



Sen. Antonio Muñoz

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LRB100 05211 LNS 41106 a

1 AMENDMENT TO SENATE BILL 514

2 AMENDMENT NO. _____. Amend Senate Bill 514 by replacing
3 everything after the enacting clause with the following:

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

8 (35 ILCS 105/3-5)

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

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

1 purpose of resale by the enterprise.

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

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

20 (4) Personal property purchased by a governmental body, by
21 a corporation, society, association, foundation, or
22 institution organized and operated exclusively for charitable,
23 religious, or educational purposes, or by a not-for-profit
24 corporation, society, association, foundation, institution, or
25 organization that has no compensated officers or employees and
26 that is organized and operated primarily for the recreation of

1 persons 55 years of age or older. A limited liability company
2 may qualify for the exemption under this paragraph only if the
3 limited liability company is organized and operated
4 exclusively for educational purposes. On and after July 1,
5 1987, however, no entity otherwise eligible for this exemption
6 shall make tax-free purchases unless it has an active exemption
7 identification number issued by the Department.

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

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

24 (7) Farm chemicals.

25 (8) Legal tender, currency, medallions, or gold or silver
26 coinage issued by the State of Illinois, the government of the

1 United States of America, or the government of any foreign
2 country, and bullion.

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

6 (10) A motor vehicle that is used for automobile renting,
7 as defined in the Automobile Renting Occupation and Use Tax
8 Act. This exemption does not include the purchase of a motor
9 vehicle which will be used in a car facilitation transaction,
10 as defined in Section 1-110.06 of the Illinois Vehicle Code.

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

1 required to be licensed and units sold mounted on a motor
2 vehicle required to be licensed if the selling price of the
3 tender is separately stated.

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

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

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

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

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

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

1 required to be registered under the Illinois Vehicle Code.

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

7 (16) Coal and aggregate exploration, mining, off-highway
8 hauling, processing, maintenance, and reclamation equipment,
9 including replacement parts and equipment, and including
10 equipment purchased for lease, but excluding motor vehicles
11 required to be registered under the Illinois Vehicle Code. The
12 changes made to this Section by Public Act 97-767 apply on and
13 after July 1, 2003, but no claim for credit or refund is
14 allowed on or after August 16, 2013 (the effective date of
15 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 (17) Until July 1, 2003, distillation machinery and
19 equipment, sold as a unit or kit, assembled or installed by the
20 retailer, certified by the user to be used only for the
21 production of ethyl alcohol that will be used for consumption
22 as motor fuel or as a component of motor fuel for the personal
23 use of the user, and not subject to sale or resale.

24 (18) Manufacturing and assembling machinery and equipment
25 used primarily in the process of manufacturing or assembling
26 tangible personal property for wholesale or retail sale or

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

21 (19) Personal property delivered to a purchaser or
22 purchaser's donee inside Illinois when the purchase order for
23 that personal property was received by a florist located
24 outside Illinois who has a florist located inside Illinois
25 deliver the personal property.

26 (20) Semen used for artificial insemination of livestock

1 for direct agricultural production.

2 (21) Horses, or interests in horses, registered with and
3 meeting the requirements of any of the Arabian Horse Club
4 Registry of America, Appaloosa Horse Club, American Quarter
5 Horse Association, United States Trotting Association, or
6 Jockey Club, as appropriate, used for purposes of breeding or
7 racing for prizes. This item (21) is exempt from the provisions
8 of Section 3-90, and the exemption provided for under this item
9 (21) applies for all periods beginning May 30, 1995, but no
10 claim for credit or refund is allowed on or after January 1,
11 2008 for such taxes paid during the period beginning May 30,
12 2000 and ending on January 1, 2008.

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

1 or attempt to collect an amount (however designated) that
2 purports to reimburse that lessor for the tax imposed by this
3 Act or the Service Use Tax Act, as the case may be, if the tax
4 has not been paid by the lessor. If a lessor improperly
5 collects any such amount from the lessee, the lessee shall have
6 a legal right to claim a refund of that amount from the lessor.
7 If, however, that amount is not refunded to the lessee for any
8 reason, the lessor is liable to pay that amount to the
9 Department.

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

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

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

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

26 (26) Beginning July 1, 1999, game or game birds purchased

1 at a "game breeding and hunting preserve area" as that term is
2 used in the Wildlife Code. This paragraph is exempt from the
3 provisions of Section 3-90.

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

22 (28) Beginning January 1, 2000, personal property,
23 including food, purchased through fundraising events for the
24 benefit of a public or private elementary or secondary school,
25 a group of those schools, or one or more school districts if
26 the events are sponsored by an entity recognized by the school

1 district that consists primarily of volunteers and includes
2 parents and teachers of the school children. This paragraph
3 does not apply to fundraising events (i) for the benefit of
4 private home instruction or (ii) for which the fundraising
5 entity purchases the personal property sold at the events from
6 another individual or entity that sold the property for the
7 purpose of resale by the fundraising entity and that profits
8 from the sale to the fundraising entity. This paragraph is
9 exempt from the provisions of Section 3-90.

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

20 (30) Beginning January 1, 2001 and through June 30, 2016,
21 food for human consumption that is to be consumed off the
22 premises where it is sold (other than alcoholic beverages, soft
23 drinks, and food that has been prepared for immediate
24 consumption) and prescription and nonprescription medicines,
25 drugs, medical appliances, and insulin, urine testing
26 materials, syringes, and needles used by diabetics, for human

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

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

1 collects any such amount from the lessee, the lessee shall have
2 a legal right to claim a refund of that amount from the lessor.
3 If, however, that amount is not refunded to the lessee for any
4 reason, the lessor is liable to pay that amount to the
5 Department. This paragraph is exempt from the provisions of
6 Section 3-90.

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

1 that amount is not refunded to the lessee for any reason, the
2 lessor is liable to pay that amount to the Department. This
3 paragraph is exempt from the provisions of Section 3-90.

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

23 (34) Beginning January 1, 2008, tangible personal property
24 used in the construction or maintenance of a community water
25 supply, as defined under Section 3.145 of the Environmental
26 Protection Act, that is operated by a not-for-profit

1 corporation that holds a valid water supply permit issued under
2 Title IV of the Environmental Protection Act. This paragraph is
3 exempt from the provisions of Section 3-90.

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

1 service pursuant to authority issued under Part 121 or Part 129
2 of the Federal Aviation Regulations. The changes made to this
3 paragraph (35) by Public Act 98-534 are declarative of existing
4 law.

5 (36) Tangible personal property purchased by a
6 public-facilities corporation, as described in Section
7 11-65-10 of the Illinois Municipal Code, for purposes of
8 constructing or furnishing a municipal convention hall, but
9 only if the legal title to the municipal convention hall is
10 transferred to the municipality without any further
11 consideration by or on behalf of the municipality at the time
12 of the completion of the municipal convention hall or upon the
13 retirement or redemption of any bonds or other debt instruments
14 issued by the public-facilities corporation in connection with
15 the development of the municipal convention hall. This
16 exemption includes existing public-facilities corporations as
17 provided in Section 11-65-25 of the Illinois Municipal Code.
18 This paragraph is exempt from the provisions of Section 3-90.

19 (37) Beginning January 1, 2017, menstrual pads, tampons,
20 and menstrual cups.

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

1 is exempt from the provisions of Section 3-90.

