



Sen. Christopher Belt

**Filed: 5/10/2023**

10300HB1497sam004

LRB103 04797 HLH 61770 a

1 AMENDMENT TO HOUSE BILL 1497

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1497, AS AMENDED,  
3 immediately below the enacting clause, by inserting the  
4 following:

5 "Section 1.1. Short title. This Act may be cited as the  
6 Car-Sharing Use and Occupation Tax Act.

7 Section 1.2. Definitions. As used in this Act:

8 "Car-sharing agreement" has the meaning given to that term  
9 in the Car-Sharing Program Act.

10 "Car-sharing price" means the consideration paid for the  
11 use of a shared vehicle pursuant to a car-sharing agreement,  
12 valued in money, whether received in money or otherwise,  
13 including cash credits, property, and services. The  
14 car-sharing price shall be determined without any deduction on  
15 account of the car-sharing program's liability under this Act  
16 or on account of separately stated charges for insurance or

1 recovery of refueling costs or other separately stated charges  
2 that are not for the use of a shared vehicle.

3 "Car-sharing program" has the meaning given to that term  
4 in the Car-Sharing Program Act.

5 "Department" means the Department of Revenue.

6 "Gross receipts" means the total car-sharing price  
7 collected by the car-sharing program from car-sharing  
8 agreements executed in the State.

9 "Peer-to-peer car sharing" has the meaning given to that  
10 term in the Car-Sharing Program Act.

11 "Shared vehicle" has the meaning given to that term in the  
12 Car-Sharing Program Act.

13 "Shared-vehicle driver" has the meaning given to that term  
14 in the Car-Sharing Program Act.

15 "Shared-vehicle owner" has the meaning given to that term  
16 in the Car-Sharing Program Act.

17 Section 1.3. Tax imposed; occupation tax. On and after  
18 January 1, 2024, a tax is imposed upon persons engaged in this  
19 State in the business of operating a car-sharing program at  
20 the rate of 5% of the gross receipts received from that  
21 business. The tax imposed under this Act does not apply if at  
22 least one of the parties to the car-sharing agreement is:

23 (1) a governmental body;

24 (2) a corporation, society, association, foundation or  
25 institution organized and operated exclusively for

1 charitable, religious, or educational purposes; or

2 (3) a not for profit corporation, society,  
3 association, foundation, institution, or organization that  
4 has no compensated officers or employees and that is  
5 organized and operated primarily for the recreation of  
6 persons 55 years of age or older.

7 Each car-sharing program that facilitates a car-sharing  
8 agreement in the State shall apply to the Department (upon a  
9 form prescribed and furnished by the Department) for a  
10 certificate of registration under this Act. The certificate of  
11 registration which is issued by the Department to a retailer  
12 under the Retailers' Occupation Tax Act shall permit the  
13 car-sharing program to engage in a business which is taxable  
14 under this Section without registering separately with the  
15 Department.

16 The Department shall have full power to administer and  
17 enforce this Section, to collect all taxes and penalties due  
18 hereunder, to dispose of taxes and penalties so collected in  
19 the manner hereinafter provided, and to determine all rights  
20 to credit memoranda, arising on account of the erroneous  
21 payment of tax or penalty hereunder. In the administration of,  
22 and compliance with, this Section, the Department and persons  
23 who are subject to this Section shall have the same rights,  
24 remedies, privileges, immunities, powers and duties, and be  
25 subject to the same conditions, restrictions, limitations,  
26 penalties and definitions of terms, and employ the same modes

1 of procedure, as are prescribed in Sections 1, 1a, 2 through  
2 2-65 (in respect to all provisions therein other than the  
3 State rate of tax), 2a, 2b, 2c, 3 (except provisions relating  
4 to transaction returns, electronic filing of returns, and  
5 quarter monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g,  
6 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12 and 13 of the  
7 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
8 Penalty and Interest Act as fully as if those provisions were  
9 set forth herein.

10 Section 1.4. Tax imposed; use tax.

11 (a) On and after January 1, 2024, a tax is imposed upon the  
12 privilege of using an automobile in this State if that use is  
13 subject to a car-sharing agreement. The tax is at the rate of  
14 5% of the car-sharing price. The tax imposed under this Act  
15 does not apply if at least one of the parties to the  
16 car-sharing agreement is:

17 (1) a governmental body;

18 (2) a corporation, society, association, foundation or  
19 institution organized and operated exclusively for  
20 charitable, religious, or educational purposes; or

21 (3) a not for profit corporation, society,  
22 association, foundation, institution, or organization that  
23 has no compensated officers or employees and that is  
24 organized and operated primarily for the recreation of  
25 persons 55 years of age or older.

1           (b) The tax imposed under this Section shall be collected  
2 from the shared vehicle driver by the car-sharing platform and  
3 remitted to the Department.

4           (c) The tax imposed under this Section that is not paid to  
5 a pursuant to subsection (b) shall be paid to the Department  
6 directly by the shared vehicle driver.

7           (d) The car-sharing platform shall collect the tax from  
8 shared vehicle drivers by adding the tax to the consideration  
9 paid for use of the shared vehicle, in the manner prescribed by  
10 the Department. The Department shall have the power to adopt  
11 rules for the adding of the tax by car-sharing programs by  
12 prescribing bracket systems for the purpose of enabling those  
13 car-sharing programs to add and collect, as far as  
14 practicable, the amount of the tax.

15           (e) The Department shall have full power to administer and  
16 enforce this Section; to collect all taxes, penalties and  
17 interest due hereunder; to dispose of taxes, penalties and  
18 interest so collected in the manner hereinafter provided, and  
19 to determine all rights to credit memoranda or refunds arising  
20 on account of the erroneous payment of tax, penalty or  
21 interest hereunder. In the administration of, and compliance  
22 with, this Section, the Department and persons who are subject  
23 to this Section shall have the same rights, remedies,  
24 privileges, immunities, powers and duties, and be subject to  
25 the same conditions, restrictions, limitations, penalties and  
26 definitions of terms, and employ the same modes of procedure,

1 as are prescribed in Sections 2, 3 through 3-80, 4, 6, 7, 8, 9  
2 (except provisions relating to transaction returns, electronic  
3 filing of returns, and quarter monthly payments), 10, 11, 12,  
4 12a, 12b, 13, 14, 15, 19, 20, 21 and 22 of the Use Tax Act, and  
5 are not inconsistent with this Section, as fully as if those  
6 provisions were set forth herein.

7 Section 1.5. Exceptions. The tax under this Act does not  
8 apply to the use of a shared vehicle if a tax has been paid  
9 with respect to that shared vehicle under the Use Tax Act, the  
10 Service Use Tax Act, the Service Occupation Tax Act, or the  
11 Retailers' Occupation Tax Act by the shared vehicle owner at  
12 the time the vehicle was purchased.

