



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB3980

Introduced 2/6/2026, by Sen. Mike Porfirio

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Procurement Code. Requires bidders that respond to solicitations issued on or after January 1, 2027 for master contracts for the purchase of vehicles to submit an Illinois Jobs Plan that meets certain requirements. Amends the Electric Vehicle Rebate Act. Provides that, beginning July 1, 2027, changes electric vehicle rebates and requires Illinois residency and changes the luxury and low efficiency vehicle fee. Amends the Toll Highway Act. Requires the Toll Highway Authority to build at least 4 150 kW fast charging ports by 2027, expand to 8 ports by 2029 and 16 ports by 2031. Amends the Vehicle Code. Requires the Illinois Commerce Commission to establish biennial reporting for large fleets beginning in 2027. Amends the Electric Vehicle Charging Act. Provides that units of local government may grant exceptions if utility upgrades would materially increase construction costs, but EV capable spaces cannot fall below certain levels. Provides that Tenants and condominium owners may install Level 1, Low Power Level 2, or Level 2 charging systems at their own expense, subject to reasonable restrictions. Amends the State Mandates Act. Provides that State mandates created by the amendatory Act requires no reimbursement to units of local governments. Amends the Retailer Occupation Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act to make other changes. Effective immediately.

LRB104 18198 JRC 31637 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Procurement Code is amended by  
5 adding Section 20-185 as follows:

6 (30 ILCS 500/20-185 new)

7 Sec. 20-185. Illinois Jobs Plan.

8 (a) In this Section:

9 "Chief procurement officer" means the chief procurement  
10 officer for general services, as established under paragraph  
11 (4) of subsection (a) of Section 10-20 of this Code, or the  
12 designee of the chief procurement officer for general  
13 services.

14 "Displaced worker" means any employee whose most recent  
15 separation from active service was due to lack of business, a  
16 reduction in force, or other economic, nondisciplinary reason  
17 related to the transition from fossil-fuel reliant vehicles to  
18 zero-emission or near zero-emissions vehicles.

19 "Disadvantaged worker" means an individual who experiences  
20 significant obstacles to securing or maintaining work due to  
21 economic hardship, limited education or language proficiency,  
22 involvement with the criminal legal system, housing  
23 instability, or other serious social circumstances.

1 "Disadvantaged worker includes" individuals from historically  
2 marginalized communities and individuals historically  
3 underrepresented in the manufacturing industry.

4 "Illinois Jobs Plan" means a required part of a master  
5 contract application in which the bidder details, by facility,  
6 the minimum wages, benefits, and percentage of jobs reserved  
7 for disadvantaged or displaced workers that would apply to  
8 nonsupervisory workers performing the contract, if awarded.

9 "Master contract" has the meaning given in Section 1-15.47  
10 of this Code.

11 (b)The purpose of this Section is to ensure that public  
12 investments made through State procurement support  
13 high-quality jobs, workforce transition, and equitable  
14 economic development in Illinois.

15 (c) Notwithstanding any other provision of this Code,  
16 bidders responding to solicitations issued on or after January  
17 1, 2027 for master contracts for the purchase of vehicles must  
18 submit an Illinois Jobs Plan as a required element of  
19 responsiveness.

20 (d) For solicitations issued on or after the effective  
21 date of this Section, the chief procurement officer must  
22 establish procedures and guidance necessary to implement this  
23 Section, which shall, at a minimum, provide that:

24 (1) The contents of the Illinois Jobs Plan be  
25 incorporated as material terms of the final contract.

26 (2) Contractors performing contracts under this

1 Section must submit annual Illinois Jobs Plan reports to  
2 the chief procurement officer. These reports are subject  
3 to the Illinois False Claims Act for false claims or  
4 statements.

5 (3) Illinois Jobs Plans and related annual reports may  
6 not be considered trade secrets under subsection (g)  
7 Section 7 of the Freedom of Information Act and may not be  
8 otherwise confidential, privileged, or exempt from  
9 disclosure.

10 (e) This Section does not apply to a contract awarded  
11 based on a solicitation issued before January 1, 2027.

12 (f) This Section shall not be construed to require a  
13 bidder or contracting entity to violate State or federal  
14 labor, employment, or procurement law.

15 Section 10. The Use Tax Act is amended by changing Section  
16 3-5 as follows:

17 (35 ILCS 105/3-5)

18 Sec. 3-5. Exemptions. Use, which, on and after January 1,  
19 2025, includes use by a lessee, of the following tangible  
20 personal property is exempt from the tax imposed by this Act:

21 (1) Personal property purchased from a corporation,  
22 society, association, foundation, institution, or  
23 organization, other than a limited liability company, that is  
24 organized and operated as a not-for-profit service enterprise

1 for the benefit of persons 65 years of age or older if the  
2 personal property was not purchased by the enterprise for the  
3 purpose of resale by the enterprise.

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

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

22 (4) Except as otherwise provided in this Act, personal  
23 property purchased by a governmental body, by a corporation,  
24 society, association, foundation, or institution organized and  
25 operated exclusively for charitable, religious, or educational  
26 purposes, or by a not-for-profit corporation, society,

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

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

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

1 (7) Farm chemicals.

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

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

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

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

1 tanks and dry boxes shall include units sold separately from a  
2 motor vehicle required to be licensed and units sold mounted  
3 on a motor vehicle required to be licensed if the selling price  
4 of the tender is separately stated.

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

13 Farm machinery and equipment also includes computers,  
14 sensors, software, and related equipment used primarily in the  
15 computer-assisted operation of production agriculture  
16 facilities, equipment, and activities such as, but not limited  
17 to, the collection, monitoring, and correlation of animal and  
18 crop data for the purpose of formulating animal diets and  
19 agricultural chemicals.

20 Beginning on January 1, 2024, farm machinery and equipment  
21 also includes electrical power generation equipment used  
22 primarily for production agriculture.

23 This item (11) is exempt from the provisions of Section  
24 3-90.

25 (12) Until June 30, 2013, fuel and petroleum products sold  
26 to or used by an air common carrier, certified by the carrier

1 to be used for consumption, shipment, or storage in the  
2 conduct of its business as an air common carrier, for a flight  
3 destined for or returning from a location or locations outside  
4 the United States without regard to previous or subsequent  
5 domestic stopovers.

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

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

24 (14) Until July 1, 2003, oil field exploration, drilling,  
25 and production equipment, including (i) rigs and parts of  
26 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)

1 pipe and tubular goods, including casing and drill strings,  
2 (iii) pumps and pump-jack units, (iv) storage tanks and flow  
3 lines, (v) any individual replacement part for oil field  
4 exploration, drilling, and production equipment, and (vi)  
5 machinery and equipment purchased for lease; but excluding  
6 motor vehicles required to be registered under the Illinois  
7 Vehicle Code.

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

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

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

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

4 (18) Manufacturing and assembling machinery and equipment  
5 used primarily in the process of manufacturing or assembling  
6 tangible personal property for wholesale or retail sale or  
7 lease, whether that sale or lease is made directly by the  
8 manufacturer or by some other person, whether the materials  
9 used in the process are owned by the manufacturer or some other  
10 person, or whether that sale or lease is made apart from or as  
11 an incident to the seller's engaging in the service occupation  
12 of producing machines, tools, dies, jigs, patterns, gauges, or  
13 other similar items of no commercial value on special order  
14 for a particular purchaser. The exemption provided by this  
15 paragraph (18) includes production related tangible personal  
16 property, as defined in Section 3-50, purchased on or after  
17 July 1, 2019. The exemption provided by this paragraph (18)  
18 does not include machinery and equipment used in (i) the  
19 generation of electricity for wholesale or retail sale; (ii)  
20 the generation or treatment of natural or artificial gas for  
21 wholesale or retail sale that is delivered to customers  
22 through pipes, pipelines, or mains; or (iii) the treatment of  
23 water for wholesale or retail sale that is delivered to  
24 customers through pipes, pipelines, or mains. The provisions  
25 of Public Act 98-583 are declaratory of existing law as to the  
26 meaning and scope of this exemption. Beginning on July 1,

1 2017, the exemption provided by this paragraph (18) includes,  
2 but is not limited to, graphic arts machinery and equipment,  
3 as defined in paragraph (6) of this Section.

4 (19) Personal property delivered to a purchaser or  
5 purchaser's donee inside Illinois when the purchase order for  
6 that personal property was received by a florist located  
7 outside Illinois who has a florist located inside Illinois  
8 deliver the personal property.

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

11 (21) Horses, or interests in horses, registered with and  
12 meeting the requirements of any of the Arabian Horse Club  
13 Registry of America, Appaloosa Horse Club, American Quarter  
14 Horse Association, United States Trotting Association, or  
15 Jockey Club, as appropriate, used for purposes of breeding or  
16 racing for prizes. This item (21) is exempt from the  
17 provisions of Section 3-90, and the exemption provided for  
18 under this item (21) applies for all periods beginning May 30,  
19 1995, but no claim for credit or refund is allowed on or after  
20 January 1, 2008 for such taxes paid during the period  
21 beginning May 30, 2000 and ending on January 1, 2008.

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

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

19 (23) Personal property purchased by a lessor who leases  
20 the property, under a lease of one year or longer executed or  
21 in effect at the time the lessor would otherwise be subject to  
22 the tax imposed by this Act, to a governmental body that has  
23 been issued an active sales tax exemption identification  
24 number by the Department under Section 1g of the Retailers'  
25 Occupation Tax Act. If the property is leased in a manner that  
26 does not qualify for this exemption or used in any other

1 non-exempt manner, the lessor shall be liable for the tax  
2 imposed under this Act or the Service Use Tax Act, as the case  
3 may be, based on the fair market value of the property at the  
4 time the non-qualifying use occurs. No lessor shall collect or  
5 attempt to collect an amount (however designated) that  
6 purports to reimburse that lessor for the tax imposed by this  
7 Act or the Service Use Tax Act, as the case may be, if the tax  
8 has not been paid by the lessor. If a lessor improperly  
9 collects any such amount from the lessee, the lessee shall  
10 have a legal right to claim a refund of that amount from the  
11 lessor. If, however, that amount is not refunded to the lessee  
12 for any reason, the lessor is liable to pay that amount to the  
13 Department.

14 (24) 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 donated  
17 for disaster relief to be used in a State or federally declared  
18 disaster area in Illinois or bordering Illinois by a  
19 manufacturer or retailer that is registered in this State to a  
20 corporation, society, association, foundation, or institution  
21 that has been issued a sales tax exemption identification  
22 number by the Department that assists victims of the disaster  
23 who reside within the declared disaster area.

24 (25) Beginning with taxable years ending on or after  
25 December 31, 1995 and ending with taxable years ending on or  
26 before December 31, 2004, personal property that is used in

1 the performance of infrastructure repairs in this State,  
2 including, but not limited to, municipal roads and streets,  
3 access roads, bridges, sidewalks, waste disposal systems,  
4 water and sewer line extensions, water distribution and  
5 purification facilities, storm water drainage and retention  
6 facilities, and sewage treatment facilities, resulting from a  
7 State or federally declared disaster in Illinois or bordering  
8 Illinois when such repairs are initiated on facilities located  
9 in the declared disaster area within 6 months after the  
10 disaster.

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

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

1 intensity with the course of study presented in tax-supported  
2 schools, and vocational or technical schools or institutes  
3 organized and operated exclusively to provide a course of  
4 study of not less than 6 weeks duration and designed to prepare  
5 individuals to follow a trade or to pursue a manual,  
6 technical, mechanical, industrial, business, or commercial  
7 occupation.

8 (28) Beginning January 1, 2000, personal property,  
9 including food, purchased through fundraising events for the  
10 benefit of a public or private elementary or secondary school,  
11 a group of those schools, or one or more school districts if  
12 the events are sponsored by an entity recognized by the school  
13 district that consists primarily of volunteers and includes  
14 parents and teachers of the school children. This paragraph  
15 does not apply to fundraising events (i) for the benefit of  
16 private home instruction or (ii) for which the fundraising  
17 entity purchases the personal property sold at the events from  
18 another individual or entity that sold the property for the  
19 purpose of resale by the fundraising entity and that profits  
20 from the sale to the fundraising entity. This paragraph is  
21 exempt from the provisions of Section 3-90.

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

1 and parts for machines used in commercial, coin-operated  
2 amusement and vending business if a use or occupation tax is  
3 paid on the gross receipts derived from the use of the  
4 commercial, coin-operated amusement and vending machines. This  
5 paragraph is exempt from the provisions of Section 3-90.

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

19 (31) Beginning on August 2, 2001 (the effective date of  
20 Public Act 92-227), computers and communications equipment  
21 utilized for any hospital purpose and equipment used in the  
22 diagnosis, analysis, or treatment of hospital patients  
23 purchased by a lessor who leases the equipment, under a lease  
24 of one year or longer executed or in effect at the time the  
25 lessor would otherwise be subject to the tax imposed by this  
26 Act, to a hospital that has been issued an active tax exemption

1 identification number by the Department under Section 1g of  
2 the Retailers' Occupation Tax Act. If the equipment is leased  
3 in a manner that does not qualify for this exemption or is used  
4 in any other nonexempt manner, the lessor shall be liable for  
5 the tax imposed under this Act or the Service Use Tax Act, as  
6 the case may be, based on the fair market value of the property  
7 at the time the nonqualifying use occurs. No lessor shall  
8 collect or attempt to collect an amount (however designated)  
9 that purports to reimburse that lessor for the tax imposed by  
10 this Act or the Service Use Tax Act, as the case may be, if the  
11 tax has not been paid by the lessor. If a lessor improperly  
12 collects any such amount from the lessee, the lessee shall  
13 have a legal right to claim a refund of that amount from the  
14 lessor. If, however, that amount is not refunded to the lessee  
15 for any reason, the lessor is liable to pay that amount to the  
16 Department. This paragraph is exempt from the provisions of  
17 Section 3-90.

18 (32) Beginning on August 2, 2001 (the effective date of  
19 Public Act 92-227), personal property purchased by a lessor  
20 who leases the property, under a lease of one year or longer  
21 executed or in effect at the time the lessor would otherwise be  
22 subject to the tax imposed by this Act, to a governmental body  
23 that has been issued an active sales tax exemption  
24 identification number by the Department under Section 1g of  
25 the Retailers' Occupation Tax Act. If the property is leased  
26 in a manner that does not qualify for this exemption or used in

1 any other nonexempt manner, the lessor shall be liable for the  
2 tax imposed under this Act or the Service Use Tax Act, as the  
3 case may be, based on the fair market value of the property at  
4 the time the nonqualifying use occurs. No lessor shall collect  
5 or attempt to collect an amount (however designated) that  
6 purports to reimburse that lessor for the tax imposed by this  
7 Act or the Service Use Tax Act, as the case may be, if the tax  
8 has not been paid by the lessor. If a lessor improperly  
9 collects any such amount from the lessee, the lessee shall  
10 have a legal right to claim a refund of that amount from the  
11 lessor. If, however, that amount is not refunded to the lessee  
12 for any reason, the lessor is liable to pay that amount to the  
13 Department. This paragraph is exempt from the provisions of  
14 Section 3-90.

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

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

8 (34) Beginning January 1, 2008, tangible personal property  
9 used in the construction or maintenance of a community water  
10 supply, as defined under Section 3.145 of the Environmental  
11 Protection Act, that is operated by a not-for-profit  
12 corporation that holds a valid water supply permit issued  
13 under Title IV of the Environmental Protection Act. This  
14 paragraph is exempt from the provisions of Section 3-90.