2 (Source: P.A. 99-180, eff. 7-29-15; 99-855, eff. 8-19-16;
3 100-22, eff. 7-6-17; 100-437, eff. 1-1-18; revised 9-27-17.)

4 Section 10. If and only if Senate Bill 2641 of the 100th
5 General Assembly, as amended by House Amendment No. 3 and House
6 Amendment No. 4, becomes law, then the Retailers' Occupation
7 Tax Act is amended by changing Section 2-5 as follows:

8 (35 ILCS 120/2-5)

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

12 (1) Farm chemicals.

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

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

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

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

25 (3) Until July 1, 2003, distillation machinery and
26 equipment, sold as a unit or kit, assembled or installed by

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

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

19 (5) A motor vehicle that is used for automobile
20 renting, as defined in the Automobile Renting Occupation
21 and Use Tax Act. This paragraph is exempt from the
22 provisions of Section 2-70. This exemption does not include
23 the sale of a motor vehicle which will be used in a car
24 facilitation transaction, as defined in Section 1-110.06
25 of the Illinois Vehicle Code.

26 (6) Personal property sold by a teacher-sponsored

1 student organization affiliated with an elementary or
2 secondary school located in Illinois.

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

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

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

25 (10) Personal property sold by a corporation, society,
26 association, foundation, institution, or organization,

1 other than a limited liability company, that is organized
2 and operated as a not-for-profit service enterprise for the
3 benefit of persons 65 years of age or older if the personal
4 property was not purchased by the enterprise for the
5 purpose of resale by the enterprise.

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

21 (12) (Blank).

22 (12-5) On and after July 1, 2003 and through June 30,
23 2004, motor vehicles of the second division with a gross
24 vehicle weight in excess of 8,000 pounds that are subject
25 to the commercial distribution fee imposed under Section
26 3-815.1 of the Illinois Vehicle Code. Beginning on July 1,

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

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

24 (14) Machinery and equipment that will be used by the
25 purchaser, or a lessee of the purchaser, primarily in the
26 process of manufacturing or assembling tangible personal

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

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

1 substitute for tips to the employees who participate
2 directly in preparing, serving, hosting or cleaning up the
3 food or beverage function with respect to which the service
4 charge is imposed.

5 (16) Petroleum products sold to a purchaser if the
6 seller is prohibited by federal law from charging tax to
7 the purchaser.

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

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

20 (19) Until July 1, 2003, oil field exploration,
21 drilling, and production equipment, including (i) rigs and
22 parts of rigs, rotary rigs, cable tool rigs, and workover
23 rigs, (ii) pipe and tubular goods, including casing and
24 drill strings, (iii) pumps and pump-jack units, (iv)
25 storage tanks and flow lines, (v) any individual
26 replacement part for oil field exploration, drilling, and

1 production equipment, and (vi) machinery and equipment
2 purchased for lease; but excluding motor vehicles required
3 to be registered under the Illinois Vehicle Code.

4 (20) Photoprocessing machinery and equipment,
5 including repair and replacement parts, both new and used,
6 including that manufactured on special order, certified by
7 the purchaser to be used primarily for photoprocessing, and
8 including photoprocessing machinery and equipment
9 purchased for lease.

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

22 (22) Until June 30, 2013, fuel and petroleum products
23 sold to or used by an air carrier, certified by the carrier
24 to be used for consumption, shipment, or storage in the
25 conduct of its business as an air common carrier, for a
26 flight destined for or returning from a location or

1 locations outside the United States without regard to
2 previous or subsequent domestic stopovers.

3 Beginning July 1, 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 that (i) is engaged in foreign trade or is engaged
8 in trade between the United States and any of its
9 possessions and (ii) transports at least one individual or
10 package for hire from the city of origination to the city
11 of final destination on the same aircraft, without regard
12 to a change in the flight number of that aircraft.

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

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

23 (25) Except as provided in item (25-5) of this Section,
24 a motor vehicle sold in this State to a nonresident even
25 though the motor vehicle is delivered to the nonresident in
26 this State, if the motor vehicle is not to be titled in

1 this State, and if a drive-away permit is issued to the
2 motor vehicle as provided in Section 3-603 of the Illinois
3 Vehicle Code or if the nonresident purchaser has vehicle
4 registration plates to transfer to the motor vehicle upon
5 returning to his or her home state. The issuance of the
6 drive-away permit or having the out-of-state registration
7 plates to be transferred is prima facie evidence that the
8 motor vehicle will not be titled in this State.

9 (25-5) The exemption under item (25) does not apply if
10 the state in which the motor vehicle will be titled does
11 not allow a reciprocal exemption for a motor vehicle sold
12 and delivered in that state to an Illinois resident but
13 titled in Illinois. The tax collected under this Act on the
14 sale of a motor vehicle in this State to a resident of
15 another state that does not allow a reciprocal exemption
16 shall be imposed at a rate equal to the state's rate of tax
17 on taxable property in the state in which the purchaser is
18 a resident, except that the tax shall not exceed the tax
19 that would otherwise be imposed under this Act. At the time
20 of the sale, the purchaser shall execute a statement,
21 signed under penalty of perjury, of his or her intent to
22 title the vehicle in the state in which the purchaser is a
23 resident within 30 days after the sale and of the fact of
24 the payment to the State of Illinois of tax in an amount
25 equivalent to the state's rate of tax on taxable property
26 in his or her state of residence and shall submit the

1 statement to the appropriate tax collection agency in his
2 or her state of residence. In addition, the retailer must
3 retain a signed copy of the statement in his or her
4 records. Nothing in this item shall be construed to require
5 the removal of the vehicle from this state following the
6 filing of an intent to title the vehicle in the purchaser's
7 state of residence if the purchaser titles the vehicle in
8 his or her state of residence within 30 days after the date
9 of sale. The tax collected under this Act in accordance
10 with this item (25-5) shall be proportionately distributed
11 as if the tax were collected at the 6.25% general rate
12 imposed under this Act.

13 (25-7) Beginning on July 1, 2007, no tax is imposed
14 under this Act on the sale of an aircraft, as defined in
15 Section 3 of the Illinois Aeronautics Act, if all of the
16 following conditions are met:

17 (1) the aircraft leaves this State within 15 days
18 after the later of either the issuance of the final
19 billing for the sale of the aircraft, or the authorized
20 approval for return to service, completion of the
21 maintenance record entry, and completion of the test
22 flight and ground test for inspection, as required by
23 14 C.F.R. 91.407;

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

26 (3) the seller retains in his or her books and

1 records and provides to the Department a signed and
2 dated certification from the purchaser, on a form
3 prescribed by the Department, certifying that the
4 requirements of this item (25-7) are met. The
5 certificate must also include the name and address of
6 the purchaser, the address of the location where the
7 aircraft is to be titled or registered, the address of
8 the primary physical location of the aircraft, and
9 other information that the Department may reasonably
10 require.

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

12 "Based in this State" means hangared, stored, or
13 otherwise used, excluding post-sale customizations as
14 defined in this Section, for 10 or more days in each
15 12-month period immediately following the date of the sale
16 of the aircraft.

17 "Registered in this State" means an aircraft
18 registered with the Department of Transportation,
19 Aeronautics Division, or titled or registered with the
20 Federal Aviation Administration to an address located in
21 this State.

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

24 (26) Semen used for artificial insemination of
25 livestock for direct agricultural production.

26 (27) Horses, or interests in horses, registered with

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

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

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

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

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

25 (32) Beginning July 1, 1999, game or game birds sold at
26 a "game breeding and hunting preserve area" as that term is

1 used in the Wildlife Code. This paragraph is exempt from
2 the provisions of Section 2-70.