13 Section 1.6. Sunset of exemptions, credits, and  
14 deductions. The application of every exemption, credit, and  
15 deduction against tax imposed by this Act that becomes law  
16 after the effective date of this amendatory Act of 1994 shall  
17 be limited by a reasonable and appropriate sunset date. A  
18 taxpayer is not entitled to take the exemption, credit, or  
19 deduction beginning on the sunset date and thereafter. If a  
20 reasonable and appropriate sunset date is not specified in the  
21 Public Act that creates the exemption, credit, or deduction, a  
22 taxpayer shall not be entitled to take the exemption, credit,  
23 or deduction beginning 5 years after the effective date of the  
24 Public Act creating the exemption, credit, or deduction and

1 thereafter."; and

2 immediately above Section 99, by inserting the following:

3 Section 10. The Use Tax Act is amended by changing Section  
4 3-5 as follows:

5 (35 ILCS 105/3-5)

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

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

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

18 (3) Personal property purchased by a not-for-profit arts  
19 or cultural organization that establishes, by proof required  
20 by the Department by rule, that it has received an exemption  
21 under Section 501(c)(3) of the Internal Revenue Code and that  
22 is organized and operated primarily for the presentation or  
23 support of arts or cultural programming, activities, or

1 services. These organizations include, but are not limited to,  
2 music and dramatic arts organizations such as symphony  
3 orchestras and theatrical groups, arts and cultural service  
4 organizations, local arts councils, visual arts organizations,  
5 and media arts organizations. On and after July 1, 2001 (the  
6 effective date of Public Act 92-35), however, an entity  
7 otherwise eligible for this exemption shall not make tax-free  
8 purchases unless it has an active identification number issued  
9 by the Department.

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

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



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

14          (7) Farm chemicals.

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

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

22          (10) A motor vehicle that is used for automobile renting,  
23          as defined in the Automobile Renting Occupation and Use Tax  
24          Act.

25          (10.1) A shared vehicle the use of which is subject to the  
26          Car-Sharing Use and Occupation Tax Act. This paragraph is

1 exempt from the provisions of Section 3-90.

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

21 Farm machinery and equipment shall include precision  
22 farming equipment that is installed or purchased to be  
23 installed on farm machinery and equipment including, but not  
24 limited to, tractors, harvesters, sprayers, planters, seeders,  
25 or spreaders. Precision farming equipment includes, but is not  
26 limited to, soil testing sensors, computers, monitors,

1 software, global positioning and mapping systems, and other  
2 such equipment.

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

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

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

1 that aircraft.

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

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

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

25 (16) Until July 1, 2028, coal and aggregate exploration,  
26 mining, off-highway hauling, processing, maintenance, and

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

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

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

1 paragraph (18) includes production related tangible personal  
2 property, as defined in Section 3-50, purchased on or after  
3 July 1, 2019. The exemption provided by this paragraph (18)  
4 does not include machinery and equipment used in (i) the  
5 generation of electricity for wholesale or retail sale; (ii)  
6 the generation or treatment of natural or artificial gas for  
7 wholesale or retail sale that is delivered to customers  
8 through pipes, pipelines, or mains; or (iii) the treatment of  
9 water for wholesale or retail sale that is delivered to  
10 customers through pipes, pipelines, or mains. The provisions  
11 of Public Act 98-583 are declaratory of existing law as to the  
12 meaning and scope of this exemption. Beginning on July 1,  
13 2017, the exemption provided by this paragraph (18) includes,  
14 but is not limited to, graphic arts machinery and equipment,  
15 as defined in paragraph (6) of this Section.

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

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

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

1 Jockey Club, as appropriate, used for purposes of breeding or  
2 racing for prizes. This item (21) is exempt from the  
3 provisions of Section 3-90, and the exemption provided for  
4 under this item (21) applies for all periods beginning May 30,  
5 1995, but no claim for credit or refund is allowed on or after  
6 January 1, 2008 for such taxes paid during the period  
7 beginning May 30, 2000 and ending on January 1, 2008.

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

1 have a legal right to claim a refund of that amount from the  
2 lessor. If, however, that amount is not refunded to the lessee  
3 for any reason, the lessor is liable to pay that amount to the  
4 Department.

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

26 (24) Beginning with taxable years ending on or after



1 December 31, 1995 and ending with taxable years ending on or  
2 before December 31, 2004, personal property that is donated  
3 for disaster relief to be used in a State or federally declared  
4 disaster area in Illinois or bordering Illinois by a  
5 manufacturer or retailer that is registered in this State to a  
6 corporation, society, association, foundation, or institution  
7 that has been issued a sales tax exemption identification  
8 number by the Department that assists victims of the disaster  
9 who reside within the declared disaster area.

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

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

1           (27) A motor vehicle, as that term is defined in Section  
2 1-146 of the Illinois Vehicle Code, that is donated to a  
3 corporation, limited liability company, society, association,  
4 foundation, or institution that is determined by the  
5 Department to be organized and operated exclusively for  
6 educational purposes. For purposes of this exemption, "a  
7 corporation, limited liability company, society, association,  
8 foundation, or institution organized and operated exclusively  
9 for educational purposes" means all tax-supported public  
10 schools, private schools that offer systematic instruction in  
11 useful branches of learning by methods common to public  
12 schools and that compare favorably in their scope and  
13 intensity with the course of study presented in tax-supported  
14 schools, and vocational or technical schools or institutes  
15 organized and operated exclusively to provide a course of  
16 study of not less than 6 weeks duration and designed to prepare  
17 individuals to follow a trade or to pursue a manual,  
18 technical, mechanical, industrial, business, or commercial  
19 occupation.

20           (28) Beginning January 1, 2000, personal property,  
21 including food, purchased through fundraising events for the  
22 benefit of a public or private elementary or secondary school,  
23 a group of those schools, or one or more school districts if  
24 the events are sponsored by an entity recognized by the school  
25 district that consists primarily of volunteers and includes  
26 parents and teachers of the school children. This paragraph

1 does not apply to fundraising events (i) for the benefit of  
2 private home instruction or (ii) for which the fundraising  
3 entity 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 profits  
6 from the sale to the fundraising entity. This paragraph is  
7 exempt from the provisions of Section 3-90.

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

18 (30) Beginning January 1, 2001 and through June 30, 2016,  
19 food for human consumption that is to be consumed off the  
20 premises where it is sold (other than alcoholic beverages,  
21 soft drinks, and food that has been prepared for immediate  
22 consumption) and prescription and nonprescription medicines,  
23 drugs, medical appliances, and insulin, urine testing  
24 materials, syringes, and needles used by diabetics, for human  
25 use, when purchased for use by a person receiving medical  
26 assistance under Article V of the Illinois Public Aid Code who

1 resides in a licensed long-term care facility, as defined in  
2 the Nursing Home Care Act, or in a licensed facility as defined  
3 in the ID/DD Community Care Act, the MC/DD Act, or the  
4 Specialized Mental Health Rehabilitation Act of 2013.