15 (35) Beginning January 1, 2010 and continuing through  
16 December 31, 2029, materials, parts, equipment, components,  
17 and furnishings incorporated into or upon an aircraft as part  
18 of the modification, refurbishment, completion, replacement,  
19 repair, or maintenance of the aircraft. This exemption  
20 includes consumable supplies used in the modification,  
21 refurbishment, completion, replacement, repair, and  
22 maintenance of aircraft. However, until January 1, 2024, this  
23 exemption excludes any materials, parts, equipment,  
24 components, and consumable supplies used in the modification,  
25 replacement, repair, and maintenance of aircraft engines or  
26 power plants, whether such engines or power plants are

1 installed or uninstalled upon any such aircraft. "Consumable  
2 supplies" include, but are not limited to, adhesive, tape,  
3 sandpaper, general purpose lubricants, cleaning solution,  
4 latex gloves, and protective films.

5 Beginning January 1, 2010 and continuing through December  
6 31, 2023, this exemption applies only to the use of qualifying  
7 tangible personal property by persons who modify, refurbish,  
8 complete, repair, replace, or maintain aircraft and who (i)  
9 hold an Air Agency Certificate and are empowered to operate an  
10 approved repair station by the Federal Aviation  
11 Administration, (ii) have a Class IV Rating, and (iii) conduct  
12 operations in accordance with Part 145 of the Federal Aviation  
13 Regulations. From January 1, 2024 through December 31, 2029,  
14 this exemption applies only to the use of qualifying tangible  
15 personal property by: (A) persons who modify, refurbish,  
16 complete, repair, replace, or maintain aircraft and who (i)  
17 hold an Air Agency Certificate and are empowered to operate an  
18 approved repair station by the Federal Aviation  
19 Administration, (ii) have a Class IV Rating, and (iii) conduct  
20 operations in accordance with Part 145 of the Federal Aviation  
21 Regulations; and (B) persons who engage in the modification,  
22 replacement, repair, and maintenance of aircraft engines or  
23 power plants without regard to whether or not those persons  
24 meet the qualifications of item (A).

25 The exemption does not include aircraft operated by a  
26 commercial air carrier providing scheduled passenger air

1 service pursuant to authority issued under Part 121 or Part  
2 129 of the Federal Aviation Regulations. The changes made to  
3 this paragraph (35) by Public Act 98-534 are declarative of  
4 existing law. It is the intent of the General Assembly that the  
5 exemption under this paragraph (35) applies continuously from  
6 January 1, 2010 through December 31, 2024; however, no claim  
7 for credit or refund is allowed for taxes paid as a result of  
8 the disallowance of this exemption on or after January 1, 2015  
9 and prior to February 5, 2020 (the effective date of Public Act  
10 101-629).

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

26 (37) Beginning January 1, 2017 and through December 31,

1 2026, menstrual pads, tampons, and menstrual cups.

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

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

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

1       (41) From July 1, 2026, through December 31, 2035, motor  
2       vehicles of the second division (gross vehicle weight over  
3       10,000 pounds) powered exclusively by electricity or hydrogen  
4       fuel cells.

5       The Department of Commerce and Economic Opportunity shall  
6       grant a certificate of exemption under this item (40) to  
7       qualified data centers as defined by Section 605-1025 of the  
8       Department of Commerce and Economic Opportunity Law of the  
9       Civil Administrative Code of Illinois.

10       For the purposes of this item (40):

11       "Data center" means a building or a series of  
12       buildings rehabilitated or constructed to house working  
13       servers in one physical location or multiple sites within  
14       the State of Illinois.

15       "Qualified tangible personal property" means:  
16       electrical systems and equipment; climate control and  
17       chilling equipment and systems; mechanical systems and  
18       equipment; monitoring and secure systems; emergency  
19       generators; hardware; computers; servers; data storage  
20       devices; network connectivity equipment; racks; cabinets;  
21       telecommunications cabling infrastructure; raised floor  
22       systems; peripheral components or systems; software;  
23       mechanical, electrical, or plumbing systems; battery  
24       systems; cooling systems and towers; temperature control  
25       systems; other cabling; and other data center  
26       infrastructure equipment and systems necessary to operate

1 qualified tangible personal property, including fixtures;  
2 and component parts of any of the foregoing, including  
3 installation, maintenance, repair, refurbishment, and  
4 replacement of qualified tangible personal property to  
5 generate, transform, transmit, distribute, or manage  
6 electricity necessary to operate qualified tangible  
7 personal property; and all other tangible personal  
8 property that is essential to the operations of a computer  
9 data center. The term "qualified tangible personal  
10 property" also includes building materials physically  
11 incorporated into the qualifying data center. To document  
12 the exemption allowed under this Section, the retailer  
13 must obtain from the purchaser a copy of the certificate  
14 of eligibility issued by the Department of Commerce and  
15 Economic Opportunity.

16 This item (40) is exempt from the provisions of Section  
17 3-90.

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

22 "Breast pump" means an electrically controlled or  
23 manually controlled pump device designed or marketed to be  
24 used to express milk from a human breast during lactation,  
25 including the pump device and any battery, AC adapter, or  
26 other power supply unit that is used to power the pump

1 device and is packaged and sold with the pump device at the  
2 time of sale.

3 "Breast pump collection and storage supplies" means  
4 items of tangible personal property designed or marketed  
5 to be used in conjunction with a breast pump to collect  
6 milk expressed from a human breast and to store collected  
7 milk until it is ready for consumption.

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

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

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

8 (42) Tangible personal property sold by or on behalf of  
9 the State Treasurer pursuant to the Revised Uniform Unclaimed  
10 Property Act. This item (42) is exempt from the provisions of  
11 Section 3-90.

12 (43) Beginning on January 1, 2024, tangible personal  
13 property purchased by an active duty member of the armed  
14 forces of the United States who presents valid military  
15 identification and purchases the property using a form of  
16 payment where the federal government is the payor. The member  
17 of the armed forces must complete, at the point of sale, a form  
18 prescribed by the Department of Revenue documenting that the  
19 transaction is eligible for the exemption under this  
20 paragraph. Retailers must keep the form as documentation of  
21 the exemption in their records for a period of not less than 6  
22 years. "Armed forces of the United States" means the United  
23 States Army, Navy, Air Force, Space Force, Marine Corps, or  
24 Coast Guard. This paragraph is exempt from the provisions of  
25 Section 3-90.

26 (44) Beginning July 1, 2024, home-delivered meals provided

1 to Medicare or Medicaid recipients when payment is made by an  
2 intermediary, such as a Medicare Administrative Contractor, a  
3 Managed Care Organization, or a Medicare Advantage  
4 Organization, pursuant to a government contract. This item  
5 (44) is exempt from the provisions of Section 3-90.

6 (45) Beginning on January 1, 2026, as further defined in  
7 Section 3-10, food for human consumption that is to be  
8 consumed off the premises where it is sold (other than  
9 alcoholic beverages, food consisting of or infused with adult  
10 use cannabis, soft drinks, candy, and food that has been  
11 prepared for immediate consumption). This item (45) is exempt  
12 from the provisions of Section 3-90.

13 (46) Use by the lessee of the following leased tangible  
14 personal property:

15 (1) software transferred subject to a license that  
16 meets the following requirements:

17 (A) it is evidenced by a written agreement signed  
18 by the licensor and the customer;

19 (i) an electronic agreement in which the  
20 customer accepts the license by means of an  
21 electronic signature that is verifiable and can be  
22 authenticated and is attached to or made part of  
23 the license will comply with this requirement;

24 (ii) a license agreement in which the customer  
25 electronically accepts the terms by clicking "I  
26 agree" does not comply with this requirement;

1 (B) it restricts the customer's duplication and  
2 use of the software;

3 (C) it prohibits the customer from licensing,  
4 sublicensing, or transferring the software to a third  
5 party (except to a related party) without the  
6 permission and continued control of the licensor;

7 (D) the licensor has a policy of providing another  
8 copy at minimal or no charge if the customer loses or  
9 damages the software, or of permitting the licensee to  
10 make and keep an archival copy, and such policy is  
11 either stated in the license agreement, supported by  
12 the licensor's books and records, or supported by a  
13 notarized statement made under penalties of perjury by  
14 the licensor; and

15 (E) the customer must destroy or return all copies  
16 of the software to the licensor at the end of the  
17 license period; this provision is deemed to be met, in  
18 the case of a perpetual license, without being set  
19 forth in the license agreement; and

20 (2) property that is subject to a tax on lease  
21 receipts imposed by a home rule unit of local government  
22 if the ordinance imposing that tax was adopted prior to  
23 January 1, 2023.

24 (Source: P.A. 103-9, Article 5, Section 5-5, eff. 6-7-23;  
25 103-9, Article 15, Section 15-5, eff. 6-7-23; 103-154, eff.  
26 6-30-23; 103-384, eff. 1-1-24; 103-592, eff. 1-1-25; 103-605,

1 eff. 7-1-24; 103-643, eff. 7-1-24; 103-746, eff. 1-1-25;  
2 103-781, eff. 8-5-24; 104-417, eff. 8-15-25.)

3 Section 15. The Service Use Tax Act is amended by changing  
4 Section 3-5 as follows:

5 (35 ILCS 110/3-5)

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

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

15 (2) Personal property purchased by a non-profit Illinois  
16 county fair association for use in conducting, operating, or  
17 promoting the county fair.

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

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

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

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

25 (6) Personal property purchased from a teacher-sponsored  
26 student organization affiliated with an elementary or

1 secondary school located in Illinois.

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

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

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

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

10 Beginning on January 1, 2024, farm machinery and equipment  
11 also includes electrical power generation equipment used  
12 primarily for production agriculture.

13 This item (7) is exempt from the provisions of Section  
14 3-75.

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

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

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

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

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

25 (11) Proceeds from the sale of photoprocessing machinery  
26 and equipment, including repair and replacement parts, both

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

5 (12) Until July 1, 2028, coal and aggregate exploration,  
6 mining, off-highway hauling, processing, maintenance, and  
7 reclamation equipment, including replacement parts and  
8 equipment, and including equipment purchased for lease, but  
9 excluding motor vehicles required to be registered under the  
10 Illinois Vehicle Code. The changes made to this Section by  
11 Public Act 97-767 apply on and after July 1, 2003, but no claim  
12 for credit or refund is allowed on or after August 16, 2013  
13 (the effective date of Public Act 98-456) for such taxes paid  
14 during the period beginning July 1, 2003 and ending on August  
15 16, 2013 (the effective date of Public Act 98-456).

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

18 (14) Horses, or interests in horses, registered with and  
19 meeting the requirements of any of the Arabian Horse Club  
20 Registry of America, Appaloosa Horse Club, American Quarter  
21 Horse Association, United States Trotting Association, or  
22 Jockey Club, as appropriate, used for purposes of breeding or  
23 racing for prizes. This item (14) is exempt from the  
24 provisions of Section 3-75, and the exemption provided for  
25 under this item (14) applies for all periods beginning May 30,  
26 1995, but no claim for credit or refund is allowed on or after

1 January 1, 2008 (the effective date of Public Act 95-88) for  
2 such taxes paid during the period beginning May 30, 2000 and  
3 ending on January 1, 2008 (the effective date of Public Act  
4 95-88).

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

1 Department.

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

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

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

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

19 (19) Beginning July 1, 1999, game or game birds purchased  
20 at a "game breeding and hunting preserve area" as that term is  
21 used in the Wildlife Code. This paragraph is exempt from the  
22 provisions of Section 3-75.

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

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

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

1 purpose of resale by the fundraising entity and that profits  
2 from the sale to the fundraising entity. This paragraph is  
3 exempt from the provisions of Section 3-75.

4 (22) Beginning January 1, 2000 and through December 31,  
5 2001, new or used automatic vending machines that prepare and  
6 serve hot food and beverages, including coffee, soup, and  
7 other items, and replacement parts for these machines.  
8 Beginning January 1, 2002 and through June 30, 2003, machines  
9 and parts for machines used in commercial, coin-operated  
10 amusement and vending business if a use or occupation tax is  
11 paid on the gross receipts derived from the use of the  
12 commercial, coin-operated amusement and vending machines. This  
13 paragraph is exempt from the provisions of Section 3-75.

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

1           (24) Beginning on August 2, 2001 (the effective date of  
2 Public Act 92-227), computers and communications equipment  
3 utilized for any hospital purpose and equipment used in the  
4 diagnosis, analysis, or treatment of hospital patients  
5 purchased by a lessor who leases the equipment, under a lease  
6 of one year or longer executed or in effect at the time the  
7 lessor would otherwise be subject to the tax imposed by this  
8 Act, to a hospital that has been issued an active tax exemption  
9 identification number by the Department under Section 1g of  
10 the Retailers' Occupation Tax Act. If the equipment is leased  
11 in a manner that does not qualify for this exemption or is used  
12 in any other nonexempt manner, the lessor shall be liable for  
13 the tax imposed under this Act or the Use Tax Act, as the case  
14 may be, based on the fair market value of the property at the  
15 time the nonqualifying use occurs. No lessor shall collect or  
16 attempt to collect an amount (however designated) that  
17 purports to reimburse that lessor for the tax imposed by this  
18 Act or the Use Tax Act, as the case may be, if the tax has not  
19 been paid by the lessor. If a lessor improperly collects any  
20 such amount from the lessee, the lessee shall have a legal  
21 right to claim a refund of that amount from the lessor. If,  
22 however, that amount is not refunded to the lessee for any  
23 reason, the lessor is liable to pay that amount to the  
24 Department. This paragraph is exempt from the provisions of  
25 Section 3-75.

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

1 Public Act 92-227), personal property purchased by a lessor  
2 who leases the property, under a lease of one year or longer  
3 executed or in effect at the time the lessor would otherwise be  
4 subject to the tax imposed by this Act, to a governmental body  
5 that has been issued an active tax exemption identification  
6 number by the Department under Section 1g of the Retailers'  
7 Occupation Tax Act. If the property is leased in a manner that  
8 does not qualify for this exemption or is used in any other  
9 nonexempt manner, the lessor shall be liable for the tax  
10 imposed under this Act or the Use Tax Act, as the case may be,  
11 based on the fair market value of the property at the time the  
12 nonqualifying use occurs. No lessor shall collect or attempt  
13 to collect an amount (however designated) that purports to  
14 reimburse that lessor for the tax imposed by this Act or the  
15 Use Tax Act, as the case may be, if the tax has not been paid  
16 by the lessor. If a lessor improperly collects any such amount  
17 from the lessee, the lessee shall have a legal right to claim a  
18 refund of that amount from the lessor. If, however, that  
19 amount is not refunded to the lessee for any reason, the lessor  
20 is liable to pay that amount to the Department. This paragraph  
21 is exempt from the provisions of Section 3-75.

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

1 under Title IV of the Environmental Protection Act. This  
2 paragraph is exempt from the provisions of Section 3-75.

3 (27) Beginning January 1, 2010 and continuing through  
4 December 31, 2029, materials, parts, equipment, components,  
5 and furnishings incorporated into or upon an aircraft as part  
6 of the modification, refurbishment, completion, replacement,  
7 repair, or maintenance of the aircraft. This exemption  
8 includes consumable supplies used in the modification,  
9 refurbishment, completion, replacement, repair, and  
10 maintenance of aircraft. However, until January 1, 2024, this  
11 exemption excludes any materials, parts, equipment,  
12 components, and consumable supplies used in the modification,  
13 replacement, repair, and maintenance of aircraft engines or  
14 power plants, whether such engines or power plants are  
15 installed or uninstalled upon any such aircraft. "Consumable  
16 supplies" include, but are not limited to, adhesive, tape,  
17 sandpaper, general purpose lubricants, cleaning solution,  
18 latex gloves, and protective films.