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

23 (34) Beginning January 1, 2000, personal property,
24 including food, purchased through fundraising events for
25 the benefit of a public or private elementary or secondary
26 school, a group of those schools, or one or more school

1 districts if the events are sponsored by an entity
2 recognized by the school district that consists primarily
3 of volunteers and includes parents and teachers of the
4 school children. This paragraph does not apply to
5 fundraising events (i) for the benefit of private home
6 instruction or (ii) for which the fundraising entity
7 purchases the personal property sold at the events from
8 another individual or entity that sold the property for the
9 purpose of resale by the fundraising entity and that
10 profits from the sale to the fundraising entity. This
11 paragraph is exempt from the provisions of Section 2-70.

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

23 (35-5) Beginning August 23, 2001 and through June 30,
24 2016, food for human consumption that is to be consumed off
25 the premises where it is sold (other than alcoholic
26 beverages, soft drinks, and food that has been prepared for

1 immediate consumption) and prescription and
2 nonprescription medicines, drugs, medical appliances, and
3 insulin, urine testing materials, syringes, and needles
4 used by diabetics, for human use, when purchased for use by
5 a person receiving medical assistance under Article V of
6 the Illinois Public Aid Code who resides in a licensed
7 long-term care facility, as defined in the Nursing Home
8 Care Act, or a licensed facility as defined in the ID/DD
9 Community Care Act, the MC/DD Act, or the Specialized
10 Mental Health Rehabilitation Act of 2013.

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

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

1 (38) Beginning on January 1, 2002 and through June 30,
2 2016, tangible personal property purchased from an
3 Illinois retailer by a taxpayer engaged in centralized
4 purchasing activities in Illinois who will, upon receipt of
5 the property in Illinois, temporarily store the property in
6 Illinois (i) for the purpose of subsequently transporting
7 it outside this State for use or consumption thereafter
8 solely outside this State or (ii) for the purpose of being
9 processed, fabricated, or manufactured into, attached to,
10 or incorporated into other tangible personal property to be
11 transported outside this State and thereafter used or
12 consumed solely outside this State. The Director of Revenue
13 shall, pursuant to rules adopted in accordance with the
14 Illinois Administrative Procedure Act, issue a permit to
15 any taxpayer in good standing with the Department who is
16 eligible for the exemption under this paragraph (38). The
17 permit issued under this paragraph (38) shall authorize the
18 holder, to the extent and in the manner specified in the
19 rules adopted under this Act, to purchase tangible personal
20 property from a retailer exempt from the taxes imposed by
21 this Act. Taxpayers shall maintain all necessary books and
22 records to substantiate the use and consumption of all such
23 tangible personal property outside of the State of
24 Illinois.

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

1 community water supply, as defined under Section 3.145 of
2 the Environmental Protection Act, that is operated by a
3 not-for-profit corporation that holds a valid water supply
4 permit issued under Title IV of the Environmental
5 Protection Act. This paragraph is exempt from the
6 provisions of Section 2-70.

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

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

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

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

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

9 (Source: P.A. 99-180, eff. 7-29-15; 99-855, eff. 8-19-16;
10 100-22, eff. 7-6-17; 100-321, eff. 8-24-17; 100-437, eff.
11 1-1-18; revised 9-26-17.)

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

17 (35 ILCS 155/2) (from Ch. 120, par. 1702)

18 Sec. 2. Definitions. "Renting" means any transfer of the
19 possession or right to possession of an automobile to a user
20 for a valuable consideration for a period of one year or less,
21 including the facilitation of the use of a privately-owned
22 passenger motor vehicle ~~for use~~ by persons other than the
23 vehicle's registered owner as ~~an~~ part of a car facilitation
24 transaction, as defined in Section 1-110.06 of the Illinois

1 Vehicle Code.

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

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

14 "Automobile" means (1) any motor vehicle of the first
15 division, or (2) a motor vehicle of the second division which:
16 (A) is a self-contained motor vehicle designed or permanently
17 converted to provide living quarters for recreational, camping
18 or travel use, with direct walk through access to the living
19 quarters from the driver's seat; (B) is of the van
20 configuration designed for the transportation of not less than
21 7 nor more than 16 passengers, as defined in Section 1-146 of
22 the Illinois Vehicle Code; or (C) has a Gross Vehicle Weight
23 Rating, as defined in Section 1-124.5 of the Illinois Vehicle
24 Code, of 8,000 pounds or less.

25 "Department" means the Department of Revenue.

26 "Person" means any natural individual, firm, partnership,

1 association, joint stock company, joint adventure, public or
2 private corporation, limited liability company, or a receiver,
3 executor, trustee, conservator or other representative
4 appointed by order of any court.

5 "Rentor" means any person, firm, corporation or
6 association engaged in the business of renting or leasing
7 automobiles to users. For this purpose, the objective of making
8 a profit is not necessary to make the renting activity a
9 business. "Rentor" includes a car facilitation company as
10 defined in Section 1-110.05 of the Illinois Vehicle Code.

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

15 "Gross receipts" from the renting of tangible personal
16 property or "rent" means the total rental price or leasing
17 price. In the case of rental transactions in which the
18 consideration is paid to the rentor on an installment basis,
19 the amounts of such payments shall be included by the rentor in
20 gross receipts or rent only as and when payments are received
21 by the rentor.

22 "Gross receipts" does not include receipts received by an
23 automobile dealer from a manufacturer or service contract
24 provider for the use of an automobile by a person while that
25 person's automobile is being repaired by that automobile dealer
26 and the repair is made pursuant to a manufacturer's warranty or

1 a service contract where a manufacturer or service contract
2 provider reimburses that automobile dealer pursuant to a
3 manufacturer's warranty or a service contract and the
4 reimbursement is merely made to recover the costs of operating
5 the automobile as a loaner vehicle.

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

23 (Source: 10000SB2641ham003.)

24 Section 20. If and only if Senate Bill 2641 of the 100th
25 General Assembly, as amended by House Amendment No. 3 and House

1 Amendment No. 4, becomes law, then the Counties Code is amended
2 by changing Section 5-1032 as follows:

3 (55 ILCS 5/5-1032) (from Ch. 34, par. 5-1032)

4 Sec. 5-1032. County Automobile Renting Occupation Tax. The
5 corporate authorities of a county may impose a tax upon all
6 persons engaged in the business of renting automobiles in the
7 county, but outside any municipality, at the rate of not to
8 exceed 1% of the gross receipts from such business. For the
9 purposes of imposing a tax under this Section, the facilitation
10 of the use of a privately-owned passenger motor vehicle ~~for use~~
11 by a person other than the vehicle's registered owner as a part
12 of a car facilitation transaction, as defined in Section
13 1-110.06 of the Illinois Vehicle Code, constitutes engaging in
14 the business of renting automobiles in the county. The tax
15 imposed by a county pursuant to this Section and all civil
16 penalties that may be assessed as an Incident thereof shall be
17 collected and enforced by the State Department of Revenue. The
18 certificate of registration which is issued by the Department
19 to a retailer under the "Retailers' Occupation Tax Act",
20 approved June 23, 1933, as amended, or under the "Automobile
21 Renting Occupation and Use Tax Act", enacted by the
22 Eighty-Second General Assembly, shall permit such person to
23 engage in a business which is taxable under any ordinance or
24 resolution enacted pursuant to this Section without
25 registering separately with the Department under such