5 (31) Beginning on August 2, 2001 (the effective date of  
6 Public Act 92-227), computers and communications equipment  
7 utilized for any hospital purpose and equipment used in the  
8 diagnosis, analysis, or treatment of hospital patients  
9 purchased by a lessor who leases the equipment, under a lease  
10 of one year or longer executed or in effect at the time the  
11 lessor would otherwise be subject to the tax imposed by this  
12 Act, to a hospital that has been issued an active tax exemption  
13 identification number by the Department under Section 1g of  
14 the Retailers' Occupation Tax Act. If the equipment is leased  
15 in a manner that does not qualify for this exemption or is used  
16 in any other nonexempt manner, the lessor shall be liable for  
17 the tax imposed under this Act or the Service Use Tax Act, as  
18 the case may be, based on the fair market value of the property  
19 at the time the nonqualifying use occurs. No lessor shall  
20 collect or attempt to collect an amount (however designated)  
21 that purports to reimburse that lessor for the tax imposed by  
22 this Act or the Service Use Tax Act, as the case may be, if the  
23 tax has not been paid by the lessor. If a lessor improperly  
24 collects any such amount from the lessee, the lessee shall  
25 have a legal right to claim a refund of that amount from the  
26 lessor. If, however, that amount is not refunded to the lessee

1 for any reason, the lessor is liable to pay that amount to the  
2 Department. This paragraph is exempt from the provisions of  
3 Section 3-90.

4 (32) Beginning on August 2, 2001 (the effective date of  
5 Public Act 92-227), personal property purchased by a lessor  
6 who leases the property, under a lease of one year or longer  
7 executed or in effect at the time the lessor would otherwise be  
8 subject to the tax imposed by this Act, to a governmental body  
9 that has been issued an active sales tax exemption  
10 identification number by the Department under Section 1g of  
11 the Retailers' Occupation Tax Act. If the property is leased  
12 in a manner that does not qualify for this exemption or used in  
13 any other nonexempt manner, the lessor shall be liable for the  
14 tax imposed under this Act or the Service Use Tax Act, as the  
15 case may be, based on the fair market value of the property at  
16 the time the nonqualifying use occurs. No lessor shall collect  
17 or attempt to collect an amount (however designated) that  
18 purports to reimburse that lessor for the tax imposed by this  
19 Act or the Service Use Tax Act, as the case may be, if the tax  
20 has not been paid by the lessor. If a lessor improperly  
21 collects any such amount from the lessee, the lessee shall  
22 have a legal right to claim a refund of that amount from the  
23 lessor. If, however, that amount is not refunded to the lessee  
24 for any reason, the lessor is liable to pay that amount to the  
25 Department. This paragraph is exempt from the provisions of  
26 Section 3-90.

1           (33) On and after July 1, 2003 and through June 30, 2004,  
2 the use in this State of motor vehicles of the second division  
3 with a gross vehicle weight in excess of 8,000 pounds and that  
4 are subject to the commercial distribution fee imposed under  
5 Section 3-815.1 of the Illinois Vehicle Code. Beginning on  
6 July 1, 2004 and through June 30, 2005, the use in this State  
7 of motor vehicles of the second division: (i) with a gross  
8 vehicle weight rating in excess of 8,000 pounds; (ii) that are  
9 subject to the commercial distribution fee imposed under  
10 Section 3-815.1 of the Illinois Vehicle Code; and (iii) that  
11 are primarily used for commercial purposes. Through June 30,  
12 2005, this exemption applies to repair and replacement parts  
13 added after the initial purchase of such a motor vehicle if  
14 that motor vehicle is used in a manner that would qualify for  
15 the rolling stock exemption otherwise provided for in this  
16 Act. For purposes of this paragraph, the term "used for  
17 commercial purposes" means the transportation of persons or  
18 property in furtherance of any commercial or industrial  
19 enterprise, whether for-hire or not.

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

1           (35) Beginning January 1, 2010 and continuing through  
2 December 31, 2024, materials, parts, equipment, components,  
3 and furnishings incorporated into or upon an aircraft as part  
4 of the modification, refurbishment, completion, replacement,  
5 repair, or maintenance of the aircraft. This exemption  
6 includes consumable supplies used in the modification,  
7 refurbishment, completion, replacement, repair, and  
8 maintenance of aircraft, but excludes any materials, parts,  
9 equipment, components, and consumable supplies used in the  
10 modification, replacement, repair, and maintenance of aircraft  
11 engines or power plants, whether such engines or power plants  
12 are installed or uninstalled upon any such aircraft.  
13 "Consumable supplies" include, but are not limited to,  
14 adhesive, tape, sandpaper, general purpose lubricants,  
15 cleaning solution, latex gloves, and protective films. This  
16 exemption applies only to the use of qualifying tangible  
17 personal property by persons who modify, refurbish, complete,  
18 repair, replace, or maintain aircraft and who (i) hold an Air  
19 Agency Certificate and are empowered to operate an approved  
20 repair station by the Federal Aviation Administration, (ii)  
21 have a Class IV Rating, and (iii) conduct operations in  
22 accordance with Part 145 of the Federal Aviation Regulations.  
23 The exemption does not include aircraft operated by a  
24 commercial air carrier providing scheduled passenger air  
25 service pursuant to authority issued under Part 121 or Part  
26 129 of the Federal Aviation Regulations. The changes made to

1 this paragraph (35) by Public Act 98-534 are declarative of  
2 existing law. It is the intent of the General Assembly that the  
3 exemption under this paragraph (35) applies continuously from  
4 January 1, 2010 through December 31, 2024; however, no claim  
5 for credit or refund is allowed for taxes paid as a result of  
6 the disallowance of this exemption on or after January 1, 2015  
7 and prior to February 5, 2020 (the effective date of Public Act  
8 101-629) ~~this amendatory Act of the 101st General Assembly.~~

9 (36) Tangible personal property purchased by 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, but  
13 only if the legal title to the municipal convention hall is  
14 transferred to the municipality without any further  
15 consideration by or on behalf of the municipality at the time  
16 of the completion of the municipal convention hall or upon the  
17 retirement or redemption of any bonds or other debt  
18 instruments issued by the public-facilities corporation in  
19 connection with the development of the municipal convention  
20 hall. This exemption includes existing public-facilities  
21 corporations as provided in Section 11-65-25 of the Illinois  
22 Municipal Code. This paragraph is exempt from the provisions  
23 of Section 3-90.

24 (37) Beginning January 1, 2017 and through December 31,  
25 2026, menstrual pads, tampons, and menstrual cups.

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



1 Agreement Occupation and Use Tax. The purchaser must certify  
2 that the item is purchased to be rented subject to a rental  
3 purchase agreement, as defined in the Rental Purchase  
4 Agreement Act, and provide proof of registration under the  
5 Rental Purchase Agreement Occupation and Use Tax Act. This  
6 paragraph is exempt from the provisions of Section 3-90.

7 (39) Tangible personal property purchased by a purchaser  
8 who is exempt from the tax imposed by this Act by operation of  
9 federal law. This paragraph is exempt from the provisions of  
10 Section 3-90.