19 Beginning January 1, 2010 and continuing through December  
20 31, 2023, this exemption applies only to the use of qualifying  
21 tangible personal property transferred incident to the  
22 modification, refurbishment, completion, replacement, repair,  
23 or maintenance of aircraft by persons who (i) hold an Air  
24 Agency Certificate and are empowered to operate an approved  
25 repair station by the Federal Aviation Administration, (ii)  
26 have a Class IV Rating, and (iii) conduct operations in

1 accordance with Part 145 of the Federal Aviation Regulations.  
2 From January 1, 2024 through December 31, 2029, this exemption  
3 applies only to the use of qualifying tangible personal  
4 property transferred incident to: (A) the modification,  
5 refurbishment, completion, repair, replacement, or maintenance  
6 of an aircraft by persons who (i) hold an Air Agency  
7 Certificate and are empowered to operate an approved repair  
8 station by the Federal Aviation Administration, (ii) have a  
9 Class IV Rating, and (iii) conduct operations in accordance  
10 with Part 145 of the Federal Aviation Regulations; and (B) the  
11 modification, replacement, repair, and maintenance of aircraft  
12 engines or power plants without regard to whether or not those  
13 persons meet the qualifications of item (A).

14 The exemption does not include aircraft operated by a  
15 commercial air carrier providing scheduled passenger air  
16 service pursuant to authority issued under Part 121 or Part  
17 129 of the Federal Aviation Regulations. The changes made to  
18 this paragraph (27) by Public Act 98-534 are declarative of  
19 existing law. It is the intent of the General Assembly that the  
20 exemption under this paragraph (27) applies continuously from  
21 January 1, 2010 through December 31, 2024; however, no claim  
22 for credit or refund is allowed for taxes paid as a result of  
23 the disallowance of this exemption on or after January 1, 2015  
24 and prior to February 5, 2020 (the effective date of Public Act  
25 101-629).

26 (28) Tangible personal property purchased by a

1 public-facilities corporation, as described in Section  
2 11-65-10 of the Illinois Municipal Code, for purposes of  
3 constructing or furnishing a municipal convention hall, but  
4 only if the legal title to the municipal convention hall is  
5 transferred to the municipality without any further  
6 consideration by or on behalf of the municipality at the time  
7 of the completion of the municipal convention hall or upon the  
8 retirement or redemption of any bonds or other debt  
9 instruments issued by the public-facilities corporation in  
10 connection with the development of the municipal convention  
11 hall. This exemption includes existing public-facilities  
12 corporations as provided in Section 11-65-25 of the Illinois  
13 Municipal Code. This paragraph is exempt from the provisions  
14 of Section 3-75.

15 (29) Beginning January 1, 2017 and through December 31,  
16 2026, menstrual pads, tampons, and menstrual cups.

17 (30) Tangible personal property transferred to a purchaser  
18 who is exempt from the tax imposed by this Act by operation of  
19 federal law. This paragraph is exempt from the provisions of  
20 Section 3-75.

21 (31) Qualified tangible personal property used in the  
22 construction or operation of a data center that has been  
23 granted a certificate of exemption by the Department of  
24 Commerce and Economic Opportunity, whether that tangible  
25 personal property is purchased by the owner, operator, or  
26 tenant of the data center or by a contractor or subcontractor

1 of the owner, operator, or tenant. Data centers that would  
2 have qualified for a certificate of exemption prior to January  
3 1, 2020 had Public Act 101-31 been in effect, may apply for and  
4 obtain an exemption for subsequent purchases of computer  
5 equipment or enabling software purchased or leased to upgrade,  
6 supplement, or replace computer equipment or enabling software  
7 purchased or leased in the original investment that would have  
8 qualified.

9 The Department of Commerce and Economic Opportunity shall  
10 grant a certificate of exemption under this item (31) to  
11 qualified data centers as defined by Section 605-1025 of the  
12 Department of Commerce and Economic Opportunity Law of the  
13 Civil Administrative Code of Illinois.

14 For the purposes of this item (31):

15 "Data center" means a building or a series of  
16 buildings rehabilitated or constructed to house working  
17 servers in one physical location or multiple sites within  
18 the State of Illinois.

19 "Qualified tangible personal property" means:  
20 electrical systems and equipment; climate control and  
21 chilling equipment and systems; mechanical systems and  
22 equipment; monitoring and secure systems; emergency  
23 generators; hardware; computers; servers; data storage  
24 devices; network connectivity equipment; racks; cabinets;  
25 telecommunications cabling infrastructure; raised floor  
26 systems; peripheral components or systems; software;

1 mechanical, electrical, or plumbing systems; battery  
2 systems; cooling systems and towers; temperature control  
3 systems; other cabling; and other data center  
4 infrastructure equipment and systems necessary to operate  
5 qualified tangible personal property, including fixtures;  
6 and component parts of any of the foregoing, including  
7 installation, maintenance, repair, refurbishment, and  
8 replacement of qualified tangible personal property to  
9 generate, transform, transmit, distribute, or manage  
10 electricity necessary to operate qualified tangible  
11 personal property; and all other tangible personal  
12 property that is essential to the operations of a computer  
13 data center. The term "qualified tangible personal  
14 property" also includes building materials physically  
15 incorporated into the qualifying data center. To document  
16 the exemption allowed under this Section, the retailer  
17 must obtain from the purchaser a copy of the certificate  
18 of eligibility issued by the Department of Commerce and  
19 Economic Opportunity.

20 This item (31) is exempt from the provisions of Section  
21 3-75.

22 (32) Beginning July 1, 2022, breast pumps, breast pump  
23 collection and storage supplies, and breast pump kits. This  
24 item (32) is exempt from the provisions of Section 3-75. As  
25 used in this item (32):

26 "Breast pump" means an electrically controlled or

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

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

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

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

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

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

12 (33) Tangible personal property sold by or on behalf of  
13 the State Treasurer pursuant to the Revised Uniform Unclaimed  
14 Property Act. This item (33) is exempt from the provisions of  
15 Section 3-75.

16 (34) Beginning on January 1, 2024, tangible personal  
17 property purchased by an active duty member of the armed  
18 forces of the United States who presents valid military  
19 identification and purchases the property using a form of  
20 payment where the federal government is the payor. The member  
21 of the armed forces must complete, at the point of sale, a form  
22 prescribed by the Department of Revenue documenting that the  
23 transaction is eligible for the exemption under this  
24 paragraph. Retailers must keep the form as documentation of  
25 the exemption in their records for a period of not less than 6  
26 years. "Armed forces of the United States" means the United

1 States Army, Navy, Air Force, Space Force, Marine Corps, or  
2 Coast Guard. This paragraph is exempt from the provisions of  
3 Section 3-75.

4 (35) Beginning July 1, 2024, home-delivered meals provided  
5 to Medicare or Medicaid recipients when payment is made by an  
6 intermediary, such as a Medicare Administrative Contractor, a  
7 Managed Care Organization, or a Medicare Advantage  
8 Organization, pursuant to a government contract. This  
9 paragraph (35) is exempt from the provisions of Section 3-75.

10 (36) Beginning on January 1, 2026, as further defined in  
11 Section 3-10, food prepared for immediate consumption and  
12 transferred incident to a sale of service subject to this Act  
13 or the Service Occupation Tax Act by an entity licensed under  
14 the Hospital Licensing Act, the Nursing Home Care Act, the  
15 Assisted Living and Shared Housing Act, the ID/DD Community  
16 Care Act, the MC/DD Act, the Specialized Mental Health  
17 Rehabilitation Act of 2013, or the Child Care Act of 1969 or by  
18 an entity that holds a permit issued pursuant to the Life Care  
19 Facilities Act. This item (36) is exempt from the provisions  
20 of Section 3-75.

21 (37) Beginning on January 1, 2026, as further defined in  
22 Section 3-10, food for human consumption that is to be  
23 consumed off the premises where it is sold (other than  
24 alcoholic beverages, food consisting of or infused with adult  
25 use cannabis, soft drinks, candy, and food that has been  
26 prepared for immediate consumption). This item (37) is exempt

1 from the provisions of Section 3-75.

2 (38) Use by a lessee of the following leased tangible  
3 personal property:

4 (1) software transferred subject to a license that  
5 meets the following requirements:

6 (A) it is evidenced by a written agreement signed  
7 by the licensor and the customer;

8 (i) an electronic agreement in which the  
9 customer accepts the license by means of an  
10 electronic signature that is verifiable and can be  
11 authenticated and is attached to or made part of  
12 the license will comply with this requirement;

13 (ii) a license agreement in which the customer  
14 electronically accepts the terms by clicking "I  
15 agree" does not comply with this requirement;

16 (B) it restricts the customer's duplication and  
17 use of the software;

18 (C) it prohibits the customer from licensing,  
19 sublicensing, or transferring the software to a third  
20 party (except to a related party) without the  
21 permission and continued control of the licensor;

22 (D) the licensor has a policy of providing another  
23 copy at minimal or no charge if the customer loses or  
24 damages the software, or of permitting the licensee to  
25 make and keep an archival copy, and such policy is  
26 either stated in the license agreement, supported by

1 the licensor's books and records, or supported by a  
2 notarized statement made under penalties of perjury by  
3 the licensor; and

4 (E) the customer must destroy or return all copies  
5 of the software to the licensor at the end of the  
6 license period; this provision is deemed to be met, in  
7 the case of a perpetual license, without being set  
8 forth in the license agreement; and

9 (2) property that is subject to a tax on lease  
10 receipts imposed by a home rule unit of local government  
11 if the ordinance imposing that tax was adopted prior to  
12 January 1, 2023.

13 (39) From July 1, 2026, through December 31, 2035, motor  
14 vehicles of the second division (gross vehicle weight over  
15 10,000 pounds) powered exclusively by electricity or hydrogen  
16 fuel cells.

17 (Source: P.A. 103-9, Article 5, Section 5-10, eff. 6-7-23;  
18 103-9, Article 15, Section 15-10, eff. 6-7-23; 103-154, eff.  
19 6-30-23; 103-384, eff. 1-1-24; 103-592, eff. 1-1-25; 103-605,  
20 eff. 7-1-24; 103-643, eff. 7-1-24; 103-746, eff. 1-1-25;  
21 103-781, eff. 8-5-24; 103-995, eff. 8-9-24; 104-417, eff.  
22 8-15-25.)

23 Section 20. The Service Occupation Tax Act is amended by  
24 changing Section 3-5 as follows:

1 (35 ILCS 115/3-5)

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

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

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

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

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

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

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

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

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

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

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

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

1 to, the collection, monitoring, and correlation of animal and  
2 crop data for the purpose of formulating animal diets and  
3 agricultural chemicals.

4 Beginning on January 1, 2024, farm machinery and equipment  
5 also includes electrical power generation equipment used  
6 primarily for production agriculture.

7 This item (7) is exempt from the provisions of Section  
8 3-55.

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

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

26 (9) Proceeds of mandatory service charges separately

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

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

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

23 (12) Until July 1, 2028, coal and aggregate exploration,  
24 mining, off-highway hauling, processing, maintenance, and  
25 reclamation equipment, including replacement parts and  
26 equipment, and including equipment purchased for lease, but

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

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

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

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

1 Jockey Club, as appropriate, used for purposes of breeding or  
2 racing for prizes. This item (15) is exempt from the  
3 provisions of Section 3-55, and the exemption provided for  
4 under this item (15) applies for all periods beginning May 30,  
5 1995, but no claim for credit or refund is allowed on or after  
6 January 1, 2008 (the effective date of Public Act 95-88) for  
7 such taxes paid during the period beginning May 30, 2000 and  
8 ending on January 1, 2008 (the effective date of Public Act  
9 95-88).

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

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

24 (18) Beginning with taxable years ending on or after  
25 December 31, 1995 and ending with taxable years ending on or  
26 before December 31, 2004, personal property that is donated

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

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

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

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

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

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

1 entity purchases the personal property sold at the events from  
2 another individual or entity that sold the property for the  
3 purpose of resale by the fundraising entity and that profits  
4 from the sale to the fundraising entity. This paragraph is  
5 exempt from the provisions of Section 3-55.

6 (23) Beginning January 1, 2000 and through December 31,  
7 2001, new or used automatic vending machines that prepare and  
8 serve hot food and beverages, including coffee, soup, and  
9 other items, and replacement parts for these machines.  
10 Beginning January 1, 2002 and through June 30, 2003, machines  
11 and parts for machines used in commercial, coin-operated  
12 amusement and vending business if a use or occupation tax is  
13 paid on the gross receipts derived from the use of the  
14 commercial, coin-operated amusement and vending machines. This  
15 paragraph is exempt from the provisions of Section 3-55.

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

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

1 Public Act 92-227), personal property sold to a lessor who  
2 leases the property, under a lease of one year or longer  
3 executed or in effect at the time of the purchase, to a  
4 governmental body that has been issued an active tax exemption  
5 identification number by the Department under Section 1g of  
6 the Retailers' Occupation Tax Act. This paragraph is exempt  
7 from the provisions of Section 3-55.

8 (26) Beginning on January 1, 2002 and through June 30,  
9 2016, tangible personal property purchased from an Illinois  
10 retailer by a taxpayer engaged in centralized purchasing  
11 activities in Illinois who will, upon receipt of the property  
12 in Illinois, temporarily store the property in Illinois (i)  
13 for the purpose of subsequently transporting it outside this  
14 State for use or consumption thereafter solely outside this  
15 State or (ii) for the purpose of being processed, fabricated,  
16 or manufactured into, attached to, or incorporated into other  
17 tangible personal property to be transported outside this  
18 State and thereafter used or consumed solely outside this  
19 State. The Director of Revenue shall, pursuant to rules  
20 adopted in accordance with the Illinois Administrative  
21 Procedure Act, issue a permit to any taxpayer in good standing  
22 with the Department who is eligible for the exemption under  
23 this paragraph (26). The permit issued under this paragraph  
24 (26) shall authorize the holder, to the extent and in the  
25 manner specified in the rules adopted under this Act, to  
26 purchase tangible personal property from a retailer exempt

1 from the taxes imposed by this Act. Taxpayers shall maintain  
2 all necessary books and records to substantiate the use and  
3 consumption of all such tangible personal property outside of  
4 the State of Illinois.

5 (27) Beginning January 1, 2008, tangible personal property  
6 used in the construction or maintenance of a community water  
7 supply, as defined under Section 3.145 of the Environmental  
8 Protection Act, that is operated by a not-for-profit  
9 corporation that holds a valid water supply permit issued  
10 under Title IV of the Environmental Protection Act. This  
11 paragraph is exempt from the provisions of Section 3-55.

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

1           (29) Beginning January 1, 2010 and continuing through  
2 December 31, 2029, materials, parts, equipment, components,  
3 and furnishings incorporated into or upon an aircraft as part  
4 of the modification, refurbishment, completion, replacement,  
5 repair, or maintenance of the aircraft. This exemption  
6 includes consumable supplies used in the modification,  
7 refurbishment, completion, replacement, repair, and  
8 maintenance of aircraft. However, until January 1, 2024, this  
9 exemption excludes any materials, parts, equipment,  
10 components, and consumable supplies used in the modification,  
11 replacement, repair, and maintenance of aircraft engines or  
12 power plants, whether such engines or power plants are  
13 installed or uninstalled upon any such aircraft. "Consumable  
14 supplies" include, but are not limited to, adhesive, tape,  
15 sandpaper, general purpose lubricants, cleaning solution,  
16 latex gloves, and protective films.

17           Beginning January 1, 2010 and continuing through December  
18 31, 2023, this exemption applies only to the transfer of  
19 qualifying tangible personal property incident to the  
20 modification, refurbishment, completion, replacement, repair,  
21 or maintenance of an aircraft by persons who (i) hold an Air  
22 Agency Certificate and are empowered to operate an approved  
23 repair station by the Federal Aviation Administration, (ii)  
24 have a Class IV Rating, and (iii) conduct operations in  
25 accordance with Part 145 of the Federal Aviation Regulations.  
26 The exemption does not include aircraft operated by a

1 commercial air carrier providing scheduled passenger air  
2 service pursuant to authority issued under Part 121 or Part  
3 129 of the Federal Aviation Regulations. From January 1, 2024  
4 through December 31, 2029, this exemption applies only to the  
5 transfer of qualifying tangible personal property incident to:  
6 (A) the modification, refurbishment, completion, repair,  
7 replacement, or maintenance of an aircraft by persons who (i)  
8 hold an Air Agency Certificate and are empowered to operate an  
9 approved repair station by the Federal Aviation  
10 Administration, (ii) have a Class IV Rating, and (iii) conduct  
11 operations in accordance with Part 145 of the Federal Aviation  
12 Regulations; and (B) the modification, replacement, repair,  
13 and maintenance of aircraft engines or power plants without  
14 regard to whether or not those persons meet the qualifications  
15 of item (A).