1 ordinance or resolution or under this Section. The Department
2 shall have full power to administer and enforce this Section;
3 to collect all taxes and penalties due hereunder; to dispose of
4 taxes and penalties so collected in the manner hereinafter
5 provided, and to determine all rights to credit memoranda,
6 arising on account of the erroneous payment of tax or penalty
7 hereunder. In the administration of, and compliance with, this
8 Section, the Department and persons who are subject to this
9 Section shall have the same rights, remedies, privileges,
10 immunities, powers and duties, and be subject to the same
11 conditions, restrictions, limitations, penalties and
12 definitions of terms, and employ the same modes of procedure,
13 as are prescribed in Sections 2 and 3 (in respect to all
14 provisions therein other than the State rate of tax; and with
15 relation to the provisions of the "Retailers' Occupation Tax"
16 referred to therein, except as to the disposition of taxes and
17 penalties collected, and except for the provision allowing
18 retailers a deduction from the tax to cover certain costs, and
19 except that credit memoranda issued hereunder may not be used
20 to discharge any State tax liability) of the "Automobile
21 Renting Occupation and Use Tax Act", as the same are now or may
22 hereafter be amended, as fully as if provisions contained in
23 those Sections of said Act were set forth herein.

24 Persons subject to any tax imposed pursuant to the
25 authority granted in this Section may reimburse themselves for
26 their tax liability hereunder by separately stating such tax as

1 an additional charge, which charge may be stated in
2 combination, in a single amount, with State tax which sellers
3 are required to collect under the "Automobile Renting
4 Occupation and Use Tax Act" pursuant to such bracket schedules
5 as the Department may prescribe.

6 Whenever the Department determines that a refund should be
7 made under this Section to a claimant instead of issuing a
8 credit memorandum, the Department shall notify the State
9 Comptroller, who shall cause the order to be drawn for the
10 amount specified, and to the person named, in such notification
11 from the Department. Such refund shall be paid by the State
12 Treasurer out of the county automobile renting tax fund.

13 The Department shall forthwith pay over to the State
14 Treasurer, ex-officio, as trustee, all taxes and penalties
15 collected hereunder. On or before the 25th day of each calendar
16 month, the Department shall prepare and certify to the
17 Comptroller the disbursement of stated sums of money to named
18 counties from which renters have paid taxes or penalties
19 hereunder to the Department during the second preceding
20 calendar month. The amount to be paid to each county shall be
21 the amount (not including credit memoranda) collected
22 hereunder during the second preceding calendar month by the
23 Department, and not including an amount equal to the amount of
24 refunds made during the second preceding calendar month by the
25 Department on behalf of such county, less 2% of such balance,
26 which sum shall be retained by the State Treasurer to cover the

1 costs incurred by the Department in administering and enforcing
2 this Section as provided herein. The Department at the time of
3 each monthly disbursement to the counties shall prepare and
4 certify to the Comptroller the amount, so retained by the State
5 Treasurer, to be paid into the General Revenue Fund of the
6 State Treasury. Within 10 days after receipt, by the
7 Comptroller, of the disbursement certification to the counties
8 and the General Revenue Fund, provided for in this Section to
9 be given to the Comptroller by the Department, the Comptroller
10 shall cause the orders to be drawn for the respective amounts
11 in accordance with the directions contained in such
12 certification.

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

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

1 of the effective date of the ordinance or resolution. Upon a
2 change in rate of a tax levied hereunder, or upon the
3 discontinuance of the tax, the corporate authorities of the
4 county shall on or not later than 5 days after passage of the
5 ordinance or resolution discontinuing the tax or effecting a
6 change in rate transmit to the Department of Revenue a
7 certified copy of the ordinance or resolution effecting such
8 change or discontinuance.

9 The Department of Revenue must upon the request of the
10 County Clerk or County Board submit to a county a list of those
11 persons who are registered with the Department to pay
12 automobile renting occupation tax within the unincorporated
13 area of that governmental unit. This list shall contain only
14 the names of persons who have paid the tax and not the amount
15 of tax paid by such person.

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

18 (Source: 10000SB2641ham003.)

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

23 (65 ILCS 5/8-11-7) (from Ch. 24, par. 8-11-7)

24 Sec. 8-11-7. The corporate authorities of a municipality

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

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

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

23 Whenever the Department determines that a refund should be
24 made under this Section to a claimant instead of issuing a
25 credit memorandum, the Department shall notify the State
26 Comptroller, who shall cause the order to be drawn for the

1 amount specified, and to the person named, in such notification
2 from the Department. Such refund shall be paid by the State
3 Treasurer out of the municipal automobile renting tax fund.

4 The Department shall forthwith pay over to the State
5 Treasurer, ex-officio, as trustee, all taxes and penalties
6 collected hereunder. On or before the 25th day of each calendar
7 month, the Department shall prepare and certify to the
8 Comptroller the disbursement of stated sums of money to named
9 municipalities, the municipalities to be those from which
10 rentors have paid taxes or penalties hereunder to the
11 Department during the second preceding calendar month. The
12 amount to be paid to each municipality shall be the amount (not
13 including credit memoranda) collected hereunder during the
14 second preceding calendar month by the Department, and not
15 including an amount equal to the amount of refunds made during
16 the second preceding calendar month by the Department on behalf
17 of such municipality, less 1.6% of such balance, which sum
18 shall be retained by the State Treasurer to cover the costs
19 incurred by the Department in administering and enforcing this
20 Section as provided herein. The Department at the time of each
21 monthly disbursement to the municipalities shall prepare and
22 certify to the Comptroller the amount, so retained by the State
23 Treasurer, to be paid into the General Revenue Fund of the
24 State Treasury. Within 10 days after receipt, by the
25 Comptroller, of the disbursement certification to the
26 municipalities and the General Revenue Fund, provided for in

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

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

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

26 The Department of Revenue must upon the request of the

1 municipal clerk, city council or village board of trustees
2 submit to a city, village or incorporated town a list of those
3 persons who are registered with the Department to pay
4 automobile renting occupation tax within that governmental
5 unit. This list shall contain only the names of persons who
6 have paid the tax and not the amount of tax paid by such
7 person.

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

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

13 (Source: 10000SB2641ham003.)

14 Section 30. If and only if Senate Bill 2641 of the 100th
15 General Assembly, as amended by House Amendment No. 3 and House
16 Amendment No. 4, becomes law, then the Illinois Vehicle Code is
17 amended by changing Sections 11-208.6, 11-208.8, 11-208.9, and
18 11-1201.1 as follows:

19 (625 ILCS 5/11-208.6)

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

21 (a) As used in this Section, "automated traffic law
22 enforcement system" means a device with one or more motor
23 vehicle sensors working in conjunction with a red light signal
24 to produce recorded images of motor vehicles entering an

1 intersection against a red signal indication in violation of
2 Section 11-306 of this Code or a similar provision of a local
3 ordinance.

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

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

13 (1) 2 or more photographs;

14 (2) 2 or more microphotographs;

15 (3) 2 or more electronic images; or

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

20 (b-5) A municipality or county that produces a recorded
21 image of a motor vehicle's violation of a provision of this
22 Code or a local ordinance must make the recorded images of a
23 violation accessible to the alleged violator by providing the
24 alleged violator with a website address, accessible through the
25 Internet.