11 (40) Qualified tangible personal property used in the  
12 construction or operation of a data center that has been  
13 granted a certificate of exemption by the Department of  
14 Commerce and Economic Opportunity, whether that tangible  
15 personal property is purchased by the owner, operator, or  
16 tenant of the data center or by a contractor or subcontractor  
17 of the owner, operator, or tenant. Data centers that would  
18 have qualified for a certificate of exemption prior to January  
19 1, 2020 had Public Act 101-31 been in effect may apply for and  
20 obtain an exemption for subsequent purchases of computer  
21 equipment or enabling software purchased or leased to upgrade,  
22 supplement, or replace computer equipment or enabling software  
23 purchased or leased in the original investment that would have  
24 qualified.

25 The Department of Commerce and Economic Opportunity shall  
26 grant a certificate of exemption under this item (40) to

1 qualified data centers as defined by Section 605-1025 of the  
2 Department of Commerce and Economic Opportunity Law of the  
3 Civil Administrative Code of Illinois.

4 For the purposes of this item (40):

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

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

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

10 This item (40) is exempt from the provisions of Section  
11 3-90.

12 (41) Beginning July 1, 2022, breast pumps, breast pump  
13 collection and storage supplies, and breast pump kits. This  
14 item (41) is exempt from the provisions of Section 3-90. As  
15 used in this item (41):

16 "Breast pump" means an electrically controlled or  
17 manually controlled pump device designed or marketed to be  
18 used to express milk from a human breast during lactation,  
19 including the pump device and any battery, AC adapter, or  
20 other power supply unit that is used to power the pump  
21 device and is packaged and sold with the pump device at the  
22 time of sale.

23 "Breast pump collection and storage supplies" means  
24 items of tangible personal property designed or marketed  
25 to be used in conjunction with a breast pump to collect  
26 milk expressed from a human breast and to store collected

1 milk until it is ready for consumption.

2 "Breast pump collection and storage supplies"  
3 includes, but is not limited to: breast shields and breast  
4 shield connectors; breast pump tubes and tubing adapters;  
5 breast pump valves and membranes; backflow protectors and  
6 backflow protector adaptors; bottles and bottle caps  
7 specific to the operation of the breast pump; and breast  
8 milk storage bags.

9 "Breast pump collection and storage supplies" does not  
10 include: (1) bottles and bottle caps not specific to the  
11 operation of the breast pump; (2) breast pump travel bags  
12 and other similar carrying accessories, including ice  
13 packs, labels, and other similar products; (3) breast pump  
14 cleaning supplies; (4) nursing bras, bra pads, breast  
15 shells, and other similar products; and (5) creams,  
16 ointments, and other similar products that relieve  
17 breastfeeding-related symptoms or conditions of the  
18 breasts or nipples, unless sold as part of a breast pump  
19 kit that is pre-packaged by the breast pump manufacturer  
20 or distributor.

21 "Breast pump kit" means a kit that: (1) contains no  
22 more than a breast pump, breast pump collection and  
23 storage supplies, a rechargeable battery for operating the  
24 breast pump, a breastmilk cooler, bottle stands, ice  
25 packs, and a breast pump carrying case; and (2) is  
26 pre-packaged as a breast pump kit by the breast pump

1 manufacturer or distributor.

2 (42) ~~(41)~~ Tangible personal property sold by or on behalf  
3 of the State Treasurer pursuant to the Revised Uniform  
4 Unclaimed Property Act. This item (42) ~~(41)~~ is exempt from the  
5 provisions of Section 3-90.

6 (Source: P.A. 101-9, eff. 6-5-19; 101-31, eff. 6-28-19;  
7 101-81, eff. 7-12-19; 101-629, eff. 2-5-20; 102-16, eff.  
8 6-17-21; 102-700, Article 70, Section 70-5, eff. 4-19-22;  
9 102-700, Article 75, Section 75-5, eff. 4-19-22; 102-1026,  
10 eff. 5-27-22; revised 8-1-22.)

11 Section 15. The Retailers' Occupation Tax Act is amended  
12 by changing Section 2-5 as follows:

13 (35 ILCS 120/2-5)

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

17 (1) Farm chemicals.

18 (2) Farm machinery and equipment, both new and used,  
19 including that manufactured on special order, certified by  
20 the purchaser to be used primarily for production  
21 agriculture or State or federal agricultural programs,  
22 including individual replacement parts for the machinery  
23 and equipment, including machinery and equipment purchased  
24 for lease, and including implements of husbandry defined

1 in Section 1-130 of the Illinois Vehicle Code, farm  
2 machinery and agricultural chemical and fertilizer  
3 spreaders, and nurse wagons required to be registered  
4 under Section 3-809 of the Illinois Vehicle Code, but  
5 excluding other motor vehicles required to be registered  
6 under the Illinois Vehicle Code. Horticultural polyhouses  
7 or hoop houses used for propagating, growing, or  
8 overwintering plants shall be considered farm machinery  
9 and equipment under this item (2). Agricultural chemical  
10 tender tanks and dry boxes shall include units sold  
11 separately from a motor vehicle required to be licensed  
12 and units sold mounted on a motor vehicle required to be  
13 licensed, if the selling price of the tender is separately  
14 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  
18 not limited to, tractors, harvesters, sprayers, planters,  
19 seeders, or spreaders. Precision farming equipment  
20 includes, but is not limited to, soil testing sensors,  
21 computers, monitors, software, global positioning and  
22 mapping systems, and other such equipment.

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

1 limited to, the collection, monitoring, and correlation of  
2 animal and crop data for the purpose of formulating animal  
3 diets and agricultural chemicals. This item (2) is exempt  
4 from the provisions of Section 2-70.

5 (3) Until July 1, 2003, distillation machinery and  
6 equipment, sold as a unit or kit, assembled or installed  
7 by the retailer, certified by the user to be used only for  
8 the production of ethyl alcohol that will be used for  
9 consumption as motor fuel or as a component of motor fuel  
10 for the personal use of the user, and not subject to sale  
11 or resale.

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

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

1 and Use Tax Act. This paragraph is exempt from the  
2 provisions of Section 2-70.

3 (10.1) A shared vehicle the use of which is subject to the  
4 Car-Sharing Use and Occupation Tax Act. This paragraph is  
5 exempt from the provisions of Section 2-70.

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

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

12 (8) Personal property sold to an Illinois county fair  
13 association for use in conducting, operating, or promoting  
14 the county fair.

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



1 92-35), however, an entity otherwise eligible for this  
2 exemption shall not make tax-free purchases unless it has  
3 an active identification number issued by the Department.

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

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

26 (12) (Blank).