16 The changes made to this paragraph (29) by Public Act  
17 98-534 are declarative of existing law. It is the intent of the  
18 General Assembly that the exemption under this paragraph (29)  
19 applies continuously from January 1, 2010 through December 31,  
20 2024; however, no claim for credit or refund is allowed for  
21 taxes paid as a result of the disallowance of this exemption on  
22 or after January 1, 2015 and prior to February 5, 2020 (the  
23 effective date of Public Act 101-629).

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

26 (31) Tangible personal property transferred to a purchaser

1 who is exempt from tax by operation of federal law. This  
2 paragraph is exempt from the provisions of Section 3-55.

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

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

22 For the purposes of this item (32):

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

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

1 Economic Opportunity.

2 This item (32) is exempt from the provisions of Section  
3 3-55.

4 (33) Beginning July 1, 2022, breast pumps, breast pump  
5 collection and storage supplies, and breast pump kits. This  
6 item (33) is exempt from the provisions of Section 3-55. As  
7 used in this item (33):

8 "Breast pump" means an electrically controlled or  
9 manually controlled pump device designed or marketed to be  
10 used to express milk from a human breast during lactation,  
11 including the pump device and any battery, AC adapter, or  
12 other power supply unit that is used to power the pump  
13 device and is packaged and sold with the pump device at the  
14 time of sale.

15 "Breast pump collection and storage supplies" means  
16 items of tangible personal property designed or marketed  
17 to be used in conjunction with a breast pump to collect  
18 milk expressed from a human breast and to store collected  
19 milk until it is ready for consumption.

20 "Breast pump collection and storage supplies"  
21 includes, but is not limited to: breast shields and breast  
22 shield connectors; breast pump tubes and tubing adapters;  
23 breast pump valves and membranes; backflow protectors and  
24 backflow protector adaptors; bottles and bottle caps  
25 specific to the operation of the breast pump; and breast  
26 milk storage bags.

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

13 "Breast pump kit" means a kit that: (1) contains no  
14 more than a breast pump, breast pump collection and  
15 storage supplies, a rechargeable battery for operating the  
16 breast pump, a breastmilk cooler, bottle stands, ice  
17 packs, and a breast pump carrying case; and (2) is  
18 pre-packaged as a breast pump kit by the breast pump  
19 manufacturer or distributor.

20 (34) Tangible personal property sold by or on behalf of  
21 the State Treasurer pursuant to the Revised Uniform Unclaimed  
22 Property Act. This item (34) is exempt from the provisions of  
23 Section 3-55.

24 (35) Beginning on January 1, 2024, tangible personal  
25 property purchased by an active duty member of the armed  
26 forces of the United States who presents valid military

1 identification and purchases the property using a form of  
2 payment where the federal government is the payor. The member  
3 of the armed forces must complete, at the point of sale, a form  
4 prescribed by the Department of Revenue documenting that the  
5 transaction is eligible for the exemption under this  
6 paragraph. Retailers must keep the form as documentation of  
7 the exemption in their records for a period of not less than 6  
8 years. "Armed forces of the United States" means the United  
9 States Army, Navy, Air Force, Space Force, Marine Corps, or  
10 Coast Guard. This paragraph is exempt from the provisions of  
11 Section 3-55.

12 (36) Beginning July 1, 2024, home-delivered meals provided  
13 to Medicare or Medicaid recipients when payment is made by an  
14 intermediary, such as a Medicare Administrative Contractor, a  
15 Managed Care Organization, or a Medicare Advantage  
16 Organization, pursuant to a government contract. This  
17 paragraph (36) is exempt from the provisions of Section 3-55.

18 (37) Beginning on January 1, 2026, as further defined in  
19 Section 3-10, food prepared for immediate consumption and  
20 transferred incident to a sale of service subject to this Act  
21 or the Service Use Tax Act by an entity licensed under the  
22 Hospital Licensing Act, the Nursing Home Care Act, the  
23 Assisted Living and Shared Housing Act, the ID/DD Community  
24 Care Act, the MC/DD Act, the Specialized Mental Health  
25 Rehabilitation Act of 2013, or the Child Care Act of 1969 or by  
26 an entity that holds a permit issued pursuant to the Life Care

1 Facilities Act. This item (37) is exempt from the provisions  
2 of Section 3-55.

3 (38) Beginning on January 1, 2026, as further defined in  
4 Section 3-10, food for human consumption that is to be  
5 consumed off the premises where it is sold (other than  
6 alcoholic beverages, food consisting of or infused with adult  
7 use cannabis, soft drinks, candy, and food that has been  
8 prepared for immediate consumption). This item (38) is exempt  
9 from the provisions of Section 3-55.

10 (39) The lease of the following tangible personal  
11 property:

12 (1) computer software transferred subject to a license  
13 that meets the following requirements:

14 (A) it is evidenced by a written agreement signed  
15 by the licensor and the customer;

16 (i) an electronic agreement in which the  
17 customer accepts the license by means of an  
18 electronic signature that is verifiable and can be  
19 authenticated and is attached to or made part of  
20 the license will comply with this requirement;

21 (ii) a license agreement in which the customer  
22 electronically accepts the terms by clicking "I  
23 agree" does not comply with this requirement;

24 (B) it restricts the customer's duplication and  
25 use of the software;

26 (C) it prohibits the customer from licensing,

1           sublicensing, or transferring the software to a third  
2           party (except to a related party) without the  
3           permission and continued control of the licensor;

4           (D) the licensor has a policy of providing another  
5           copy at minimal or no charge if the customer loses or  
6           damages the software, or of permitting the licensee to  
7           make and keep an archival copy, and such policy is  
8           either stated in the license agreement, supported by  
9           the licensor's books and records, or supported by a  
10          notarized statement made under penalties of perjury by  
11          the licensor; and

12          (E) the customer must destroy or return all copies  
13          of the software to the licensor at the end of the  
14          license period; this provision is deemed to be met, in  
15          the case of a perpetual license, without being set  
16          forth in the license agreement; and

17          (2) property that is subject to a tax on lease  
18          receipts imposed by a home rule unit of local government  
19          if the ordinance imposing that tax was adopted prior to  
20          January 1, 2023.

21          (40) From July 1, 2026, through December 31, 2035, motor  
22          vehicles of the second division (gross vehicle weight over  
23          10,000 pounds) powered exclusively by electricity or hydrogen  
24          fuel cells.

25          (Source: P.A. 103-9, Article 5, Section 5-15, eff. 6-7-23;  
26          103-9, Article 15, Section 15-15, eff. 6-7-23; 103-154, eff.

1 6-30-23; 103-384, eff. 1-1-24; 103-592, eff. 1-1-25; 103-605,  
2 eff. 7-1-24; 103-643, eff. 7-1-24; 103-746, eff. 1-1-25;  
3 103-781, eff. 8-5-24; 103-995, eff. 8-9-24; 104-417, eff.  
4 8-15-25.)

5 Section 25. The Retailers' Occupation Tax Act is amended  
6 by changing Section 2-5 as follows:

7 (35 ILCS 120/2-5)

8 Sec. 2-5. Exemptions. Gross receipts from proceeds from  
9 the sale, which, on and after January 1, 2025, includes the  
10 lease, 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  
20 in Section 1-130 of the Illinois Vehicle Code, farm  
21 machinery and agricultural chemical and fertilizer  
22 spreaders, and nurse wagons required to be registered  
23 under Section 3-809 of the Illinois Vehicle Code, but  
24 excluding other motor vehicles required to be registered

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

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

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

25 Beginning on January 1, 2024, farm machinery and  
26 equipment also includes electrical power generation

1 equipment used primarily for production agriculture.

2 This item (2) is exempt from the provisions of Section  
3 2-70.

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

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

24 (5) A motor vehicle that is used for automobile  
25 renting, as defined in the Automobile Renting Occupation  
26 and Use Tax Act. This paragraph is exempt from the

1 provisions of Section 2-70.

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

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

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

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

26 (10) Personal property sold by a corporation, society,

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

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

23 (12) (Blank).

24 (12-5) On and after July 1, 2003 and through June 30,  
25 2004, motor vehicles of the second division with a gross  
26 vehicle weight in excess of 8,000 pounds that are subject

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

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

26 (14) Machinery and equipment that will be used by the

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

26 (15) Proceeds of mandatory service charges separately

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

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

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

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

24          (19) Until July 1, 2003, oil field exploration,  
25          drilling, and production equipment, including (i) rigs and  
26          parts of rigs, rotary rigs, cable tool rigs, and workover

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

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

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

26 (22) Until June 30, 2013, fuel and petroleum products

1 sold to or used by an air carrier, certified by the carrier  
2 to be used for consumption, shipment, or storage in the  
3 conduct of its business as an air common carrier, for a  
4 flight destined for or returning from a location or  
5 locations outside the United States without regard to  
6 previous or subsequent domestic stopovers.

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

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

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

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

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

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

18 (25-6) There is a rebuttable presumption that the  
19 exemption under item (25) does not apply if the purchaser  
20 is a limited liability company and a member of the limited  
21 liability company is a resident of Illinois. This  
22 presumption may be rebutted by other evidence, such as  
23 evidence the motor vehicle is insured at a garaging or  
24 storage address outside Illinois or other evidence of the  
25 physical address at which the motor vehicle will be  
26 permanently stored or garaged outside Illinois.

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

5           (1) the aircraft leaves this State within 15 days  
6 after the later of either the issuance of the final  
7 billing for the sale of the aircraft, or the  
8 authorized approval for return to service, completion  
9 of the maintenance record entry, and completion of the  
10 test flight and ground test for inspection, as  
11 required by 14 CFR 91.407;

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

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

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

26 "Based in this State" means hangared, stored, or

1 otherwise used, excluding post-sale customizations as  
2 defined in this Section, for 10 or more days in each  
3 12-month period immediately following the date of the sale  
4 of the aircraft.

5 "Registered in this State" means an aircraft  
6 registered with the Department of Transportation,  
7 Aeronautics Division, or titled or registered with the  
8 Federal Aviation Administration to an address located in  
9 this State.

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

12 (26) Semen used for artificial insemination of  
13 livestock for direct agricultural production.

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

1 95-88).

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

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

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

1           (31) 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           used in the performance of infrastructure repairs in this  
5           State, including, but not limited to, municipal roads and  
6           streets, access roads, bridges, sidewalks, waste disposal  
7           systems, water and sewer line extensions, water  
8           distribution and purification facilities, storm water  
9           drainage and retention facilities, and sewage treatment  
10          facilities, resulting from a State or federally declared  
11          disaster in Illinois or bordering Illinois when such  
12          repairs are initiated on facilities located in the  
13          declared disaster area within 6 months after the disaster.

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

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

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

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

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

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

26          (36) Beginning August 2, 2001, computers and

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

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

17 (38) Beginning on January 1, 2002 and through June 30,  
18 2016, tangible personal property purchased from an  
19 Illinois retailer by a taxpayer engaged in centralized  
20 purchasing activities in Illinois who will, upon receipt  
21 of the property in Illinois, temporarily store the  
22 property in Illinois (i) for the purpose of subsequently  
23 transporting it outside this State for use or consumption  
24 thereafter solely outside this State or (ii) for the  
25 purpose of being processed, fabricated, or manufactured  
26 into, attached to, or incorporated into other tangible

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

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

23 (40) Beginning January 1, 2010 and continuing through  
24 December 31, 2029, materials, parts, equipment,  
25 components, and furnishings incorporated into or upon an  
26 aircraft as part of the modification, refurbishment,

1 completion, replacement, repair, or maintenance of the  
2 aircraft. This exemption includes consumable supplies used  
3 in the modification, refurbishment, completion,  
4 replacement, repair, and maintenance of aircraft. However,  
5 until January 1, 2024, this exemption excludes any  
6 materials, parts, equipment, components, and consumable  
7 supplies used in the modification, replacement, repair,  
8 and maintenance of aircraft engines or power plants,  
9 whether such engines or power plants are installed or  
10 uninstalled upon any such aircraft. "Consumable supplies"  
11 include, but are not limited to, adhesive, tape,  
12 sandpaper, general purpose lubricants, cleaning solution,  
13 latex gloves, and protective films.

14 Beginning January 1, 2010 and continuing through  
15 December 31, 2023, this exemption applies only to the sale  
16 of qualifying tangible personal property to persons who  
17 modify, refurbish, complete, replace, or maintain an  
18 aircraft and who (i) hold an Air Agency Certificate and  
19 are empowered to operate an approved repair station by the  
20 Federal Aviation Administration, (ii) have a Class IV  
21 Rating, and (iii) conduct operations in accordance with  
22 Part 145 of the Federal Aviation Regulations. The  
23 exemption does not include aircraft operated by a  
24 commercial air carrier providing scheduled passenger air  
25 service pursuant to authority issued under Part 121 or  
26 Part 129 of the Federal Aviation Regulations. From January

1           1, 2024 through December 31, 2029, this exemption applies  
2           only to the sale of qualifying tangible personal property  
3           to: (A) persons who modify, refurbish, complete, repair,  
4           replace, or maintain aircraft and who (i) hold an Air  
5           Agency Certificate and are empowered to operate an  
6           approved repair station by the Federal Aviation  
7           Administration, (ii) have a Class IV Rating, and (iii)  
8           conduct operations in accordance with Part 145 of the  
9           Federal Aviation Regulations; and (B) persons who engage  
10          in the modification, replacement, repair, and maintenance  
11          of aircraft engines or power plants without regard to  
12          whether or not those persons meet the qualifications of  
13          item (A).

14           The changes made to this paragraph (40) by Public Act  
15          98-534 are declarative of existing law. It is the intent  
16          of the General Assembly that the exemption under this  
17          paragraph (40) applies continuously from January 1, 2010  
18          through December 31, 2024; however, no claim for credit or  
19          refund is allowed for taxes paid as a result of the  
20          disallowance of this exemption on or after January 1, 2015  
21          and prior to February 5, 2020 (the effective date of  
22          Public Act 101-629).

23           (41) Tangible personal property sold to a  
24          public-facilities corporation, as described in Section  
25          11-65-10 of the Illinois Municipal Code, for purposes of  
26          constructing or furnishing a municipal convention hall,

1 but only if the legal title to the municipal convention  
2 hall is transferred to the municipality without any  
3 further consideration by or on behalf of the municipality  
4 at the time of the completion of the municipal convention  
5 hall or upon the retirement or redemption of any bonds or  
6 other debt instruments issued by the public-facilities  
7 corporation in connection with the development of the  
8 municipal convention hall. This exemption includes  
9 existing public-facilities corporations as provided in  
10 Section 11-65-25 of the Illinois Municipal Code. This  
11 paragraph is exempt from the provisions of Section 2-70.

12 (42) Beginning January 1, 2017 and through December  
13 31, 2026, menstrual pads, tampons, and menstrual cups.

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

22 (44) Qualified tangible personal property used in the  
23 construction or operation of a data center that has been  
24 granted a certificate of exemption by the Department of  
25 Commerce and Economic Opportunity, whether that tangible  
26 personal property is purchased by the owner, operator, or

1       tenant of the data center or by a contractor or  
2       subcontractor of the owner, operator, or tenant. Data  
3       centers that would have qualified for a certificate of  
4       exemption prior to January 1, 2020 had Public Act 101-31  
5       been in effect, may apply for and obtain an exemption for  
6       subsequent purchases of computer equipment or enabling  
7       software purchased or leased to upgrade, supplement, or  
8       replace computer equipment or enabling software purchased  
9       or leased in the original investment that would have  
10      qualified.