26 (c) Except as provided under Section 11-208.8 of this Code,

1 a county or municipality, including a home rule county or
2 municipality, may not use an automated traffic law enforcement
3 system to provide recorded images of a motor vehicle for the
4 purpose of recording its speed. Except as provided under
5 Section 11-208.8 of this Code, the regulation of the use of
6 automated traffic law enforcement systems to record vehicle
7 speeds is an exclusive power and function of the State. This
8 subsection (c) is a denial and limitation of home rule powers
9 and functions under subsection (h) of Section 6 of Article VII
10 of the Illinois Constitution.

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

22 (c-6) A county, or a municipality with less than 2,000,000
23 inhabitants, including a home rule county or municipality, may
24 not use an automated traffic law enforcement system to issue
25 violations in instances where a motorcyclist enters an
26 intersection against a red signal indication when the red

1 signal fails to change to a green signal within a reasonable
2 period of time not less than 120 seconds because of a signal
3 malfunction or because the signal has failed to detect the
4 arrival of the motorcycle due to the motorcycle's size or
5 weight.

6 (d) For each violation of a provision of this Code or a
7 local ordinance recorded by an automatic traffic law
8 enforcement system, the county or municipality having
9 jurisdiction shall issue a written notice of the violation to
10 the registered owner of the vehicle as the alleged violator.
11 The notice shall be delivered to the registered owner of the
12 vehicle, by mail, within 30 days after the Secretary of State
13 notifies the municipality or county of the identity of the
14 owner of the vehicle, but in no event later than 90 days after
15 the violation.

16 The notice shall include:

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

19 (2) the registration number of the motor vehicle
20 involved in the violation;

21 (3) the violation charged;

22 (4) the location where the violation occurred;

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

24 (6) a copy of the recorded images;

25 (7) the amount of the civil penalty imposed and the
26 requirements of any traffic education program imposed and

1 the date by which the civil penalty should be paid and the
2 traffic education program should be completed;

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

5 (9) a warning that failure to pay the civil penalty, to
6 complete a required traffic education program, or to
7 contest liability in a timely manner is an admission of
8 liability and may result in a suspension of the driving
9 privileges of the registered owner of the vehicle;

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

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

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

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

19 (e) If a person charged with a traffic violation, as a
20 result of an automated traffic law enforcement system, does not
21 pay the fine or complete a required traffic education program,
22 or both, or successfully contest the civil penalty resulting
23 from that violation, the Secretary of State shall suspend the
24 driving privileges of the registered owner of the vehicle under
25 Section 6-306.5 of this Code for failing to complete a required
26 traffic education program or to pay any fine or penalty due and

1 owing, or both, as a result of a combination of 5 violations of
2 the automated traffic law enforcement system or the automated
3 speed enforcement system under Section 11-208.8 of this Code.

4 (f) Based on inspection of recorded images produced by an
5 automated traffic law enforcement system, a notice alleging
6 that the violation occurred shall be evidence of the facts
7 contained in the notice and admissible in any proceeding
8 alleging a violation under this Section.

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

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

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

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

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

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

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

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

26 (j-5) For purposes of the required traffic education

1 program only, a registered owner may submit an affidavit to the
2 court or hearing officer swearing that at the time of the
3 alleged violation, the vehicle was in the custody and control
4 of another person. The affidavit must identify the person in
5 custody and control of the vehicle, including the person's name
6 and current address. The person in custody and control of the
7 vehicle at the time of the violation is required to complete
8 the required traffic education program. If the person in
9 custody and control of the vehicle at the time of the violation
10 completes the required traffic education program, the
11 registered owner of the vehicle is not required to complete a
12 traffic education program.

13 (k) An intersection equipped with an automated traffic law
14 enforcement system must be posted with a sign visible to
15 approaching traffic indicating that the intersection is being
16 monitored by an automated traffic law enforcement system.

17 (k-3) A municipality or county that has one or more
18 intersections equipped with an automated traffic law
19 enforcement system must provide notice to drivers by posting
20 the locations of automated traffic law systems on the
21 municipality or county website.

22 (k-5) An intersection equipped with an automated traffic
23 law enforcement system must have a yellow change interval that
24 conforms with the Illinois Manual on Uniform Traffic Control
25 Devices (IMUTCD) published by the Illinois Department of
26 Transportation.

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

26 (1) The compensation paid for an automated traffic law

1 enforcement system must be based on the value of the equipment
2 or the services provided and may not be based on the number of
3 traffic citations issued or the revenue generated by the
4 system.

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

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

10 A low-income individual required to complete a traffic
11 education program under this Section who provides proof of
12 eligibility for the federal earned income tax credit under
13 Section 32 of the Internal Revenue Code or the Illinois earned
14 income tax credit under Section 212 of the Illinois Income Tax
15 Act shall not be required to pay any fee for participating in a
16 required traffic education program.

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

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

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

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

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

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

21 (625 ILCS 5/11-208.8)

22 Sec. 11-208.8. Automated speed enforcement systems in
23 safety zones.

24 (a) As used in this Section:

25 "Automated speed enforcement system" means a photographic

1 device, radar device, laser device, or other electrical or
2 mechanical device or devices installed or utilized in a safety
3 zone and designed to record the speed of a vehicle and obtain a
4 clear photograph or other recorded image of the vehicle and the
5 vehicle's registration plate while the driver is violating
6 Article VI of Chapter 11 of this Code or a similar provision of
7 a local ordinance.

8 An automated speed enforcement system is a system, located
9 in a safety zone which is under the jurisdiction of a
10 municipality, that produces a recorded image of a motor
11 vehicle's violation of a provision of this Code or a local
12 ordinance and is designed to obtain a clear recorded image of
13 the vehicle and the vehicle's license plate. The recorded image
14 must also display the time, date, and location of the
15 violation.

16 "Owner" means the person or entity to whom the vehicle is
17 registered.

18 "Recorded image" means images recorded by an automated
19 speed enforcement system on:

20 (1) 2 or more photographs;

21 (2) 2 or more microphotographs;

22 (3) 2 or more electronic images; or

23 (4) a video recording showing the motor vehicle and, on
24 at least one image or portion of the recording, clearly
25 identifying the registration plate number of the motor
26 vehicle.

1 "Safety zone" means an area that is within one-eighth of a
2 mile from the nearest property line of any public or private
3 elementary or secondary school, or from the nearest property
4 line of any facility, area, or land owned by a school district
5 that is used for educational purposes approved by the Illinois
6 State Board of Education, not including school district
7 headquarters or administrative buildings. A safety zone also
8 includes an area that is within one-eighth of a mile from the
9 nearest property line of any facility, area, or land owned by a
10 park district used for recreational purposes. However, if any
11 portion of a roadway is within either one-eighth mile radius,
12 the safety zone also shall include the roadway extended to the
13 furthest portion of the next furthest intersection. The term
14 "safety zone" does not include any portion of the roadway known
15 as Lake Shore Drive or any controlled access highway with 8 or
16 more lanes of traffic.

17 (a-5) The automated speed enforcement system shall be
18 operational and violations shall be recorded only at the
19 following times:

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

26 (ii) if the safety zone is based upon the property line

1 of any facility, area, or land owned by a park district, no
2 earlier than one hour prior to the time that the facility,
3 area, or land is open to the public or other patrons, and
4 no later than one hour after the facility, area, or land is
5 closed to the public or other patrons.

6 (b) A municipality that produces a recorded image of a
7 motor vehicle's violation of a provision of this Code or a
8 local ordinance must make the recorded images of a violation
9 accessible to the alleged violator by providing the alleged
10 violator with a website address, accessible through the
11 Internet.