1           (12-5) On and after July 1, 2003 and through June 30,  
2           2004, motor vehicles of the second division with a gross  
3           vehicle weight in excess of 8,000 pounds that are subject  
4           to the commercial distribution fee imposed under Section  
5           3-815.1 of the Illinois Vehicle Code. Beginning on July 1,  
6           2004 and through June 30, 2005, the use in this State of  
7           motor vehicles of the second division: (i) with a gross  
8           vehicle weight rating in excess of 8,000 pounds; (ii) that  
9           are subject to the commercial distribution fee imposed  
10          under Section 3-815.1 of the Illinois Vehicle Code; and  
11          (iii) that are primarily used for commercial purposes.  
12          Through June 30, 2005, this exemption applies to repair  
13          and replacement parts added after the initial purchase of  
14          such a motor vehicle if that motor vehicle is used in a  
15          manner that would qualify for the rolling stock exemption  
16          otherwise provided for in this Act. For purposes of this  
17          paragraph, "used for commercial purposes" means the  
18          transportation of persons or property in furtherance of  
19          any commercial or industrial enterprise whether for-hire  
20          or not.

21          (13) Proceeds from sales to owners, lessors, or  
22          shippers of tangible personal property that is utilized by  
23          interstate carriers for hire for use as rolling stock  
24          moving in interstate commerce and equipment operated by a  
25          telecommunications provider, licensed as a common carrier  
26          by the Federal Communications Commission, which is

1 permanently installed in or affixed to aircraft moving in  
2 interstate commerce.

3 (14) Machinery and equipment that will be used by the  
4 purchaser, or a lessee of the purchaser, primarily in the  
5 process of manufacturing or assembling tangible personal  
6 property for wholesale or retail sale or lease, whether  
7 the sale or lease is made directly by the manufacturer or  
8 by some other person, whether the materials used in the  
9 process are owned by the manufacturer or some other  
10 person, or whether the sale or lease is made apart from or  
11 as an incident to the seller's engaging in the service  
12 occupation of producing machines, tools, dies, jigs,  
13 patterns, gauges, or other similar items of no commercial  
14 value on special order for a particular purchaser. The  
15 exemption provided by this paragraph (14) does not include  
16 machinery and equipment used in (i) the generation of  
17 electricity for wholesale or retail sale; (ii) the  
18 generation or treatment of natural or artificial gas for  
19 wholesale or retail sale that is delivered to customers  
20 through pipes, pipelines, or mains; or (iii) the treatment  
21 of water for wholesale or retail sale that is delivered to  
22 customers through pipes, pipelines, or mains. The  
23 provisions of Public Act 98-583 are declaratory of  
24 existing law as to the meaning and scope of this  
25 exemption. Beginning on July 1, 2017, the exemption  
26 provided by this paragraph (14) includes, but is not

1 limited to, graphic arts machinery and equipment, as  
2 defined in paragraph (4) of this Section.

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

11 (16) Tangible personal property sold to a purchaser if  
12 the purchaser is exempt from use tax by operation of  
13 federal law. This paragraph is exempt from the provisions  
14 of Section 2-70.

15 (17) Tangible personal property sold to a common  
16 carrier by rail or motor that receives the physical  
17 possession of the property in Illinois and that transports  
18 the property, or shares with another common carrier in the  
19 transportation of the property, out of Illinois on a  
20 standard uniform bill of lading showing the seller of the  
21 property as the shipper or consignor of the property to a  
22 destination outside Illinois, for use outside Illinois.

23 (18) Legal tender, currency, medallions, or gold or  
24 silver coinage issued by the State of Illinois, the  
25 government of the United States of America, or the  
26 government of any foreign country, and bullion.

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

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

17           (21) Until July 1, 2028, coal and aggregate  
18 exploration, mining, off-highway hauling, processing,  
19 maintenance, and reclamation equipment, including  
20 replacement parts and equipment, and including equipment  
21 purchased for lease, but excluding motor vehicles required  
22 to be registered under the Illinois Vehicle Code. The  
23 changes made to this Section by Public Act 97-767 apply on  
24 and after July 1, 2003, but no claim for credit or refund  
25 is allowed on or after August 16, 2013 (the effective date  
26 of Public Act 98-456) for such taxes paid during the

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

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

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

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

24 (24) Fuel consumed or used in the operation of ships,  
25 barges, or vessels that are used primarily in or for the  
26 transportation of property or the conveyance of persons

1 for hire on rivers bordering on this State if the fuel is  
2 delivered by the seller to the purchaser's barge, ship, or  
3 vessel while it is afloat upon that bordering river.

4 (25) Except as provided in item (25-5) of this  
5 Section, a motor vehicle sold in this State to a  
6 nonresident even though the motor vehicle is delivered to  
7 the nonresident in this State, if the motor vehicle is not  
8 to be titled in this State, and if a drive-away permit is  
9 issued to the motor vehicle as provided in Section 3-603  
10 of the Illinois Vehicle Code or if the nonresident  
11 purchaser has vehicle registration plates to transfer to  
12 the motor vehicle upon returning to his or her home state.  
13 The issuance of the drive-away permit or having the  
14 out-of-state registration plates to be transferred is  
15 prima facie evidence that the motor vehicle will not be  
16 titled in this State.

17 (25-5) The exemption under item (25) does not apply if  
18 the state in which the motor vehicle will be titled does  
19 not allow a reciprocal exemption for a motor vehicle sold  
20 and delivered in that state to an Illinois resident but  
21 titled in Illinois. The tax collected under this Act on  
22 the sale of a motor vehicle in this State to a resident of  
23 another state that does not allow a reciprocal exemption  
24 shall be imposed at a rate equal to the state's rate of tax  
25 on taxable property in the state in which the purchaser is  
26 a resident, except that the tax shall not exceed the tax

1 that would otherwise be imposed under this Act. At the  
2 time of the sale, the purchaser shall execute a statement,  
3 signed under penalty of perjury, of his or her intent to  
4 title the vehicle in the state in which the purchaser is a  
5 resident within 30 days after the sale and of the fact of  
6 the payment to the State of Illinois of tax in an amount  
7 equivalent to the state's rate of tax on taxable property  
8 in his or her state of residence and shall submit the  
9 statement to the appropriate tax collection agency in his  
10 or her state of residence. In addition, the retailer must  
11 retain a signed copy of the statement in his or her  
12 records. Nothing in this item shall be construed to  
13 require the removal of the vehicle from this state  
14 following the filing of an intent to title the vehicle in  
15 the purchaser's state of residence if the purchaser titles  
16 the vehicle in his or her state of residence within 30 days  
17 after the date of sale. The tax collected under this Act in  
18 accordance with this item (25-5) shall be proportionately  
19 distributed as if the tax were collected at the 6.25%  
20 general rate imposed under this Act.