11       The Department of Commerce and Economic Opportunity  
12      shall grant a certificate of exemption under this item  
13      (44) to qualified data centers as defined by Section  
14      605-1025 of the Department of Commerce and Economic  
15      Opportunity Law of the Civil Administrative Code of  
16      Illinois.

17       For the purposes of this item (44):

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

22       "Qualified tangible personal property" means:  
23      electrical systems and equipment; climate control and  
24      chilling equipment and systems; mechanical systems and  
25      equipment; monitoring and secure systems; emergency  
26      generators; hardware; computers; servers; data storage

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

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

26 (45) Beginning January 1, 2020 and through December

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

17           (46) Beginning July 1, 2022, breast pumps, breast pump  
18 collection and storage supplies, and breast pump kits.  
19 This item (46) is exempt from the provisions of Section  
20 2-70. As used in this item (46):

21           "Breast pump" means an electrically controlled or  
22 manually controlled pump device designed or marketed to be  
23 used to express milk from a human breast during lactation,  
24 including the pump device and any battery, AC adapter, or  
25 other power supply unit that is used to power the pump  
26 device and is packaged and sold with the pump device at the

1 time of sale.

2 "Breast pump collection and storage supplies" means  
3 items of tangible personal property designed or marketed  
4 to be used in conjunction with a breast pump to collect  
5 milk expressed from a human breast and to store collected  
6 milk until it is ready for consumption.

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

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

26 "Breast pump kit" means a kit that: (1) contains no

1 more than a breast pump, breast pump collection and  
2 storage supplies, a rechargeable battery for operating the  
3 breast pump, a breastmilk cooler, bottle stands, ice  
4 packs, and a breast pump carrying case; and (2) is  
5 pre-packaged as a breast pump kit by the breast pump  
6 manufacturer or distributor.

7 (47) Tangible personal property sold by or on behalf  
8 of the State Treasurer pursuant to the Revised Uniform  
9 Unclaimed Property Act. This item (47) is exempt from the  
10 provisions of Section 2-70.

11 (48) Beginning on January 1, 2024, tangible personal  
12 property purchased by an active duty member of the armed  
13 forces of the United States who presents valid military  
14 identification and purchases the property using a form of  
15 payment where the federal government is the payor. The  
16 member of the armed forces must complete, at the point of  
17 sale, a form prescribed by the Department of Revenue  
18 documenting that the transaction is eligible for the  
19 exemption under this paragraph. Retailers must keep the  
20 form as documentation of the exemption in their records  
21 for a period of not less than 6 years. "Armed forces of the  
22 United States" means the United States Army, Navy, Air  
23 Force, Space Force, Marine Corps, or Coast Guard. This  
24 paragraph is exempt from the provisions of Section 2-70.

25 (49) Beginning July 1, 2024, home-delivered meals  
26 provided to Medicare or Medicaid recipients when payment

1 is made by an intermediary, such as a Medicare  
2 Administrative Contractor, a Managed Care Organization, or  
3 a Medicare Advantage Organization, pursuant to a  
4 government contract. This paragraph (49) is exempt from  
5 the provisions of Section 2-70.

6 (50) Beginning on January 1, 2026, as further defined  
7 in Section 2-10, food for human consumption that is to be  
8 consumed off the premises where it is sold (other than  
9 alcoholic beverages, food consisting of or infused with  
10 adult use cannabis, soft drinks, candy, and food that has  
11 been prepared for immediate consumption). This item (50)  
12 is exempt from the provisions of Section 2-70.

13 (51) Gross receipts from the lease of the following  
14 tangible personal property:

15 (1) computer software transferred subject to a  
16 license that meets the following requirements:

17 (A) it is evidenced by a written agreement  
18 signed by the licensor and the customer;

19 (i) an electronic agreement in which the  
20 customer accepts the license by means of an  
21 electronic signature that is verifiable and  
22 can be authenticated and is attached to or  
23 made part of the license will comply with this  
24 requirement;

25 (ii) a license agreement in which the  
26 customer electronically accepts the terms by

1                   clicking "I agree" does not comply with this  
2                   requirement;

3                   (B) it restricts the customer's duplication  
4                   and use of the software;

5                   (C) it prohibits the customer from licensing,  
6                   sublicensing, or transferring the software to a  
7                   third party (except to a related party) without  
8                   the permission and continued control of the  
9                   licensor;

10                  (D) the licensor has a policy of providing  
11                  another copy at minimal or no charge if the  
12                  customer loses or damages the software, or of  
13                  permitting the licensee to make and keep an  
14                  archival copy, and such policy is either stated in  
15                  the license agreement, supported by the licensor's  
16                  books and records, or supported by a notarized  
17                  statement made under penalties of perjury by the  
18                  licensor; and

19                  (E) the customer must destroy or return all  
20                  copies of the software to the licensor at the end  
21                  of the license period; this provision is deemed to  
22                  be met, in the case of a perpetual license,  
23                  without being set forth in the license agreement;  
24                  and

25                  (2) property that is subject to a tax on lease  
26                  receipts imposed by a home rule unit of local

1 government if the ordinance imposing that tax was  
2 adopted prior to January 1, 2023.

3 (52) From July 1, 2026, through December 31, 2035,  
4 motor vehicles of the second division (gross vehicle  
5 weight over 10,000 pounds) powered exclusively by  
6 electricity or hydrogen fuel cells.

7 (Source: P.A. 103-9, Article 5, Section 5-20, eff. 6-7-23;  
8 103-9, Article 15, Section 15-20, eff. 6-7-23; 103-154, eff.  
9 6-30-23; 103-384, eff. 1-1-24; 103-592, eff. 1-1-25; 103-605,  
10 eff. 7-1-24; 103-643, eff. 7-1-24; 103-746, eff. 1-1-25;  
11 103-781, eff. 8-5-24; 103-995, eff. 8-9-24; 104-6, eff.  
12 6-16-25; 104-417, eff. 8-15-25.)

13 Section 30. The Electric Vehicle Rebate Act is amended by  
14 changing Sections 27 and 40 and by adding Section 37 as  
15 follows:

16 (415 ILCS 120/27)

17 Sec. 27. Electric vehicle rebate.

18 (a) Beginning July 1, 2022, and continuing as long as  
19 funds are available, each eligible applicant shall be eligible  
20 to apply for a rebate, in the amounts set forth below,  
21 following the purchase of an eligible electric vehicle in  
22 Illinois. The Agency shall accept applications and issue  
23 rebates consistent with the provisions of this Act and any  
24 implementing regulations adopted by the Agency. In no event

1 shall a rebate amount exceed the purchase price of the  
2 vehicle.

3 Beginning July 1, 2027, the Agency or its contracted  
4 administrator must make available point-of-sale vouchers for  
5 eligible applicants to redeem through Illinois-licensed  
6 dealers. A dealer that accepts a voucher must deduct the  
7 rebate amount from the final sale or lease price, with the full  
8 incentive passed through to the purchaser or lessee at the  
9 time of sale or lease. Proof of applicant eligibility,  
10 including residence and income, must be verified by the Agency  
11 or its contracted administrator before voucher issuance or  
12 redemption. The Agency may adopt rules to implement the  
13 point-of-sale rebate.

14 The Agency must maintain a public dashboard with resources  
15 on electric vehicles, charging infrastructure, applicant and  
16 vehicle eligibility, participating dealers, State incentives,  
17 anonymized awardee demographics, and remaining funding  
18 availability for the fiscal year, as feasible.

19 (1) Beginning July 1, 2027:

20 (A) New or used EV (excluding electric  
21 motorcycles): \$5,000; low-income applicants +\$5,000

22 (B) Electric motorcycle: \$1,500

23 (2) Beginning July 1, 2028:

24 (A) New or used EV (excluding electric  
25 motorcycles): \$2,500; low-income applicants +\$2,500

26 (B) Electric motorcycle: \$750 2025, a \$2,000

~~rebate for eligible applicants toward the purchase of a new or used electric vehicle that is not an electric motorcycle and a \$1,500 rebate for the purchase of an electric vehicle that is an electric motorcycle. Low income applicants are eligible for an additional \$2,000 rebate for new or used vehicles that are not electric motorcycles.~~

~~(2) (Blank).~~

~~(3) Beginning July 1, 2028, a \$1,500 rebate for eligible applicants toward the purchase of a new or used electric vehicle that is not an electric motorcycle and a \$750 rebate for the purchase of an electric vehicle that is an electric motorcycle. Low income applicants are eligible for an additional \$1,500 for new or used vehicles that are not electric motorcycles.~~

~~(4) (Blank).~~

(b) Eligibility requirements. To be eligible to receive a rebate, a purchaser or lessee must:

(1) Reside in Illinois, both at the time the vehicle was purchased or leased and at the time the rebate is issued; ~~and~~

(2) Retain ownership for at least 12 months or 36 months for leases and register the vehicle in Illinois during that period; and

(3) Certify that the purchaser qualifies as an eligible applicant and, if applicable, as a low-income

1 applicant.

2 (4) Rented vehicles, vehicles purchased from an  
3 out-of-state dealership, and vehicles delivered to or  
4 received by the purchaser out-of-state are not eligible  
5 for a rebate under this Act; and

6 (b-35) Unless a rebate voucher has been issued  
7 point-of-sale as described in subsection(a), post-purchase  
8 applicants must apply for the rebate within 180 days after the  
9 vehicle purchase or lease agreement date; and provide to the  
10 Agency or its contracted administrator proof of residence, of  
11 vehicle ownership or lease, and that the vehicle was purchased  
12 or leased in Illinois, including a copy of a purchase or lease  
13 agreement noting an Illinois seller or lessor. The rebate  
14 recipient must notify the Agency or its contracted  
15 administrator of any changes in residency or ownership of the  
16 vehicle that occur between application for a rebate and  
17 issuance of a rebate.

18 ~~(2) Purchase an electric vehicle in Illinois on or~~  
19 ~~after July 1, 2022 and be the owner of the vehicle at the~~  
20 ~~time the rebate is issued. Rented or leased vehicles,~~  
21 ~~vehicles purchased from an out of state dealership, and~~  
22 ~~vehicles delivered to or received by the purchaser~~  
23 ~~out of state are not eligible for a rebate under this Act.~~

24 ~~(3) Apply for the rebate within 180 days after the~~  
25 ~~vehicle purchase date, and provide to the Agency proof of~~  
26 ~~residence, proof of vehicle ownership, and proof that the~~

1 ~~vehicle was purchased in Illinois, including a copy of a~~  
2 ~~purchase agreement noting an Illinois seller. The~~  
3 ~~purchaser must notify the Agency of any changes in~~  
4 ~~residency or ownership of the vehicle that occur between~~  
5 ~~application for a rebate and issuance of a rebate.~~

6 ~~(4) Apply for the rebate during an open rebate cycle,~~  
7 ~~as identified by the Agency.~~

8 ~~(5) Certify that the purchaser qualifies as an~~  
9 ~~eligible applicant and a low income applicant, if~~  
10 ~~applicable.~~

11 (c) The Agency or its contracted administrator shall make  
12 available in application materials methods for applicants  
13 ~~purchasers~~ to identify as low-income ~~applicants~~. The Agency or  
14 its contracted administrator shall prioritize the review of  
15 qualified applications from low-income applicants ~~applicant~~  
16 ~~purchasers~~ and award rebates to qualified purchasers  
17 accordingly.

18 (d) ~~The purchaser must retain ownership of the vehicle for~~  
19 ~~a minimum of 12 consecutive months immediately after the~~  
20 ~~vehicle purchase date. The purchaser must continue to reside~~  
21 ~~in Illinois during that time frame and register the vehicle in~~  
22 ~~Illinois during that time frame.~~ Rebate recipients who fail to  
23 satisfy any of the above criteria will be required to  
24 reimburse the Agency all or part of the original rebate amount  
25 and shall notify the Agency or its contracted administrator  
26 within 60 days of failing to satisfy the criteria.

1           (e) (Blank). ~~Rebates administered under this Section shall~~  
2 ~~be available for both new and used electric vehicles.~~

3           (f) A rebate administered under this Act may only be  
4 applied for and awarded one time per vehicle identification  
5 number. A rebate may only be applied for and awarded once per  
6 applicant purchaser in any 10-year period.

7           (g) For program auditing purposes, the Agency or its  
8 contracted administrator may request from a rebate recipient  
9 additional information and documentation evidencing  
10 eligibility for a rebate issued on or after July 1, 2025,  
11 including copies of income tax returns that corroborate the  
12 certification referenced in paragraph (5) of subsection (b).  
13 If requested by the Agency, a rebate recipient shall provide  
14 the information and documentation within the timeframe  
15 specified in the Agency's request. If the rebate recipient  
16 fails to provide the information and documentation requested  
17 by the Agency by the specified deadline, or if the information  
18 and documentation provided evidences that the rebate recipient  
19 was not eligible for the rebate or the rebate recipient fails  
20 to corroborate the certification referenced in paragraph (5)  
21 of subsection (b), the rebate recipient may be required to  
22 reimburse the Agency all or part of the original rebate  
23 amount.

24           (Source: P.A. 104-6, eff. 7-1-25.)

1       Sec. 37. Luxury and low-efficiency vehicle fee. Through  
2       January 1, 2030, at the time of sale or lease, the Office of  
3       the Secretary of State must assess a one-time fee of \$100 per  
4       threshold met on:

5               (1) newly purchased or leased electric vehicle with a  
6               manufacturer's suggested retail price exceeding \$100,000;  
7               and

8               (2) newly purchased or leased gasoline-powered or  
9               diesel-powered vehicles with a United States Environmental  
10              Protection Agency combined miles-per-gallon rating below  
11              25.

12       The funds must be deposited into the Electric Vehicle  
13       Rebate Fund and used to offset the environmental and public  
14       health impacts of luxury and low-efficiency vehicles. The  
15       Secretary of State must adopt rules necessary to implement  
16       collection of this fee as a programmatic charge to support  
17       electric vehicle adoption and the establishment of  
18       point-of-sale electric vehicle rebates with priority given to  
19       low-income households. Collection may occur through licensed  
20       dealers at the time of sale or registration. The fee imposed  
21       under this Section sunsets on full implementation of Agency's  
22       Beneficial Electrification programs under the Climate and  
23       Equitable Jobs Act or no later than January 1, 2030, whichever  
24       occurs first.

1 (Text of Section before amendment by P.A. 104-458)

2 Sec. 40. Appropriations from the Electric Vehicle Rebate  
3 Fund.

4 (a) The Agency shall estimate the amount of user fees  
5 expected to be collected under Section 35 of this Act for each  
6 fiscal year. User fee funds shall be deposited into and  
7 distributed from the Electric Vehicle Rebate Fund in the  
8 following manner:

9 (1) Through fiscal year 2023, an annual amount not to  
10 exceed \$225,000 may be appropriated to the Agency from the  
11 Electric Vehicle Rebate Fund to pay its costs of  
12 administering the programs authorized by Section 27 of  
13 this Act. Beginning in fiscal year 2024 and in each fiscal  
14 year thereafter, an annual amount not to exceed \$600,000  
15 may be appropriated to the Agency from the Electric  
16 Vehicle Rebate Fund to pay its costs of administering the  
17 programs authorized by Section 27 of this Act. An amount  
18 not to exceed \$225,000 may be appropriated to the  
19 Secretary of State from the Electric Vehicle Rebate Fund  
20 to pay the Secretary of State's costs of administering the  
21 programs authorized under this Act.