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

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

21 (2) if the recorded speed is more than 10 miles per
22 hour over the legal speed limit, a civil penalty not
23 exceeding \$100, plus an additional penalty of not more than
24 \$100 for failure to pay the original penalty in a timely
25 manner.

26 A penalty may not be imposed under this Section if the

1 driver of the motor vehicle received a Uniform Traffic Citation
2 from a police officer for a speeding violation occurring within
3 one-eighth of a mile and 15 minutes of the violation that was
4 recorded by the system. A violation for which a civil penalty
5 is imposed under this Section is not a violation of a traffic
6 regulation governing the movement of vehicles and may not be
7 recorded on the driving record of the owner of the vehicle. A
8 law enforcement officer is not required to be present or to
9 witness the violation. No penalty may be imposed under this
10 Section if the recorded speed of a vehicle is 5 miles per hour
11 or less over the legal speed limit. The municipality may send,
12 in the same manner that notices are sent under this Section, a
13 speed violation warning notice where the violation involves a
14 speed of 5 miles per hour or less above the legal speed limit.

15 (d) The net proceeds that a municipality receives from
16 civil penalties imposed under an automated speed enforcement
17 system, after deducting all non-personnel and personnel costs
18 associated with the operation and maintenance of such system,
19 shall be expended or obligated by the municipality for the
20 following purposes:

21 (i) public safety initiatives to ensure safe passage
22 around schools, and to provide police protection and
23 surveillance around schools and parks, including but not
24 limited to: (1) personnel costs; and (2) non-personnel
25 costs such as construction and maintenance of public safety
26 infrastructure and equipment;

1 (ii) initiatives to improve pedestrian and traffic
2 safety;

3 (iii) construction and maintenance of infrastructure
4 within the municipality, including but not limited to roads
5 and bridges; and

6 (iv) after school programs.

7 (e) For each violation of a provision of this Code or a
8 local ordinance recorded by an automated speed enforcement
9 system, the municipality having jurisdiction shall issue a
10 written notice of the violation to the registered owner of the
11 vehicle as the alleged violator. The notice shall be delivered
12 to the registered owner of the vehicle, by mail, within 30 days
13 after the Secretary of State notifies the municipality of the
14 identity of the owner of the vehicle, but in no event later
15 than 90 days after the violation.

16 (f) The notice required under subsection (e) of this
17 Section shall include:

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

20 (2) the registration number of the motor vehicle
21 involved in the violation;

22 (3) the violation charged;

23 (4) the date, time, and location where the violation
24 occurred;

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

26 (6) the amount of the civil penalty imposed and the

1 date by which the civil penalty should be paid;

2 (7) a statement that recorded images are evidence of a
3 violation of a speed restriction;

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

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

10 (A) paying the fine; or

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

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

16 (g) If a person charged with a traffic violation, as a
17 result of an automated speed enforcement system, does not pay
18 the fine or successfully contest the civil penalty resulting
19 from that violation, the Secretary of State shall suspend the
20 driving privileges of the registered owner of the vehicle under
21 Section 6-306.5 of this Code for failing to pay any fine or
22 penalty due and owing, or both, as a result of a combination of
23 5 violations of the automated speed enforcement system or the
24 automated traffic law under Section 11-208.6 of this Code.

25 (h) Based on inspection of recorded images produced by an
26 automated speed enforcement system, a notice alleging that the

1 violation occurred shall be evidence of the facts contained in
2 the notice and admissible in any proceeding alleging a
3 violation under this Section.

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

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

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

18 (2) that the driver of the motor vehicle received a
19 Uniform Traffic Citation from a police officer for a
20 speeding violation occurring within one-eighth of a mile
21 and 15 minutes of the violation that was recorded by the
22 system; and

23 (3) any other evidence or issues provided by municipal
24 ordinance.

25 (k) To demonstrate that the motor vehicle or the
26 registration plates were stolen before the violation occurred

1 and were not under the control or possession of the owner at
2 the time of the violation, the owner must submit proof that a
3 report concerning the stolen motor vehicle or registration
4 plates was filed with a law enforcement agency in a timely
5 manner.

6 (l) A roadway equipped with an automated speed enforcement
7 system shall be posted with a sign conforming to the national
8 Manual on Uniform Traffic Control Devices that is visible to
9 approaching traffic stating that vehicle speeds are being
10 photo-enforced and indicating the speed limit. The
11 municipality shall install such additional signage as it
12 determines is necessary to give reasonable notice to drivers as
13 to where automated speed enforcement systems are installed.

14 (m) A roadway where a new automated speed enforcement
15 system is installed shall be posted with signs providing 30
16 days notice of the use of a new automated speed enforcement
17 system prior to the issuance of any citations through the
18 automated speed enforcement system.

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

24 (o) A municipality shall make a certified report to the
25 Secretary of State pursuant to Section 6-306.5 of this Code
26 whenever a registered owner of a vehicle has failed to pay any

1 fine or penalty due and owing as a result of a combination of 5
2 offenses for automated speed or traffic law enforcement system
3 violations.

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

14 Upon the provision of information by the lessor pursuant to
15 this subsection, the municipality may issue the violation to
16 the lessee of the vehicle in the same manner as it would issue
17 a violation to a registered owner of a vehicle pursuant to this
18 Section, and the lessee may be held liable for the violation.

19 (q) A municipality using an automated speed enforcement
20 system must provide notice to drivers by publishing the
21 locations of all safety zones where system equipment is
22 installed on the website of the municipality.

23 (r) A municipality operating an automated speed
24 enforcement system shall conduct a statistical analysis to
25 assess the safety impact of the system. The statistical
26 analysis shall be based upon the best available crash, traffic,

1 and other data, and shall cover a period of time before and
2 after installation of the system sufficient to provide a
3 statistically valid comparison of safety impact. The
4 statistical analysis shall be consistent with professional
5 judgment and acceptable industry practice. The statistical
6 analysis also shall be consistent with the data required for
7 valid comparisons of before and after conditions and shall be
8 conducted within a reasonable period following the
9 installation of the automated traffic law enforcement system.
10 The statistical analysis required by this subsection shall be
11 made available to the public and shall be published on the
12 website of the municipality.

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

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

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

23 (625 ILCS 5/11-208.9)

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

1 (a) As used in this Section, "automated traffic law
2 enforcement system" means a device with one or more motor
3 vehicle sensors working in conjunction with the visual signals
4 on a school bus, as specified in Sections 12-803 and 12-805 of
5 this Code, to produce recorded images of motor vehicles that
6 fail to stop before meeting or overtaking, from either
7 direction, any school bus stopped at any location for the
8 purpose of receiving or discharging pupils in violation of
9 Section 11-1414 of this Code or a similar provision of a local
10 ordinance.

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

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

20 (1) 2 or more photographs;

21 (2) 2 or more microphotographs;

22 (3) 2 or more electronic images; or

23 (4) a video recording showing the motor vehicle and, on
24 at least one image or portion of the recording, clearly
25 identifying the registration plate number of the motor
26 vehicle.

1 (c) A municipality or county that produces a recorded image
2 of a motor vehicle's violation of a provision of this Code or a
3 local ordinance must make the recorded images of a violation
4 accessible to the alleged violator by providing the alleged
5 violator with a website address, accessible through the
6 Internet.