21 (25-7) Beginning on July 1, 2007, no tax is imposed  
22 under this Act on the sale of an aircraft, as defined in  
23 Section 3 of the Illinois Aeronautics Act, if all of the  
24 following conditions are met:

- 25 (1) the aircraft leaves this State within 15 days  
26 after the later of either the issuance of the final



1 billing for the sale of the aircraft, or the  
2 authorized approval for return to service, completion  
3 of the maintenance record entry, and completion of the  
4 test flight and ground test for inspection, as  
5 required by 14 CFR ~~C.F.R.~~ 91.407;

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

8 (3) the seller retains in his or her books and  
9 records and provides to the Department a signed and  
10 dated certification from the purchaser, on a form  
11 prescribed by the Department, certifying that the  
12 requirements of this item (25-7) are met. The  
13 certificate must also include the name and address of  
14 the purchaser, the address of the location where the  
15 aircraft is to be titled or registered, the address of  
16 the primary physical location of the aircraft, and  
17 other information that the Department may reasonably  
18 require.

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

20 "Based in this State" means hangared, stored, or  
21 otherwise used, excluding post-sale customizations as  
22 defined in this Section, for 10 or more days in each  
23 12-month period immediately following the date of the sale  
24 of the aircraft.

25 "Registered in this State" means an aircraft  
26 registered with the Department of Transportation,

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

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

6           (26) Semen used for artificial insemination of  
7           livestock for direct agricultural production.

8           (27) Horses, or interests in horses, registered with  
9           and meeting the requirements of any of the Arabian Horse  
10          Club Registry of America, Appaloosa Horse Club, American  
11          Quarter Horse Association, United States Trotting  
12          Association, or Jockey Club, as appropriate, used for  
13          purposes of breeding or racing for prizes. This item (27)  
14          is exempt from the provisions of Section 2-70, and the  
15          exemption provided for under this item (27) applies for  
16          all periods beginning May 30, 1995, but no claim for  
17          credit or refund is allowed on or after January 1, 2008  
18          (the effective date of Public Act 95-88) for such taxes  
19          paid during the period beginning May 30, 2000 and ending  
20          on January 1, 2008 (the effective date of Public Act  
21          95-88).

22          (28) Computers and communications equipment utilized  
23          for any hospital purpose and equipment used in the  
24          diagnosis, analysis, or treatment of hospital patients  
25          sold to a lessor who leases the equipment, under a lease of  
26          one year or longer executed or in effect at the time of the

1 purchase, to a hospital that has been issued an active tax  
2 exemption identification number by the Department under  
3 Section 1g of this Act.

4 (29) Personal property sold to a lessor who leases the  
5 property, under a lease of one year or longer executed or  
6 in effect at the time of the purchase, to a governmental  
7 body that has been issued an active tax exemption  
8 identification number by the Department under Section 1g  
9 of this Act.

10 (30) Beginning with taxable years ending on or after  
11 December 31, 1995 and ending with taxable years ending on  
12 or before December 31, 2004, personal property that is  
13 donated for disaster relief to be used in a State or  
14 federally declared disaster area in Illinois or bordering  
15 Illinois by a manufacturer or retailer that is registered  
16 in this State to a corporation, society, association,  
17 foundation, or institution that has been issued a sales  
18 tax exemption identification number by the Department that  
19 assists victims of the disaster who reside within the  
20 declared disaster area.

21 (31) Beginning with taxable years ending on or after  
22 December 31, 1995 and ending with taxable years ending on  
23 or before December 31, 2004, personal property that is  
24 used in the performance of infrastructure repairs in this  
25 State, including but not limited to municipal roads and  
26 streets, access roads, bridges, sidewalks, waste disposal

1 systems, water and sewer line extensions, water  
2 distribution and purification facilities, storm water  
3 drainage and retention facilities, and sewage treatment  
4 facilities, resulting from a State or federally declared  
5 disaster in Illinois or bordering Illinois when such  
6 repairs are initiated on facilities located in the  
7 declared disaster area within 6 months after the disaster.

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

12 (33) A motor vehicle, as that term is defined in  
13 Section 1-146 of the Illinois Vehicle Code, that is  
14 donated to a corporation, limited liability company,  
15 society, association, foundation, or institution that is  
16 determined by the Department to be organized and operated  
17 exclusively for educational purposes. For purposes of this  
18 exemption, "a corporation, limited liability company,  
19 society, association, foundation, or institution organized  
20 and operated exclusively for educational purposes" means  
21 all tax-supported public schools, private schools that  
22 offer systematic instruction in useful branches of  
23 learning by methods common to public schools and that  
24 compare favorably in their scope and intensity with the  
25 course of study presented in tax-supported schools, and  
26 vocational or technical schools or institutes organized

1 and operated exclusively to provide a course of study of  
2 not less than 6 weeks duration and designed to prepare  
3 individuals to follow a trade or to pursue a manual,  
4 technical, mechanical, industrial, business, or commercial  
5 occupation.

6 (34) Beginning January 1, 2000, personal property,  
7 including food, purchased through fundraising events for  
8 the benefit of a public or private elementary or secondary  
9 school, a group of those schools, or one or more school  
10 districts if the events are sponsored by an entity  
11 recognized by the school district that consists primarily  
12 of volunteers and includes parents and teachers of the  
13 school children. This paragraph does not apply to  
14 fundraising events (i) for the benefit of private home  
15 instruction or (ii) for which the fundraising entity  
16 purchases the personal property sold at the events from  
17 another individual or entity that sold the property for  
18 the purpose of resale by the fundraising entity and that  
19 profits from the sale to the fundraising entity. This  
20 paragraph is exempt from the provisions of Section 2-70.

21 (35) Beginning January 1, 2000 and through December  
22 31, 2001, new or used automatic vending machines that  
23 prepare and serve hot food and beverages, including  
24 coffee, soup, and other items, and replacement parts for  
25 these machines. Beginning January 1, 2002 and through June  
26 30, 2003, machines and parts for machines used in

1 commercial, coin-operated amusement and vending business  
2 if a use or occupation tax is paid on the gross receipts  
3 derived from the use of the commercial, coin-operated  
4 amusement and vending machines. This paragraph is exempt  
5 from the provisions of Section 2-70.

6 (35-5) Beginning August 23, 2001 and through June 30,  
7 2016, food for human consumption that is to be consumed  
8 off the premises where it is sold (other than alcoholic  
9 beverages, soft drinks, and food that has been prepared  
10 for immediate consumption) and prescription and  
11 nonprescription medicines, drugs, medical appliances, and  
12 insulin, urine testing materials, syringes, and needles  
13 used by diabetics, for human use, when purchased for use  
14 by a person receiving medical assistance under Article V  
15 of the Illinois Public Aid Code who resides in a licensed  
16 long-term care facility, as defined in the Nursing Home  
17 Care Act, or a licensed facility as defined in the ID/DD  
18 Community Care Act, the MC/DD Act, or the Specialized  
19 Mental Health Rehabilitation Act of 2013.

20 (36) Beginning August 2, 2001, computers and  
21 communications equipment utilized for any hospital purpose  
22 and equipment used in the diagnosis, analysis, or  
23 treatment of hospital patients sold to a lessor who leases  
24 the equipment, under a lease of one year or longer  
25 executed or in effect at the time of the purchase, to a  
26 hospital that has been issued an active tax exemption

1 identification number by the Department under Section 1g  
2 of this Act. This paragraph is exempt from the provisions  
3 of Section 2-70.