22 (2) In fiscal year 2022 and each fiscal year  
23 thereafter, after appropriation of the amounts authorized  
24 by item (1) of subsection (a) of this Section, the  
25 remaining moneys estimated to be collected during each  
26 fiscal year shall be appropriated.

1 (3) (Blank).

2 (4) Moneys appropriated to fund the programs  
3 authorized in Sections 25 and 30 shall be expended only  
4 after they have been collected and deposited into the  
5 Electric Vehicle Rebate Fund.

6 (b) Amounts appropriated to and deposited into the  
7 Electric Vehicle Rebate Fund from the General Revenue Fund, or  
8 any other fund, shall be distributed from the Electric Vehicle  
9 Rebate Fund to fund the program authorized in Section 27.

10 (Source: P.A. 103-8, eff. 6-7-23; 103-363, eff. 7-28-23;  
11 103-605, eff. 7-1-24; 104-6, eff. 7-1-25.)

12 (Text of Section after amendment by P.A. 104-458)

13 Sec. 40. Appropriations from the Electric Vehicle and  
14 Charging Fund.

15 (a) The Agency shall estimate the amount of user fees  
16 expected to be collected under Section 35 of this Act for each  
17 fiscal year. User fee funds shall be deposited into and  
18 distributed from the Electric Vehicle and Charging Fund in the  
19 following manner:

20 (1) Through fiscal year 2023, an annual amount not to  
21 exceed \$225,000 may be appropriated to the Agency from the  
22 Electric Vehicle and Charging Fund to pay its costs of  
23 administering the programs authorized by Section 27 of  
24 this Act. Beginning in fiscal year 2024 and in each fiscal  
25 year thereafter, an annual amount not to exceed \$600,000

1           may be appropriated to the Agency from the Electric  
2           Vehicle and Charging Fund to pay its costs of  
3           administering the programs authorized by Section 27 of  
4           this Act. An amount not to exceed \$225,000 may be  
5           appropriated to the Secretary of State from the Electric  
6           Vehicle and Charging Fund to pay the Secretary of State's  
7           costs of administering the programs authorized under this  
8           Act.

9           (2) In fiscal year 2022 and each fiscal year  
10          thereafter, after appropriation of the amounts authorized  
11          by item (1) of subsection (a) of this Section, the  
12          remaining moneys estimated to be collected during each  
13          fiscal year shall be appropriated.

14          (3) (Blank).

15          (4) Moneys appropriated to fund the programs  
16          authorized in Sections 25 and 30 shall be expended only  
17          after they have been collected and deposited into the  
18          Electric Vehicle and Charging Fund.

19          (b) Amounts appropriated to and deposited into the  
20          Electric Vehicle and Charging Fund from the General Revenue  
21          Fund, or any other fund, shall be distributed from the  
22          Electric Vehicle and Charging Fund to fund the program  
23          authorized in Section 27.

24          (c) Subject to State procurement requirements, the Agency  
25          may retain a contractor or contractors to assist with  
26          marketing, program development, and administration of programs

1 authorized by Section 27 of this Act.

2 (Source: P.A. 103-8, eff. 6-7-23; 103-363, eff. 7-28-23;  
3 103-605, eff. 7-1-24; 104-6, eff. 7-1-25; 104-458, eff.  
4 6-1-26.)

5 Section 35. The Toll Highway Act is amended by changing  
6 Section 11 as follows:

7 (605 ILCS 10/11) (from Ch. 121, par. 100-11)

8 (Text of Section before amendment by P.A. 104-457)

9 Sec. 11. The Authority shall have power:

10 (a) To enter upon lands, waters and premises in the State  
11 for the purpose of making surveys, soundings, drillings and  
12 examinations as may be necessary, expedient or convenient for  
13 the purposes of this Act, and such entry shall not be deemed to  
14 be a trespass, nor shall an entry for such purpose be deemed an  
15 entry under any condemnation proceedings which may be then  
16 pending; provided, however, that the Authority shall make  
17 reimbursement for any actual damage resulting to such lands,  
18 waters and premises as the result of such activities.

19 (b) To construct, maintain and operate stations for the  
20 collection of tolls or charges upon and along any toll  
21 highways.

22 (c) To provide for the collection of tolls and charges for  
23 the privilege of using the said toll highways. Before it  
24 adopts an increase in the rates for toll, the Authority shall

1 hold a public hearing at which any person may appear, express  
2 opinions, suggestions, or objections, or direct inquiries  
3 relating to the proposed increase. Any person may submit a  
4 written statement to the Authority at the hearing, whether  
5 appearing in person or not. The hearing shall be held in the  
6 county in which the proposed increase of the rates is to take  
7 place. The Authority shall give notice of the hearing by  
8 advertisement on 3 successive days at least 15 days prior to  
9 the date of the hearing in a daily newspaper of general  
10 circulation within the county within which the hearing is  
11 held. The notice shall state the date, time, and place of the  
12 hearing, shall contain a description of the proposed increase,  
13 and shall specify how interested persons may obtain copies of  
14 any reports, resolutions, or certificates describing the basis  
15 on which the proposed change, alteration, or modification was  
16 calculated. After consideration of any statements filed or  
17 oral opinions, suggestions, objections, or inquiries made at  
18 the hearing, the Authority may proceed to adopt the proposed  
19 increase of the rates for toll. No change or alteration in or  
20 modification of the rates for toll shall be effective unless  
21 at least 30 days prior to the effective date of such rates  
22 notice thereof shall be given to the public by publication in a  
23 newspaper of general circulation, and such notice, or notices,  
24 thereof shall be posted and publicly displayed at each and  
25 every toll station upon or along said toll highways.

26 (d) To construct, at the Authority's discretion, grade

1 separations at intersections with any railroads, waterways,  
2 street railways, streets, thoroughfares, public roads or  
3 highways intersected by the said toll highways, and to change  
4 and adjust the lines and grades thereof so as to accommodate  
5 the same to the design of such grade separation and to  
6 construct interchange improvements. The Authority is  
7 authorized to provide such grade separations or interchange  
8 improvements at its own cost or to enter into contracts or  
9 agreements with reference to division of cost therefor with  
10 any municipality or political subdivision of the State of  
11 Illinois, or with the Federal Government, or any agency  
12 thereof, or with any corporation, individual, firm, person or  
13 association. Where such structures have been or will be built  
14 by the Authority, the local highway agency or municipality  
15 with jurisdiction shall enter into an agreement with the  
16 Authority for the ongoing maintenance of the structures.

17 (e) To contract with and grant concessions to or lease or  
18 license to any person, partnership, firm, association or  
19 corporation so desiring the use of any part of any toll  
20 highways, excluding the paved portion thereof, but including  
21 the right of way adjoining, under, or over said paved portion  
22 for the placing of telephone, telegraph, electric, power lines  
23 and other utilities, and for the placing of pipe lines, and to  
24 enter into operating agreements with or to contract with and  
25 grant concessions to or to lease to any person, partnership,  
26 firm, association or corporation so desiring the use of any

1 part of the toll highways, excluding the paved portion  
2 thereof, but including the right of way adjoining, or over  
3 said paved portion for motor fuel service stations and  
4 facilities, garages, stores and restaurants, or for any other  
5 lawful purpose, and to fix the terms, conditions, rents, rates  
6 and charges for such use.

7 By January 1, 2016, the Authority shall construct and  
8 maintain at least one electric vehicle charging station at any  
9 location where the Authority has entered into an agreement  
10 with any entity pursuant to this subsection (e) for the  
11 purposes of providing motor fuel service stations and  
12 facilities, garages, stores, or restaurants. The Authority  
13 shall charge a fee for the use of these charging stations to  
14 offset the costs of constructing and maintaining these  
15 charging stations. The Authority shall adopt rules to  
16 implement the erection, user fees, and maintenance of electric  
17 vehicle charging stations pursuant to this subsection (e).

18 The Authority shall also have power to establish  
19 reasonable regulations for the installation, construction,  
20 maintenance, repair, renewal, relocation and removal of pipes,  
21 mains, conduits, cables, wires, towers, poles and other  
22 equipment and appliances (herein called public utilities) of  
23 any public utility as defined in the Public Utilities Act  
24 along, over or under any toll road project. Whenever the  
25 Authority shall determine that it is necessary that any such  
26 public utility facilities which now are located in, on, along,

1 over or under any project or projects be relocated or removed  
2 entirely from any such project or projects, the public utility  
3 owning or operating such facilities shall relocate or remove  
4 the same in accordance with the order of the Authority. All  
5 costs and expenses of such relocation or removal, including  
6 the cost of installing such facilities in a new location or  
7 locations, and the cost of any land or lands, or interest in  
8 land, or any other rights required to accomplish such  
9 relocation or removal shall be ascertained and paid by the  
10 Authority as a part of the cost of any such project or  
11 projects, and further, there shall be no rent, fee or other  
12 charge of any kind imposed upon the public utility owning or  
13 operating any facilities ordered relocated on the properties  
14 of the said Authority and the said Authority shall grant to the  
15 said public utility owning or operating said facilities and  
16 its successors and assigns the right to operate the same in the  
17 new location or locations for as long a period and upon the  
18 same terms and conditions as it had the right to maintain and  
19 operate such facilities in their former location or locations.

20 (f) To enter into an intergovernmental agreement or  
21 contract with a unit of local government or other public or  
22 private entity for the collection, enforcement, and  
23 administration of tolls, fees, revenue, and violations,  
24 including for a private bridge operator's collection,  
25 enforcement, and administration of tolls, violations, fees,  
26 fines, charges, and penalties in connection with a bridge

1 authorized under the Toll Bridge Act.

2 The General Assembly finds that electronic toll collection  
3 systems in Illinois should be standardized to promote safety,  
4 efficiency, and traveler convenience. The Authority shall  
5 cooperate with other public and private entities to further  
6 the goal of standardized toll collection in Illinois and is  
7 authorized to provide toll collection and toll violation  
8 enforcement services to such entities when doing so is in the  
9 best interest of the Authority and consistent with its  
10 obligations under Section 23 of this Act.

11 (Source: P.A. 100-71, eff. 1-1-18; 101-398, eff. 8-16-19.)

12 (Text of Section after amendment by P.A. 104-457)

13 Sec. 11. The Authority shall have power:

14 (a) To enter upon lands, waters and premises in the State  
15 for the purpose of making surveys, soundings, drillings and  
16 examinations as may be necessary, expedient or convenient for  
17 the purposes of this Act, and such entry shall not be deemed to  
18 be a trespass, nor shall an entry for such purpose be deemed an  
19 entry under any condemnation proceedings which may be then  
20 pending; provided, however, that the Authority shall make  
21 reimbursement for any actual damage resulting to such lands,  
22 waters and premises as the result of such activities.

23 (b) To construct, maintain and operate stations for the  
24 collection of tolls or charges upon and along any toll  
25 highways.

1           (c) To provide for the collection of tolls and charges for  
2 the privilege of using the said toll highways. Before it  
3 adopts an increase in the rates for toll, the Authority shall  
4 hold a public hearing at which any person may appear, express  
5 opinions, suggestions, or objections, or direct inquiries  
6 relating to the proposed increase. Any person may submit a  
7 written statement to the Authority at the hearing, whether  
8 appearing in person or not. The hearing shall be held in the  
9 county in which the proposed increase of the rates is to take  
10 place. The Authority shall give notice of the hearing by  
11 advertisement on 3 successive days at least 15 days prior to  
12 the date of the hearing in a daily newspaper of general  
13 circulation within the county within which the hearing is  
14 held. The notice shall state the date, time, and place of the  
15 hearing, shall contain a description of the proposed increase,  
16 and shall specify how interested persons may obtain copies of  
17 any reports, resolutions, or certificates describing the basis  
18 on which the proposed change, alteration, or modification was  
19 calculated. After consideration of any statements filed or  
20 oral opinions, suggestions, objections, or inquiries made at  
21 the hearing, the Authority may proceed to adopt the proposed  
22 increase of the rates for toll. No change or alteration in or  
23 modification of the rates for toll shall be effective unless  
24 at least 30 days prior to the effective date of such rates  
25 notice thereof shall be given to the public by publication in a  
26 newspaper of general circulation, and such notice, or notices,

1       thereof shall be posted and publicly displayed at each and  
2       every toll station upon or along said toll highways.

3           To the extent consistent with the Toll Highway Act and the  
4       provisions of any outstanding bond indentures, tolls for  
5       passenger vehicles shall be increased by 45 cents, with  
6       proportionate reductions for reduced fare programs, and tolls  
7       on commercial vehicles shall be increased by 30% effective on  
8       January 1, 2027, with a biennial escalator tied to the  
9       Consumer Price Index-U, capped at 4% per year, beginning on  
10      January 1, 2029, to fund the 2026 capital plan. If the Tollway  
11     Board determines that this provision is inconsistent with this  
12     Act or any provisions of outstanding bond indentures, then, in  
13     such case, the General Assembly urges the Tollway Board to  
14     consider the implementation of a 2026 capital plan and any  
15     necessary toll increases to fund such a plan. As used in this  
16     subsection, "Consumer Price Index-U" means the index published  
17     by the Bureau of Labor Statistics of the United States  
18     Department of Labor that measures the average change in prices  
19     of goods and services purchased by all urban consumers, United  
20     States city average, all items, 1982-84 = 100.

21           (d) To construct, at the Authority's discretion, grade  
22     separations at intersections with any railroads, waterways,  
23     street railways, streets, thoroughfares, public roads or  
24     highways intersected by the said toll highways, and to change  
25     and adjust the lines and grades thereof so as to accommodate  
26     the same to the design of such grade separation and to

1 construct interchange improvements. The Authority is  
2 authorized to provide such grade separations or interchange  
3 improvements at its own cost or to enter into contracts or  
4 agreements with reference to division of cost therefor with  
5 any municipality or political subdivision of the State of  
6 Illinois, or with the Federal Government, or any agency  
7 thereof, or with any corporation, individual, firm, person or  
8 association. Where such structures have been or will be built  
9 by the Authority, the local highway agency or municipality  
10 with jurisdiction shall enter into an agreement with the  
11 Authority for the ongoing maintenance of the structures.

12 (e) To contract with and grant concessions to or lease or  
13 license to any person, partnership, firm, association or  
14 corporation so desiring the use of any part of any toll  
15 highways, excluding the paved portion thereof, but including  
16 the right of way adjoining, under, or over said paved portion  
17 for the placing of telephone, telegraph, electric, power lines  
18 and other utilities, and for the placing of pipe lines, and to  
19 enter into operating agreements with or to contract with and  
20 grant concessions to or to lease to any person, partnership,  
21 firm, association or corporation so desiring the use of any  
22 part of the toll highways, excluding the paved portion  
23 thereof, but including the right of way adjoining, or over  
24 said paved portion for motor fuel service stations and  
25 facilities, garages, stores and restaurants, or for any other  
26 lawful purpose, and to fix the terms, conditions, rents, rates

1 and charges for such use.

2 By January 1, 2016, the Authority shall construct and  
3 maintain at least one electric vehicle charging station at any  
4 location where the Authority has entered into an agreement  
5 with any entity pursuant to this subsection (e) for the  
6 purposes of providing motor fuel service stations and  
7 facilities, garages, stores, or restaurants. The Authority  
8 shall charge a fee for the use of these charging stations to  
9 offset the costs of constructing and maintaining these  
10 charging stations. The Authority shall adopt rules to  
11 implement the erection, user fees, and maintenance of electric  
12 vehicle charging stations pursuant to this subsection (e).

13 By January 1, 2027, the Authority must commence  
14 construction of at least 4 electric vehicle charging station  
15 ports, each with a continuous power delivery rating of at  
16 least 150 kilowatts (kW), at locations where the Authority has  
17 entered into agreements under this subsection. The Authority  
18 must complete construction of these ports as soon as  
19 reasonably practicable.