7 (d) For each violation of a provision of this Code or a
8 local ordinance recorded by an automated traffic law
9 enforcement system, the county or municipality having
10 jurisdiction shall issue a written notice of the violation to
11 the registered owner of the vehicle as the alleged violator.
12 The notice shall be delivered to the registered owner of the
13 vehicle, by mail, within 30 days after the Secretary of State
14 notifies the municipality or county of the identity of the
15 owner of the vehicle, but in no event later than 90 days after
16 the violation.

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

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

20 (2) the registration number of the motor vehicle
21 involved in the violation;

22 (3) the violation charged;

23 (4) the location where the violation occurred;

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

25 (6) a copy of the recorded images;

26 (7) the amount of the civil penalty imposed and the

1 date by which the civil penalty should be paid;

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

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

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

11 (A) paying the fine; or

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

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

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

1 (g) Based on inspection of recorded images produced by an
2 automated traffic law enforcement system, a notice alleging
3 that the violation occurred shall be evidence of the facts
4 contained in the notice and admissible in any proceeding
5 alleging a violation under this Section.

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

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

16 (1) that the motor vehicle or registration plates of
17 the motor vehicle were stolen before the violation occurred
18 and not under the control of or in the possession of the
19 owner at the time of the violation;

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

25 (3) that the visual signals required by Sections 12-803
26 and 12-805 of this Code were damaged, not activated, not

1 present in violation of Sections 12-803 and 12-805, or
2 inoperable; and

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

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

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

26 (l) A school bus equipped with an automated traffic law

1 enforcement system must be posted with a sign indicating that
2 the school bus is being monitored by an automated traffic law
3 enforcement system.

4 (m) A municipality or county that has one or more school
5 buses equipped with an automated traffic law enforcement system
6 must provide notice to drivers by posting a list of school
7 districts using school buses equipped with an automated traffic
8 law enforcement system on the municipality or county website.
9 School districts that have one or more school buses equipped
10 with an automated traffic law enforcement system must provide
11 notice to drivers by posting that information on their
12 websites.

13 (n) A municipality or county operating an automated traffic
14 law enforcement system shall conduct a statistical analysis to
15 assess the safety impact in each school district using school
16 buses equipped with an automated traffic law enforcement system
17 following installation of the system. The statistical analysis
18 shall be based upon the best available crash, traffic, and
19 other data, and shall cover a period of time before and after
20 installation of the system sufficient to provide a
21 statistically valid comparison of safety impact. The
22 statistical analysis shall be consistent with professional
23 judgment and acceptable industry practice. The statistical
24 analysis also shall be consistent with the data required for
25 valid comparisons of before and after conditions and shall be
26 conducted within a reasonable period following the

1 installation of the automated traffic law enforcement system.
2 The statistical analysis required by this subsection shall be
3 made available to the public and shall be published on the
4 website of the municipality or county. If the statistical
5 analysis for the 36-month period following installation of the
6 system indicates that there has been an increase in the rate of
7 accidents at the approach to school buses monitored by the
8 system, the municipality or county shall undertake additional
9 studies to determine the cause and severity of the accidents,
10 and may take any action that it determines is necessary or
11 appropriate to reduce the number or severity of the accidents
12 involving school buses equipped with an automated traffic law
13 enforcement system.

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

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

1 subsequently individually requested by the appropriate
2 authority if needed for enforcement of this Section.

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

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

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

1 school board of that district, with the municipality or county
2 with jurisdiction over that school district for the
3 administration of the automated traffic law enforcement
4 system. The proceeds from a school district's automated traffic
5 law enforcement system's fines shall be divided equally between
6 the school district and the municipality or county
7 administering the automated traffic law enforcement system.

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

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

15 (625 ILCS 5/11-1201.1)

16 Sec. 11-1201.1. Automated Railroad Crossing Enforcement
17 System.

18 (a) For the purposes of this Section, an automated railroad
19 grade crossing enforcement system is a system in a municipality
20 or county operated by a governmental agency that produces a
21 recorded image of a motor vehicle's violation of a provision of
22 this Code or local ordinance and is designed to obtain a clear
23 recorded image of the vehicle and vehicle's license plate. The
24 recorded image must also display the time, date, and location
25 of the violation.

1 As used in this Section, "recorded images" means images
2 recorded by an automated railroad grade crossing enforcement
3 system on:

4 (1) 2 or more photographs;

5 (2) 2 or more microphotographs;

6 (3) 2 or more electronic images; or

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

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

25 (b-1) (Blank.)

26 (c) For each violation of Section 11-1201 of this Code or a

1 local ordinance recorded by an automated railroad grade
2 crossing enforcement system, the county or municipality having
3 jurisdiction shall issue a written notice of the violation to
4 the registered owner of the vehicle as the alleged violator.
5 The notice shall be delivered to the registered owner of the
6 vehicle, by mail, no later than 90 days after the violation.

7 The notice shall include:

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

10 (2) the registration number of the motor vehicle
11 involved in the violation;

12 (3) the violation charged;

13 (4) the location where the violation occurred;

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

15 (6) a copy of the recorded images;

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

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

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

24 (10) a statement that the person may elect to proceed
25 by:

26 (A) paying the fine; or

1 (B) challenging the charge in court, by mail, or by
2 administrative hearing.

3 (d) If a person charged with a traffic violation, as a
4 result of an automated railroad grade crossing enforcement
5 system, does not pay or successfully contest the civil penalty
6 resulting from that violation, the Secretary of State shall
7 suspend the driving privileges of the registered owner of the
8 vehicle under Section 6-306.5 of this Code for failing to pay
9 any fine or penalty due and owing as a result of 5 violations
10 of the automated railroad grade crossing enforcement system.

11 (d-1) (Blank.)

12 (d-2) (Blank.)

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

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

26 (e-2) The court or hearing officer may consider the

1 following in the defense of a violation:

2 (1) that the motor vehicle or registration plates of
3 the motor vehicle were stolen before the violation occurred
4 and not under the control of or in the possession of the
5 owner at the time of the violation;

6 (2) that the driver of the motor vehicle received a
7 Uniform Traffic Citation from a police officer at the time
8 of the violation for the same offense;

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

11 (e-3) To demonstrate that the motor vehicle or the
12 registration plates were stolen before the violation occurred
13 and were not under the control or possession of the owner at
14 the time of the violation, the owner must submit proof that a
15 report concerning the stolen motor vehicle or registration
16 plates was filed with a law enforcement agency in a timely
17 manner.

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

23 (g) The compensation paid for an automated railroad grade
24 crossing enforcement system must be based on the value of the
25 equipment or the services provided and may not be based on the
26 number of citations issued or the revenue generated by the

1 system.

2 (h) (Blank.)

3 (i) If any part or parts of this Section are held by a
4 court of competent jurisdiction to be unconstitutional, the
5 unconstitutionality shall not affect the validity of the
6 remaining parts of this Section. The General Assembly hereby
7 declares that it would have passed the remaining parts of this
8 Section if it had known that the other part or parts of this
9 Section would be declared unconstitutional.

10 (j) Penalty. A civil fine of \$250 shall be imposed for a
11 first violation of this Section, and a civil fine of \$500 shall
12 be imposed for a second or subsequent violation of this
13 Section.