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

11 (38) Beginning on January 1, 2002 and through June 30,  
12 2016, tangible personal property purchased from an  
13 Illinois retailer by a taxpayer engaged in centralized  
14 purchasing activities in Illinois who will, upon receipt  
15 of the property in Illinois, temporarily store the  
16 property in Illinois (i) for the purpose of subsequently  
17 transporting it outside this State for use or consumption  
18 thereafter solely outside this State or (ii) for the  
19 purpose of being processed, fabricated, or manufactured  
20 into, attached to, or incorporated into other tangible  
21 personal property to be transported outside this State and  
22 thereafter used or consumed solely outside this State. The  
23 Director of Revenue shall, pursuant to rules adopted in  
24 accordance with the Illinois Administrative Procedure Act,  
25 issue a permit to any taxpayer in good standing with the  
26 Department who is eligible for the exemption under this

1 paragraph (38). The permit issued under this paragraph  
2 (38) shall authorize the holder, to the extent and in the  
3 manner specified in the rules adopted under this Act, to  
4 purchase tangible personal property from a retailer exempt  
5 from the taxes imposed by this Act. Taxpayers shall  
6 maintain all necessary books and records to substantiate  
7 the use and consumption of all such tangible personal  
8 property outside of the State of Illinois.

9 (39) Beginning January 1, 2008, tangible personal  
10 property used in the construction or maintenance of a  
11 community water supply, as defined under Section 3.145 of  
12 the Environmental Protection Act, that is operated by a  
13 not-for-profit corporation that holds a valid water supply  
14 permit issued under Title IV of the Environmental  
15 Protection Act. This paragraph is exempt from the  
16 provisions of Section 2-70.

17 (40) Beginning January 1, 2010 and continuing through  
18 December 31, 2024, materials, parts, equipment,  
19 components, and furnishings incorporated into or upon an  
20 aircraft as part of the modification, refurbishment,  
21 completion, replacement, repair, or maintenance of the  
22 aircraft. This exemption includes consumable supplies used  
23 in the modification, refurbishment, completion,  
24 replacement, repair, and maintenance of aircraft, but  
25 excludes any materials, parts, equipment, components, and  
26 consumable supplies used in the modification, replacement,



1 repair, and maintenance of aircraft engines or power  
2 plants, whether such engines or power plants are installed  
3 or uninstalled upon any such aircraft. "Consumable  
4 supplies" include, but are not limited to, adhesive, tape,  
5 sandpaper, general purpose lubricants, cleaning solution,  
6 latex gloves, and protective films. This exemption applies  
7 only to the sale of qualifying tangible personal property  
8 to persons who modify, refurbish, complete, replace, or  
9 maintain an aircraft and who (i) hold an Air Agency  
10 Certificate and are empowered to operate an approved  
11 repair station by the Federal Aviation Administration,  
12 (ii) have a Class IV Rating, and (iii) conduct operations  
13 in accordance with Part 145 of the Federal Aviation  
14 Regulations. The exemption does not include aircraft  
15 operated by a commercial air carrier providing scheduled  
16 passenger air service pursuant to authority issued under  
17 Part 121 or Part 129 of the Federal Aviation Regulations.  
18 The changes made to this paragraph (40) by Public Act  
19 98-534 are declarative of existing law. It is the intent  
20 of the General Assembly that the exemption under this  
21 paragraph (40) applies continuously from January 1, 2010  
22 through December 31, 2024; however, no claim for credit or  
23 refund is allowed for taxes paid as a result of the  
24 disallowance of this exemption on or after January 1, 2015  
25 and prior to February 5, 2020 (the effective date of  
26 Public Act 101-629) ~~this amendatory Act of the 101st~~

1 ~~General Assembly.~~

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

17 (42) Beginning January 1, 2017 and through December  
18 31, 2026, menstrual pads, tampons, and menstrual cups.

19 (43) Merchandise that is subject to the Rental  
20 Purchase Agreement Occupation and Use Tax. The purchaser  
21 must certify that the item is purchased to be rented  
22 subject to a rental purchase agreement, as defined in the  
23 Rental Purchase Agreement Act, and provide proof of  
24 registration under the Rental Purchase Agreement  
25 Occupation and Use Tax Act. This paragraph is exempt from  
26 the provisions of Section 2-70.

1           (44) 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  
7 subcontractor of the owner, operator, or tenant. Data  
8 centers that would have qualified for a certificate of  
9 exemption prior to January 1, 2020 had Public Act 101-31  
10 ~~this amendatory Act of the 101st General Assembly~~ been in  
11 effect, may apply for and obtain an exemption for  
12 subsequent purchases of computer equipment or enabling  
13 software purchased or leased to upgrade, supplement, or  
14 replace computer equipment or enabling software purchased  
15 or leased in the original investment that would have  
16 qualified.

17           The Department of Commerce and Economic Opportunity  
18 shall grant a certificate of exemption under this item  
19 (44) to qualified data centers as defined by Section  
20 605-1025 of the Department of Commerce and Economic  
21 Opportunity Law of the Civil Administrative Code of  
22 Illinois.

23           For the purposes of this item (44):

24           "Data center" means a building or a series of  
25 buildings rehabilitated or constructed to house  
26 working servers in one physical location or multiple

1 sites within the State of Illinois.

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

1           retailer must obtain from the purchaser a copy of the  
2           certificate of eligibility issued by the Department of  
3           Commerce and Economic Opportunity.

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

6           (45) Beginning January 1, 2020 and through December  
7           31, 2020, sales of tangible personal property made by a  
8           marketplace seller over a marketplace for which tax is due  
9           under this Act but for which use tax has been collected and  
10          remitted to the Department by a marketplace facilitator  
11          under Section 2d of the Use Tax Act are exempt from tax  
12          under this Act. A marketplace seller claiming this  
13          exemption shall maintain books and records demonstrating  
14          that the use tax on such sales has been collected and  
15          remitted by a marketplace facilitator. Marketplace sellers  
16          that have properly remitted tax under this Act on such  
17          sales may file a claim for credit as provided in Section 6  
18          of this Act. No claim is allowed, however, for such taxes  
19          for which a credit or refund has been issued to the  
20          marketplace facilitator under the Use Tax Act, or for  
21          which the marketplace facilitator has filed a claim for  
22          credit or refund under the Use Tax Act.

23          (46) Beginning July 1, 2022, breast pumps, breast pump  
24          collection and storage supplies, and breast pump kits.  
25          This item (46) is exempt from the provisions of Section  
26          2-70. As used in this item (46):

1 "Breast pump" means an electrically controlled or  
2 manually controlled pump device designed or marketed to be  
3 used to express milk from a human breast during lactation,  
4 including the pump device and any battery, AC adapter, or  
5 other power supply unit that is used to power the pump  
6 device and is packaged and sold with the pump device at the  
7 time of sale.