20 By January 1, 2029, the Authority must construct and must  
21 thereafter maintain at least 8 charging station ports, each  
22 with a continuous power delivery rating of at least 150 kW, at  
23 locations where the Authority has entered into agreements  
24 under this subsection.

25 By January 1, 2031, the Authority must construct and must  
26 thereafter maintain at least 16 charging station ports, each

1 with a continuous power delivery rating of at least 150 kW, at  
2 locations where the Authority has entered into agreements  
3 under this subsection.

4 The Authority must charge a fee for use of these stations  
5 to offset construction and maintenance costs, and it must  
6 adopt rules to implement make-ready planning, construction,  
7 user fees, and maintenance of electric vehicle charging  
8 stations, including planning for medium-duty and heavy-duty  
9 vehicle charging power and size requirements, under this  
10 subsection.

11 The Authority shall also have power to establish  
12 reasonable regulations for the installation, construction,  
13 maintenance, repair, renewal, relocation and removal of pipes,  
14 mains, conduits, cables, wires, towers, poles and other  
15 equipment and appliances (herein called public utilities) of  
16 any public utility as defined in the Public Utilities Act  
17 along, over or under any toll road project. Whenever the  
18 Authority shall determine that it is necessary that any such  
19 public utility facilities which now are located in, on, along,  
20 over or under any project or projects be relocated or removed  
21 entirely from any such project or projects, the public utility  
22 owning or operating such facilities shall relocate or remove  
23 the same in accordance with the order of the Authority. All  
24 costs and expenses of such relocation or removal, including  
25 the cost of installing such facilities in a new location or  
26 locations, and the cost of any land or lands, or interest in

1 land, or any other rights required to accomplish such  
2 relocation or removal shall be ascertained and paid by the  
3 Authority as a part of the cost of any such project or  
4 projects, and further, there shall be no rent, fee or other  
5 charge of any kind imposed upon the public utility owning or  
6 operating any facilities ordered relocated on the properties  
7 of the said Authority and the said Authority shall grant to the  
8 said public utility owning or operating said facilities and  
9 its successors and assigns the right to operate the same in the  
10 new location or locations for as long a period and upon the  
11 same terms and conditions as it had the right to maintain and  
12 operate such facilities in their former location or locations.

13 (f) To enter into an intergovernmental agreement or  
14 contract with a unit of local government or other public or  
15 private entity for the collection, enforcement, and  
16 administration of tolls, fees, revenue, and violations,  
17 including for a private bridge operator's collection,  
18 enforcement, and administration of tolls, violations, fees,  
19 fines, charges, and penalties in connection with a bridge  
20 authorized under the Toll Bridge Act.

21 The General Assembly finds that electronic toll collection  
22 systems in Illinois should be standardized to promote safety,  
23 efficiency, and traveler convenience. The Authority shall  
24 cooperate with other public and private entities to further  
25 the goal of standardized toll collection in Illinois and is  
26 authorized to provide toll collection and toll violation

1 enforcement services to such entities when doing so is in the  
2 best interest of the Authority and consistent with its  
3 obligations under Section 23 of this Act.

4 (Source: P.A. 104-457, eff. 6-1-26.)

5 Section 40. The Illinois Vehicle Code is amended by  
6 changing Sections 13-102.1 and 13-109.1 and by adding Section  
7 18c-1206 as follows:

8 (625 ILCS 5/13-102.1)

9 Sec. 13-102.1. Diesel powered vehicle emission inspection  
10 report. Beginning July 1, 2000, the Department of  
11 Transportation shall conduct an annual study concerned with  
12 the results of emission inspections for diesel powered  
13 vehicles registered for a gross weight of more than 16,000  
14 pounds or having a gross vehicle weight rating of more than  
15 16,000 pounds. The study shall be reported to the General  
16 Assembly by June 30, 2001, and every June 30 thereafter. The  
17 study shall also be sent to the Illinois Environmental  
18 Protection Agency for its use in environmental matters.  
19 Beginning July 1, 2027, the Department of Transportation must  
20 include the results of emission inspections for diesel-powered  
21 vehicles registered for a gross weight of more than 10,000  
22 pounds or having a gross vehicle weight rating of more than  
23 10,000 pounds in the annual study required under this Section.

24 The study shall include, but not be limited to, the

1 following information:

2 (a) the number of diesel powered vehicles that were  
3 inspected for emission compliance pursuant to this Chapter  
4 13 during the previous year, separating the number of  
5 inspections conducted at a brick-and-mortar official  
6 testing station and the number of inspections conducted by  
7 an official portable emissions testing company;

8 (b) the number of diesel powered vehicles that failed  
9 and passed the emission inspections conducted pursuant to  
10 this Chapter 13 during the previous year, separating the  
11 number of inspections conducted at a brick-and-mortar  
12 official testing station and the number of inspections  
13 conducted by an official portable emissions testing  
14 company; and

15 (c) the number of diesel powered vehicles that failed  
16 the emission inspections conducted pursuant to this  
17 Chapter 13 more than once in the previous year, separating  
18 the number of inspections conducted at a brick-and-mortar  
19 official testing station and the number of inspections  
20 conducted by an official portable emissions testing  
21 company.

22 (Source: P.A. 102-566, eff. 1-1-22.)

23 (625 ILCS 5/13-109.1)

24 Sec. 13-109.1. Annual emission inspection tests;  
25 standards; penalties; funds.

1           (a) Until June 30, 2027, for ~~For~~ each diesel powered  
2 vehicle that (i) is registered for a gross weight of more than  
3 16,000 pounds, (ii) is registered within an affected area, and  
4 (iii) is a 2 year or older model year, an annual emission  
5 inspection test shall be conducted at an official testing  
6 station or by an official portable emissions testing company  
7 certified by the Illinois Department of Transportation to  
8 perform diesel emission inspections pursuant to the standards  
9 set forth in subsection (b) or (b-2) of this Section, as  
10 applicable. This annual emission inspection test may be  
11 conducted in conjunction with a semi-annual safety test.

12           Beginning July 1, 2027, for each diesel powered vehicle  
13 that is registered for a gross weight of more than 10,000  
14 pounds, is registered within an affected area, and is a 2-year  
15 or older model year, an annual emission inspection test must  
16 be conducted at an official testing station or by an official  
17 portable emissions testing company certified by the Department  
18 of Transportation to perform diesel emission inspections under  
19 the standards set forth in subsection(b-2) of this Section.  
20 This annual emission inspection test may be conducted in  
21 conjunction with a semi annual safety test. For purposes of  
22 subsection (a), beginning July 1, 2027, compliance with  
23 emission standards must be determined under subsection (b) or  
24 (b-2), as applicable, based on the vehicle's gross weight and  
25 model year.

26           (a-5) (Blank).

1 (b) Diesel emission inspections conducted under this  
2 Chapter 13 shall be conducted in accordance with the Society  
3 of Automotive Engineers Recommended Practice J1667  
4 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel  
5 Powered Vehicles" and the cutpoint standards set forth in the  
6 United States Environmental Protection Agency guidance  
7 document "Guidance to States on Smoke Opacity Cutpoints to be  
8 used with the SAE J1667 In-Use Smoke Test Procedure". Those  
9 procedures and standards, as now in effect, are made a part of  
10 this Code, in the same manner as though they were set out in  
11 full in this Code.

12 ~~Notwithstanding the above cutpoint standards, for motor~~  
13 ~~vehicles that are model years 1973 and older, until December~~  
14 ~~31, 2002, the level of peak smoke opacity shall not exceed 70~~  
15 ~~percent. Beginning January 1, 2003, for motor vehicles that~~  
16 ~~are model years 1973 and older, the level of peak smoke opacity~~  
17 ~~shall not exceed 55 percent.~~

18 (b-2) Notwithstanding subsection (b), beginning July 1,  
19 2027, diesel emission inspections conducted under Chapter 13  
20 must be in accordance with the Society of Automotive Engineers  
21 Recommended Practice J1667 "Snap-Acceleration Smoke Test  
22 Procedure for Heavy-Duty Diesel Powered Vehicles" and must  
23 determine compliance using the following standards, as  
24 applicable:

25 (1) For diesel-powered vehicles registered for a gross  
26 weight of more than 14,000 pounds that do not have onboard

1 diagnostics systems, the level of peak smoke opacity may  
2 not exceed:

3 (A) 40% opacity for vehicles that are model years  
4 1990 and older;

5 (B) 30% opacity for vehicles that are model years  
6 1991 through 1996;

7 (C) 20% opacity for vehicles that are model years  
8 1997 through 2006; and

9 (D) 5% opacity for vehicles that are model years  
10 2007 through 2012.

11 (2) An onboard diagnostics testing protocol must be  
12 used to determine that the emissions control system is in  
13 full operation for:

14 (A) diesel-powered vehicles registered for a gross  
15 weight of more than 14,000 pounds that are model years  
16 2013 or later; and

17 (B) diesel-powered vehicles registered for a gross  
18 weight of 10,001 pounds through 14,000 pounds that are  
19 model year 2007 or later.

20 The Environmental Protection Agency must adopt rules  
21 defining onboard diagnostic testing protocols, training and  
22 equipment needs, fee assessments, and enforcement procedures  
23 under this Section.

24 (c) If the annual emission inspection under subsection (a)  
25 reveals that the vehicle is not in compliance with the diesel  
26 emission standards set forth in subsection (b) or (b-2) of

1 this Section, as applicable, the operator of the official  
2 testing station or official portable emissions testing company  
3 shall issue a warning notice requiring correction of the  
4 violation. The correction shall be made and the vehicle  
5 submitted to an emissions retest at an official testing  
6 station or official portable emissions testing company  
7 certified by the Department to perform diesel emission  
8 inspections within 30 days from the issuance of the warning  
9 notice requiring correction of the violation.

10 If, within 30 days from the issuance of the warning  
11 notice, the vehicle is not in compliance with the diesel  
12 emission standards set forth in subsection (b) or (b-2), as  
13 applicable, as determined by an emissions retest at an  
14 official testing station or through an official portable  
15 emissions testing company, the certified emissions testing  
16 operator or the Department shall place the vehicle  
17 out-of-service in accordance with the rules promulgated by the  
18 Department. Operating a vehicle that has been placed  
19 out-of-service under this subsection (c) is a petty offense  
20 punishable by a \$2,000 ~~\$1,000~~ fine. The vehicle must pass a  
21 diesel emission inspection at an official testing station  
22 before it is again placed in service. The Secretary of State,  
23 Illinois State Police, and other law enforcement officers  
24 shall enforce this Section. No emergency vehicle, as defined  
25 in Section 1-105, may be placed out-of-service pursuant to  
26 this Section.

1           The Department, an official testing station, or an  
2 official portable emissions testing company may issue a  
3 certificate of waiver subsequent to a reinspection of a  
4 vehicle that failed the emissions inspection. Certificate of  
5 waiver shall be issued upon determination that documented  
6 proof demonstrates that emissions repair costs for the  
7 noncompliant vehicle of at least \$3,000 have been spent in an  
8 effort to achieve compliance with the emission standards set  
9 forth in subsection (b) or (b-2) as applicable. The Department  
10 of Transportation shall adopt rules for the implementation of  
11 this subsection including standards of documented proof as  
12 well as the criteria by which a waiver shall be granted.

13           (c-5) (Blank).

14           (d) (Blank).

15           (Source: P.A. 102-538, eff. 8-20-21; 102-566, eff. 1-1-22;  
16 102-813, eff. 5-13-22.)

17           (625 ILCS 5/18c-1206 new)

18           Sec. 18c-1206. Large fleet reporting requirement.

19           (a) The purpose of this Section is to establish reporting  
20 requirements for motor carriers in the State to gather data on  
21 the transition of medium-duty and heavy-duty vehicles to  
22 zero-emission vehicles over time. This public data will  
23 provide regulators and government agencies with the  
24 information necessary to identify the hardest to electrify  
25 sectors and invest public dollars responsibly.

1           (b) In this Section:

2           "Common ownership or control" means being owned,  
3 dispatched, or managed on a day-to-day basis by the same  
4 person or entity. Vehicles managed by the same directors,  
5 officers, or managers, or by distinct corporations that are  
6 controlled by the same majority stockholders are considered to  
7 be under common ownership or control, even if their titles are  
8 held by different business entities or they have different  
9 taxpayer identification numbers. A vehicle is considered to be  
10 under an entity's control if that entity operates the vehicle  
11 using that entity's State or federal operating authority or  
12 other registration. Vehicles owned by different entities but  
13 operated by using common or shared resources to manage the  
14 day-to-day operations by using the same motor carrier number,  
15 displaying the same name or logo, or contractors who represent  
16 the same company are considered to be under common ownership  
17 or control. Common ownership or control of a federal  
18 government vehicle is the primary responsibility of the  
19 governmental agency that is directly responsible for the  
20 day-to-day operational control of the vehicle. Common  
21 ownership or control does not include independent  
22 owner-operators or motor carriers that are dispatched by, but  
23 are not subject to the day-to-day operational direction and  
24 maintenance control of, a broker or third party.

25           "Drayage truck" means any in-use on-road vehicle with a  
26 gross vehicle weight rating greater than 33,000 pounds that is

1 used for transporting cargo, such as containerized, bulk, or  
2 break-bulk goods that:

3 (1) Operates on or transgresses through an Illinois  
4 port, warehouse of 30,000 square feet or larger, or  
5 intermodal railyard property to load, unload, or transport  
6 cargo, including empty containers and chassis.

7 (2) Operates on off-port or intermodal railyard  
8 property transporting cargo or empty containers or chassis  
9 that originated from or is destined to a port or  
10 intermodal railyard property.

11 "Drayage truck" does not include trucks that are any of  
12 the following:

13 (1) Class 6 or smaller.

14 (2) Unibody vehicles that do not have separate tractor  
15 and trailers and include, but are not limited to,  
16 dedicated auto transports, dedicated fuel delivery  
17 vehicles, concrete mixers, and on-road mobile cranes.

18 (3) Emergency vehicles.

19 (4) Military tactical support vehicles.

20 (5) Off-road vehicles such as a yard truck or a mobile  
21 crane

22 "Fleet" means one or more vehicles owned by a fleet owner  
23 or under common ownership or control of a controlling party.

24 "Fleet" includes rental or leased vehicles that are considered  
25 owned by the fleet owner. "Fleet" does not include vehicles  
26 held solely for sale, lease, or transfer and not operated on

1 public roadways during the reporting period.

2 "Fleet owner" means the person or entity that owns the  
3 vehicles comprising the fleet. The owner is presumed to be  
4 either the person registered with the Secretary of State as  
5 the owner or lessee of a vehicle, or its equivalent in another  
6 state, province, or country. Vehicle ownership is based on the  
7 vehicle registration document or the vehicle title, except for  
8 the following:

9 (1) For vehicles that are owned by the federal  
10 government and not registered in any State or local  
11 jurisdiction, the owner is the department, agency, branch,  
12 or other entity of the United States, including the United  
13 States Postal Service, to which the vehicles in the fleet  
14 are assigned or which has responsibility for maintenance  
15 of the vehicles.

16 (2) For vehicles that are rented or leased from a  
17 business that is regularly engaged in the trade or  
18 business of renting or leasing motor vehicles without  
19 drivers, including truck leases that are part of a bundled  
20 service agreement, the owner is presumed to be the rental  
21 or leasing entity for purposes of compliance, unless the  
22 rental or lease agreement for the vehicle is for a period  
23 of one year or longer and the terms of the rental or lease  
24 agreement or other equally reliable evidence identifies  
25 the renting operator or lessee of the vehicle as the party  
26 responsible for compliance with State laws, including for

1 reporting obligations under this Section.

2 "Medium-duty and heavy-duty vehicle" means vehicles with a  
3 gross vehicle weight rating greater than 8,500 pounds.

4 "School bus" means every on-road motor vehicle owned or  
5 operated by or for the transportation of persons regularly  
6 enrolled as students in grade 12 or below in connection with  
7 any activity of such entities as defined in Section 1-182 of  
8 the Illinois Motor Vehicle Act.