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

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

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

1 (625 ILCS 7/45)

2 Sec. 45. Vehicle rental or leasing company's
3 identification of a renter or lessee.

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

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

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

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

21 (1) the registered owner responds to the Uniform
22 Traffic Citation by submitting, within 30 days of the
23 mailing of the citation, an affidavit of non-liability
24 stating that, at the time of the alleged speeding or other
25 traffic violation, the vehicle was under the operation and

1 control of a person other than the vehicle's registered
2 owner under a car facilitation transaction facilitated by a
3 car facilitation company; and

4 (2) the registered owner provides proof of the
5 transaction facilitated by the car facilitation company
6 between the registered owner of the vehicle and the driver
7 of the vehicle during the alleged violation.

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

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

18 (Source: 10000SB2641ham003.)

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

24 (625 ILCS 27/30)

1 Sec. 30. Car facilitation company obligations and
2 liability.

3 (a) Notwithstanding any provision to the contrary, a rental
4 company that is a car facilitation company shall, when
5 applicable, be subject to the statutory and regulatory
6 obligations pertaining to all motor vehicle rental companies.

7 (b) If any loss or injury occurs at any time a vehicle is
8 under the operation and control of a person other than the
9 vehicle's registered owner under a car facilitation
10 transaction facilitated by a car facilitation company, the
11 company shall assume all liability of the registered owner of
12 the vehicle used in the car facilitation transaction and shall
13 be considered the vehicle's owner for all purposes.

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

18 (1) the expiration of the car facilitation period
19 established for the vehicle occurs;

20 (2) the intent to terminate the vehicle's car
21 facilitation transaction is verifiably communicated to the
22 company; or

23 (3) the vehicle's registered owner takes possession
24 and control of the vehicle.

25 If any loss giving rise to a claim occurs, the car
26 facilitation company shall initially assume liability for a

1 claim in which a dispute exists as to who was in control of the
2 vehicle and seek indemnification if it is later determined that
3 the registered owner was in possession of the vehicle.

4 (d) At no time shall the registered owner of the vehicle or
5 the owner's insurer be held liable for any loss, injury,
6 damage, or violation involving his or her vehicle occurring
7 during a car facilitation transaction unless it is shown that
8 the registered owner was operating or in control of the vehicle
9 at the time of the loss, injury, damage, or violation.

10 (e) Notwithstanding any provision to the contrary, for the
11 purpose of the issuance of a civil penalty for a violation of
12 Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 of the
13 Illinois Vehicle Code, the violation shall be dismissed with
14 respect to the registered owner of the vehicle, and the car
15 facilitation company shall be considered the vehicle's owner
16 for purposes of violation, if:

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

24 (2) the registered owner provides proof of the
25 transaction facilitated by the car facilitation company
26 with the driver of his or her vehicle during the alleged

1 violation.

2 (f) Nothing in this Section shall limit the liability of
3 the car facilitation company for any acts or omissions by the
4 company that result in injury to any persons as a result of the
5 use or operation of a vehicle during a car facilitation
6 transaction.

7 (g) For the purpose of the allocation of liability for a
8 private passenger vehicle used in relation to a motor vehicle
9 rental company that is a car facilitation company, as defined
10 in Section 1-110.05 of the Illinois Vehicle Code, the car
11 facilitation company shall assume liability if any damaged to
12 the vehicle occurs:

13 (1) at any time when the vehicle is not in possession
14 of the vehicle's registered owner and at the car
15 facilitation company's designated location or other
16 location designated for the car facilitation transaction
17 while being made available to rent;

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

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

25 Nothing in this subsection (g) prevents a car facilitation
26 company from holding a renter in a car facilitation transaction

1 liable to the extent permitted under this Section.

2 A car facilitation company continues to be liable under
3 this subsection (g) until the end of the car facilitation
4 transaction as described in subsection (c) of this Section or
5 as described in this subsection (g). At no time shall the
6 registered owner of the vehicle or the owner's insurer be
7 liable for any exposure, including negligent entrustment, of
8 the vehicle involved in a car facilitation transaction.

9 Except as otherwise provided in this Section or in Section
10 45 of the Automated Traffic Control Systems in Highway
11 Construction or Maintenance Zones Act, nothing in this
12 subsection shall be construed to relieve the registered owner
13 of the vehicle from any liability imposed by any ordinance or
14 resolution of a unit of local government.

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

19 (i) An owner's insurer that defends or indemnifies a claim
20 against its insured that is determined to be excluded under the
21 terms of its policy shall have the right to seek contribution
22 against the insurer of the car facilitation company, if the
23 claim is:

24 (1) made against the registered owner of the vehicle or
25 renter in the car facilitation transaction for loss or
26 injury that occurs during the car facilitation

1 transaction; and

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

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

6 (k) An owner's insurer may deny issuance of, cancel, void,
7 terminate, rescind, or deny renewal of an insurance policy
8 covering a motor vehicle that has been made available for a car
9 facilitation transaction if the applicant or policyholder of
10 the insurance policy fails to provide complete and accurate
11 information about the use of a motor vehicle through a car
12 facilitation transaction as requested by the insurer during the
13 application or renewal process of the insurance policy.

14 (l) Nothing in this Section requires any owner's insurance
15 policy to:

16 (1) provide primary or excess coverage during the car
17 facilitation transaction;

18 (2) imply that any insurance policy provides coverage
19 for a motor vehicle during the car facilitation
20 transaction; or

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

25 (m) The car facilitation company shall collect and verify
26 records pertaining to the use of a vehicle, including, but not

1 limited to, times used, fees paid by the rentor, and revenues
2 received by the vehicle owner, and provide that information
3 upon request to the registered owner of the vehicle, the
4 owner's insurer, or and the insurer of a person operating the
5 vehicle during the car facilitation transaction when a claim
6 has been made against an insured involving a dispute as to
7 whether the insurer's policy of the registered owner of the
8 vehicle or the person operating the vehicle and shall retain
9 the records for a reasonable period after the expiration of the
10 applicable personal injury statute of limitations.

11 (n) The car facilitation company shall have sole
12 responsibility for any equipment, such as a GPS system or other
13 special equipment, that is put in or on the vehicle to monitor
14 or facilitate the transaction, and shall agree to indemnify and
15 hold harmless the vehicle owner for any damage to or theft of
16 such equipment.

17 (o) The car facilitation company shall:

18 (1) verify that the registered vehicle does not have
19 any safety recalls on the vehicle for which the repairs
20 have not been made; and

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

23 (p) If the registered owner of the vehicle has received an
24 actual notice of a safety recall on the motor vehicle, the
25 registered owner of the vehicle may not make the motor vehicle
26 available through the car facilitation company until the safety

1 recall repair has been made.

2 If a registered owner of a vehicle receives an actual
3 notice of a safety recall on a registered vehicle while the
4 registered vehicle is made available or in use through the car
5 facilitation company, the registered owner of the vehicle shall
6 remove the shared motor vehicle from participation as soon as
7 practicably possible, but no later than 72 hours after
8 receiving the notice of the safety recall and shall not allow
9 the vehicle to be used in a car facilitation transaction until
10 the safety recall repair has been made.

11 (q) A citation for a violation of Section 11-208.6,
12 11-208.8, 11-208.9, or 11-1201.1 of the Illinois Vehicle Code
13 that is dismissed with respect to the registered owner of a
14 vehicle under subsection (e) of this Section may be issued and
15 delivered by mail or other means to the car facilitation
16 company identified in the registered owner's affidavit of
17 non-liability.

18 (Source: 10000SB2641ham003; 10000SB2641ham004.)

19 Section 99. Effective date. This Act takes effect January
20 1, 2019."