menstrual cups.

26 (43) Merchandise that is subject to the Rental Purchase

1 Agreement Occupation and Use Tax. The purchaser must
2 certify that the item is purchased to be rented subject to
3 a rental purchase agreement, as defined in the Rental
4 Purchase Agreement Act, and provide proof of registration
5 under the Rental Purchase Agreement Occupation and Use Tax
6 Act. This paragraph is exempt from the provisions of
7 Section 2-70.

8 (44) Qualified tangible personal property used in the
9 construction or operation of a data center that has been
10 granted a certificate of exemption by the Department of
11 Commerce and Economic Opportunity, whether that tangible
12 personal property is purchased by the owner, operator, or
13 tenant of the data center or by a contractor or
14 subcontractor of the owner, operator, or tenant. Data
15 centers that would have qualified for a certificate of
16 exemption prior to January 1, 2020 had this amendatory Act
17 of the 101st General Assembly been in effect, may apply for
18 and obtain an exemption for subsequent purchases of
19 computer equipment or enabling software purchased or
20 leased to upgrade, supplement, or replace computer
21 equipment or enabling software purchased or leased in the
22 original investment that would have qualified.

23 The Department of Commerce and Economic Opportunity
24 shall grant a certificate of exemption under this item (44)
25 to qualified data centers as defined by Section 605-1025 of
26 the Department of Commerce and Economic Opportunity Law of

1 the Civil Administrative Code of Illinois.

2 For the purposes of this item (44):

3 "Data center" means a building or a series of
4 buildings rehabilitated or constructed to house
5 working servers in one physical location or multiple
6 sites within the State of Illinois.

7 "Qualified tangible personal property" means:
8 electrical systems and equipment; climate control and
9 chilling equipment and systems; mechanical systems and
10 equipment; monitoring and secure systems; emergency
11 generators; hardware; computers; servers; data storage
12 devices; network connectivity equipment; racks;
13 cabinets; telecommunications cabling infrastructure;
14 raised floor systems; peripheral components or
15 systems; software; mechanical, electrical, or plumbing
16 systems; battery systems; cooling systems and towers;
17 temperature control systems; other cabling; and other
18 data center infrastructure equipment and systems
19 necessary to operate qualified tangible personal
20 property, including fixtures; and component parts of
21 any of the foregoing, including installation,
22 maintenance, repair, refurbishment, and replacement of
23 qualified tangible personal property to generate,
24 transform, transmit, distribute, or manage electricity
25 necessary to operate qualified tangible personal
26 property; and all other tangible personal property

1 that is essential to the operations of a computer data
2 center. The term "qualified tangible personal
3 property" also includes building materials physically
4 incorporated in to the qualifying data center. To
5 document the exemption allowed under this Section, the
6 retailer must obtain from the purchaser a copy of the
7 certificate of eligibility issued by the Department of
8 Commerce and Economic Opportunity.

9 This item (44) is exempt from the provisions of Section
10 2-70.

11 (Source: P.A. 100-22, eff. 7-6-17; 100-321, eff. 8-24-17;
12 100-437, eff. 1-1-18; 100-594, eff. 6-29-18; 100-863, eff.
13 8-14-18; 100-1171, eff. 1-4-19; 101-31, eff. 6-28-19; 101-81,
14 eff. 7-12-19.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.