8 "Breast pump collection and storage supplies" means  
9 items of tangible personal property designed or marketed  
10 to be used in conjunction with a breast pump to collect  
11 milk expressed from a human breast and to store collected  
12 milk until it is ready for consumption.

13 "Breast pump collection and storage supplies"  
14 includes, but is not limited to: breast shields and breast  
15 shield connectors; breast pump tubes and tubing adapters;  
16 breast pump valves and membranes; backflow protectors and  
17 backflow protector adaptors; bottles and bottle caps  
18 specific to the operation of the breast pump; and breast  
19 milk storage bags.

20 "Breast pump collection and storage supplies" does not  
21 include: (1) bottles and bottle caps not specific to the  
22 operation of the breast pump; (2) breast pump travel bags  
23 and other similar carrying accessories, including ice  
24 packs, labels, and other similar products; (3) breast pump  
25 cleaning supplies; (4) nursing bras, bra pads, breast  
26 shells, and other similar products; and (5) creams,

1 ointments, and other similar products that relieve  
2 breastfeeding-related symptoms or conditions of the  
3 breasts or nipples, unless sold as part of a breast pump  
4 kit that is pre-packaged by the breast pump manufacturer  
5 or distributor.

6 "Breast pump kit" means a kit that: (1) contains no  
7 more than a breast pump, breast pump collection and  
8 storage supplies, a rechargeable battery for operating the  
9 breast pump, a breastmilk cooler, bottle stands, ice  
10 packs, and a breast pump carrying case; and (2) is  
11 pre-packaged as a breast pump kit by the breast pump  
12 manufacturer or distributor.

13 (47) ~~(46)~~ Tangible personal property sold by or on  
14 behalf of the State Treasurer pursuant to the Revised  
15 Uniform Unclaimed Property Act. This item (47) ~~(46)~~ is  
16 exempt from the provisions of Section 2-70.

17 (Source: P.A. 101-31, eff. 6-28-19; 101-81, eff. 7-12-19;  
18 101-629, eff. 2-5-20; 102-16, eff. 6-17-21; 102-634, eff.  
19 8-27-21; 102-700, Article 70, Section 70-20, eff. 4-19-22;  
20 102-700, Article 75, Section 75-20, eff. 4-19-22; 102-813,  
21 eff. 5-13-22; 102-1026, eff. 5-27-22; revised 8-15-22.)

22 Section 20. The Automobile Renting Occupation and Use Tax  
23 Act is amended by changing Section 2 as follows:

24 (35 ILCS 155/2) (from Ch. 120, par. 1702)

1           Sec. 2. Definitions. "Renting" means any transfer of the  
2 possession or right to possession of an automobile to a user  
3 for a valuable consideration for a period of one year or less.

4           "Renting" does not include making a charge for the use of  
5 an automobile where the rentor, either himself or through an  
6 agent, furnishes a service of operating an automobile so that  
7 the rentor remains in possession of the automobile, because  
8 this does not constitute a transfer of possession or right to  
9 possession of the automobile.

10           "Renting" does not include the making of a charge by an  
11 automobile dealer for the use of an automobile as a  
12 demonstrator in connection with the dealer's business of  
13 selling, where the charge is merely made to recover the costs  
14 of operating the automobile as a demonstrator and is not  
15 intended as a rental or leasing charge in the ordinary sense.

16           "Renting" does not include peer-to-peer car sharing, as  
17 defined in Section 5 of the Car-Sharing Program Act.

18           "Automobile" means (1) any motor vehicle of the first  
19 division, or (2) a motor vehicle of the second division which:  
20 (A) is a self-contained motor vehicle designed or permanently  
21 converted to provide living quarters for recreational, camping  
22 or travel use, with direct walk through access to the living  
23 quarters from the driver's seat; (B) is of the van  
24 configuration designed for the transportation of not less than  
25 7 nor more than 16 passengers, as defined in Section 1-146 of  
26 the Illinois Vehicle Code; or (C) has a Gross Vehicle Weight



1 Rating, as defined in Section 1-124.5 of the Illinois Vehicle  
2 Code, of 8,000 pounds or less.

3 "Department" means the Department of Revenue.

4 "Person" means any natural individual, firm, partnership,  
5 association, joint stock company, joint adventure, public or  
6 private corporation, limited liability company, or a receiver,  
7 executor, trustee, conservator or other representative  
8 appointed by order of any court.

9 "Rentor" means any person, firm, corporation or  
10 association engaged in the business of renting or leasing  
11 automobiles to users. For this purpose, the objective of  
12 making a profit is not necessary to make the renting activity a  
13 business.

14 "Rentor" does not include a car-sharing program or a  
15 shared-vehicle owner, as defined in Section 5 of the  
16 Car-Sharing Program Act.

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

21 "Rentee" does not include a shared-vehicle driver, as  
22 defined in Section 5 of the Car-Sharing Program Act.

23 "Gross receipts" from the renting of tangible personal  
24 property or "rent" means the total rental price or leasing  
25 price. In the case of rental transactions in which the  
26 consideration is paid to the rentor on an installment basis,

1 the amounts of such payments shall be included by the rentor in  
2 gross receipts or rent only as and when payments are received  
3 by the rentor.

4 "Gross receipts" does not include receipts received by an  
5 automobile dealer from a manufacturer or service contract  
6 provider for the use of an automobile by a person while that  
7 person's automobile is being repaired by that automobile  
8 dealer and the repair is made pursuant to a manufacturer's  
9 warranty or a service contract where a manufacturer or service  
10 contract provider reimburses that automobile dealer pursuant  
11 to a manufacturer's warranty or a service contract and the  
12 reimbursement is merely made to recover the costs of operating  
13 the automobile as a loaner vehicle.

14 "Rental price" means the consideration for renting or  
15 leasing an automobile valued in money, whether received in  
16 money or otherwise, including cash credits, property and  
17 services, and shall be determined without any deduction on  
18 account of the cost of the property rented, the cost of  
19 materials used, labor or service cost, or any other expense  
20 whatsoever, but does not include charges that are added by a  
21 rentor on account of the rentor's tax liability under this Act  
22 or on account of the rentor's duty to collect, from the rentee,  
23 the tax that is imposed by Section 4 of this Act. The phrase  
24 "rental price" does not include compensation paid to a rentor  
25 by a rentee in consideration of the waiver by the rentor of any  
26 right of action or claim against the rentee for loss or damage

1 to the automobile rented and also does not include a  
2 separately stated charge for insurance or recovery of  
3 refueling costs or other separately stated charges that are  
4 not for the use of tangible personal property.

5 "Rental price" does not include consideration paid for  
6 peer-to-peer car sharing to a shared-vehicle owner or a  
7 car-sharing program, as those terms are defined in Section 5  
8 of the Car-Sharing Program Act.

9 (Source: P.A. 98-574, eff. 1-1-14.)".