9 "Transit bus" means a bus engaged in public transportation  
10 as defined by the Northern Illinois Transit Authority Act.

11 (c) By no later than July 1, 2027, the Illinois Commerce  
12 Commission must adopt reporting metrics for the purposes of  
13 this Section for large medium-duty and heavy-duty vehicle  
14 fleets operating in Illinois. The Commission must establish  
15 rules and processes governing the collection, submission, and  
16 management of reported vehicle and fuel information to inform  
17 the transition to zero-emission vehicles. The rules must also  
18 provide for coordination and data sharing, as appropriate and  
19 consistent with State and federal law, among State agencies  
20 including, but not limited to, the Department of  
21 Transportation, the Office of the Secretary of State, and the  
22 Environmental Protection Agency, for the purpose of reducing  
23 duplicative reporting burdens on regulated entities, improving  
24 data accuracy and completeness, and supporting State  
25 transportation planning, infrastructure investment, and  
26 incentive programs. The rules must include significant public

1 and stakeholder engagement before completion. In adopting  
2 rules under this subsection, the Commission must adhere to the  
3 following:

4 (1) It must establish reporting metrics that  
5 prioritize public health and climate outcomes for  
6 disadvantaged communities. The final metrics must provide  
7 useful and publicly available information to inform State  
8 incentives, utility planning, and infrastructure  
9 investments for the zero-emission vehicle transition for  
10 communities most burdened by vehicle traffic. At a  
11 minimum, required reporting metrics must include:

12 (A) Fleet Size.

13 (B) Vehicle Body Type.

14 (C) Fuel Type.

15 (D) Vehicle Home Base.

16 (2) It must establish eligible entities as a fleet  
17 that operated a facility in Illinois in 2025 and met, at a  
18 minimum, any of the following criteria:

19 (A) any fleet owner that had gross annual revenues  
20 greater than \$20,000,000 in the United States for the  
21 2025 tax year, including revenues from all  
22 subsidiaries under common ownership and control,  
23 subdivisions, or branches, and had one or more  
24 vehicles under common ownership or control that were  
25 operated in Illinois in 2025;

26 (B) any fleet owner in the 2025 calendar year that

1 had 5 or more vehicles under common ownership or  
2 control;

3 (C) any broker or entity that dispatched 5 or more  
4 vehicles into or throughout Illinois in 2025;

5 (D) any State governmental agency, including all  
6 State and local municipalities, that had one or more  
7 vehicles that were operated in Illinois in 2025; or

8 (E) any federal governmental agency that had one  
9 or more vehicles that were operated in Illinois in  
10 2025.

11 (3) It must establish a reporting frequency of 2 years  
12 for all eligible entities. The results of the reporting  
13 must be made publicly available in an easy to understand  
14 and anonymized form, aggregated by geography, sector, or  
15 vehicle class, before the subsequent reporting  
16 requirement.

17 (4) It must establish a specific program for drayage  
18 vehicles in this State with a reporting frequency of one  
19 year.

20 (5) It must provide opportunity for public comment and  
21 engagement before each reporting period begins.

22 (6) It must establish reasonable penalties for  
23 non-compliance.

24 (7) It must establish a sunset provision for reporting  
25 that is conditioned on this State reaching 100%  
26 zero-emission vehicles. The Commission must periodically

1 evaluate whether the conditions for the sunset provision  
2 have been met and provide public notice before termination  
3 of reporting requirements.

4 Section 45. The Electric Vehicle Charging Act is amended  
5 by changing Sections 5, 10, 15, 20, 25, and 35 as follows:

6 (765 ILCS 1085/5)

7 Sec. 5. Legislative intent. Electric vehicles are an  
8 important tool to fight the climate crisis, tackle air  
9 pollution, and provide safe, clean, and affordable personal  
10 transportation. The State should encourage urgent and  
11 widespread adoption of electric vehicles to reach its Climate  
12 and Equitably Jobs Act goal of 1,000,000 electric vehicles by  
13 2030. Since most current electric vehicle owners are  
14 single-family homeowners who charge at home, providing access  
15 to home charging for those in multi-unit dwellings is crucial  
16 to wider electric vehicle adoption. This includes ~~small~~  
17 multifamily residences and condominium unit owners and  
18 renters, regardless of parking space ownership and regardless  
19 of income. Therefore, a significant portion of parking spaces  
20 in new and renovated residences ~~residential developments~~ shall  
21 be designed to support ~~capable of~~ electric vehicle charging.  
22 Additionally, all renters and condominium unit owners shall be  
23 able to install charging equipment for electric vehicles under  
24 reasonable conditions.

1       As home charging is not universally available, the State  
2 must encourage affordable and accessible public charging  
3 infrastructure in workplaces and at curbsides for residential  
4 electric vehicle drivers. This infrastructure should also be  
5 compatible with emerging technologies, including bidirectional  
6 charging and vehicle-to-grid applications if appropriate and  
7 practicable, to support grid reliability and resilience.

8       (Source: P.A. 103-53, eff. 1-1-24.)

9               (765 ILCS 1085/10)

10       Sec. 10. Applicability.

11       (a) For the purposes of Sections 20 and 25, this Act  
12 applies to ~~newly constructed~~ single-family homes and  
13 multifamily residential buildings and mixed residential and  
14 commercial buildings that have residential accessory parking  
15 spaces and are newly constructed or substantially altered, as  
16 defined in this Act, after the effective date of this  
17 amendatory Act.

18       (b) For the purposes of Sections 30 and 35, this Act  
19 applies to unit owners, tenants, landlords, and associations  
20 of both newly constructed and existing single-family homes and  
21 multifamily residential buildings, including mixed residential  
22 and commercial buildings, that have parking spaces.

23       (c) The provisions of this Act do not apply to any tiny  
24 home constructed for veterans who are homeless or at risk of  
25 homelessness and in need of secure, long-term affordable

1 housing, if that tiny home is constructed by a nonprofit  
2 organization described in Section 501(c)(3) or Section  
3 501(c)(19) of the Internal Revenue Code of 1986 that  
4 exclusively funds and administers projects and services for  
5 veterans. Every county and municipality that has the power to  
6 issue building permits and otherwise control the construction  
7 of buildings shall require by ordinance that an applicant  
8 seeking a building permit to construct tiny homes for at-risk  
9 veterans must include with the permit application a completed  
10 and signed affidavit stating that all buildings constructed  
11 under the permit are designated for the exclusive use of  
12 qualifying veterans who are homeless or at risk of  
13 homelessness and in need of secure, long-term affordable  
14 housing. No county or municipality, including a home rule  
15 unit, shall adopt any building code or ordinance that requires  
16 EV-capable parking spaces for tiny homes constructed for the  
17 purpose of providing affordable housing for at-risk veterans  
18 as provided in this subsection. This subsection is a  
19 limitation under subsection (i) of Section 6 of Article VII of  
20 the Illinois Constitution on the concurrent exercise by home  
21 rule units of powers and functions exercised by the State.

22 As used in this subsection:

23 "Tiny home" means an individual, detached residential  
24 dwelling unit of no more than 800 square feet, occupying a lot  
25 either by itself or sharing a common lot with other tiny homes.

26 "Tiny home" does not include a manufactured home as defined in

1 the Mobile Home Landlord and Tenant Rights Act. "Tiny home"  
2 does not include a single unit in a small multifamily  
3 residence or a large multifamily residence.

4 "Veteran" means a person who served in and who has  
5 received an honorable or general discharge from, the United  
6 States Army, Navy, Air Force, Space Force, Marines, Coast  
7 Guard, or reserves thereof, or who served in the Army National  
8 Guard, Air National Guard, or Illinois National Guard.

9 (d) The provisions of this Act do not apply to any  
10 manufactured home as defined in the Mobile Home Landlord and  
11 Tenant Rights Act.

12 (e) This Act establishes minimum statewide standards for  
13 residential electric vehicle charging infrastructure. The  
14 Capital Development Board must adopt rules to implement and  
15 enforce this Act, including rules establishing minimum  
16 construction and electrical standards for EV-capable,  
17 EV-ready, and EVSE-installed parking spaces consistent with  
18 the State building code and the International Energy  
19 Conservation Code as adopted by the Board.

20 (f) A home rule unit may not regulate the minimum  
21 statewide standards for residential electric vehicle charging  
22 infrastructure in a manner less restrictive than the  
23 regulation by the State under this Act. This Section is a  
24 limitation under subsection (i) of Section 6 of Article VII of  
25 the Illinois Constitution on the concurrent exercise by home  
26 rule units of powers and functions exercised by the State.

1 (Source: P.A. 103-53, eff. 1-1-24; 103-572, eff. 1-1-24;  
2 104-341, eff. 8-15-25.)

3 (765 ILCS 1085/15)

4 Sec. 15. Definitions. As used in this Act:

5 "Affordable housing development" means (i) any housing  
6 that is subsidized by the federal or State government or (ii)  
7 any housing in which at least 20% of the dwelling units are  
8 subject to covenants or restrictions that require that the  
9 dwelling units to be sold or rented at prices that preserve  
10 them as affordable housing for a period of at least 10 years.

11 "Alteration" or "altered" means if the scope of  
12 construction work includes an increase in power supply to an  
13 electric service panel as part of a parking facility addition  
14 or alteration; if the work area exceeds 50% of the original  
15 building area; or, if more than 10 parking spaces are  
16 substantially modified. "Alteration" does not apply to (1)  
17 existing remote parking facilities that do not have access to  
18 electricity; (2) lighting upgrades if the scope of work does  
19 not require a permit under local code or law; or (3) emergency  
20 repairs if the health and safety of residents are at risk, as  
21 determined by the relevant State or local government entity  
22 charged with protection of public health and safety.

23 "Association" has the meaning set forth in subsection (o)  
24 of Section 2 of the Condominium Property Act or Section 1-5 of  
25 the Common Interest Community Association Act, as applicable.

1       "Automatic load management system" or "ALMS" means a  
2 system designed to manage loads across electric vehicle supply  
3 equipment (EVSE) or automatically manage power to EVSE,  
4 including EVSE that may support future bidirectional charging  
5 or grid-interactive functions where such equipment is  
6 installed. ALMS may also be known as energy management systems  
7 or EMS.

8       "Electric vehicle" means a vehicle that is exclusively  
9 powered by and refueled by electricity, plugs in to charge,  
10 and is licensed to drive on public roadways. "Electric  
11 vehicle" does not include electric mopeds, electric  
12 off-highway vehicles, hybrid electric vehicles, or  
13 extended-range electric vehicles that are equipped, fully or  
14 partially, with conventional fueled propulsion or auxiliary  
15 engines. Nothing in this Act prohibits the installation of  
16 EVSE that may charge extended-range, also known as plug-in  
17 hybrid, electric vehicles.

18       ~~"Electric vehicle charging system" means a device that is:~~

19           ~~(1) used to provide electricity to an electric~~  
20 ~~vehicle;~~

21           ~~(2) designed to ensure that a safe connection has been~~  
22 ~~made between the electric grid and the electric vehicle;~~  
23 ~~and~~

24           ~~(3) able to communicate with the vehicle's control~~  
25 ~~system so that electricity flows at an appropriate voltage~~  
26 ~~and current level. An electric vehicle charging system may~~

1 ~~be wall mounted or pedestal style, may provide multiple~~  
2 ~~cords to connect with electric vehicles, and shall:~~

3 ~~(i) be certified by Underwriters Laboratories or~~  
4 ~~have been granted an equivalent certification; and~~

5 ~~(ii) comply with the current version of Article~~  
6 ~~625 of the National Electrical Code.~~

7 "Electric vehicle supply equipment" or "EVSE" or "electric  
8 vehicle charging system" means a conductor, including an  
9 ungrounded, grounded, and equipment grounding conductor, and  
10 electric vehicle connectors, attachment plugs, and all other  
11 fittings, devices, power outlets, and apparatuses installed  
12 specifically for the purpose of transferring energy between  
13 the premises wiring and the electric vehicle. An Electric  
14 Vehicle Supply Equipment may be hardwired in a junction box or  
15 plugged into a receptacle on a wall pedestal or other mounting  
16 surface; may come with SAE J1772 (including CCS1), J3400, or  
17 J3271 couplers wall mounted or pedestal style; or may provide  
18 multiple cords to connect with electric vehicles. An Electric  
19 Vehicle Supply Equipment must: (i) be certified by an  
20 OSHA-approved Nationally Recognized Testing Laboratory, such  
21 as Underwriters Laboratories or electric vehicle charging  
22 system for electric vehicle charging; and (ii) comply with the  
23 current version of Article 625 of the National Electrical  
24 Code.

25 ~~"EV-capable" means parking spaces that have the electrical~~  
26 ~~panel capacity and conduit installed during construction to~~

1 ~~support future implementation of electric vehicle charging~~  
2 ~~with 208-volt or 240-volt or greater, 40-ampere or greater~~  
3 ~~circuits. Each EV-capable space shall feature a continuous~~  
4 ~~raceway or cable assembly installed between an enclosure or~~  
5 ~~outlet located within 3 feet of the EV-capable space and a~~  
6 ~~suitable panelboard or other onsite electrical distribution~~  
7 ~~equipment. The electrical distribution equipment to which the~~  
8 ~~raceway or cable assembly connects shall have sufficient~~  
9 ~~dedicated space and spare electrical capacity for a 2-pole~~  
10 ~~circuit breaker or set of fuses. Reserved capacity shall be no~~  
11 ~~less than 40A 208/240V for each EV-capable space unless~~  
12 ~~EV-capable spaces will be controlled by an energy management~~  
13 ~~system providing load management in accordance with NFPA 70,~~  
14 ~~shall have a minimum capacity of 4.1 kilovolt-ampere per~~  
15 ~~space, or have a minimum capacity of 2.7 kilovolt-ampere per~~  
16 ~~space when all of the parking spaces are designed to be~~  
17 ~~EV-capable spaces, EV-ready spaces, or EVSE-installed spaces.~~  
18 ~~The electrical enclosure or outlet and the electrical~~  
19 ~~distribution equipment directory shall be marked "For future~~  
20 ~~electric vehicle supply equipment (EVSE)."~~ This strategy  
21 ensures the reduction of up-front costs for electric vehicle  
22 charging station installation by providing the electrical  
23 elements that are difficult to install during a retrofit.  
24 Anticipating the use of dual-head EVSE, the same circuit may  
25 be used to support charging in adjacent EV-capable spaces. For  
26 purposes of this Act, "EV-capable" shall not be construed to

1 ~~require a developer or builder to install or run wire or cable~~  
2 ~~from the electrical panel through the conduit or raceway to~~  
3 ~~the terminus of the conduit.~~

4 ~~"EV-ready" means parking spaces that are provided with a~~  
5 ~~branch circuit and either an outlet, junction box, or~~  
6 ~~receptacle that will support an installed EVSE. Each branch~~  
7 ~~circuit serving EV ready spaces shall terminate at an outlet~~  
8 ~~or enclosure, located within 3 feet of each EV ready space it~~  
9 ~~serves. The panelboard or other electrical distribution~~  
10 ~~equipment directory shall designate the branch circuit as "For~~  
11 ~~electric vehicle supply equipment (EVSE)" and the outlet or~~  
12 ~~enclosure shall be marked "For electric vehicle supply~~  
13 ~~equipment (EVSE)."~~ The capacity of each branch circuit serving  
14 ~~multiple EV ready spaces designed to be controlled by an~~  
15 ~~energy management system providing load management in~~  
16 ~~accordance with NFPA 70, shall have a minimum capacity of 4.1~~  
17 ~~kilovolt ampere per space, or have a minimum capacity of 2.7~~  
18 ~~kilovolt ampere per space when all of the parking spaces are~~  
19 ~~designed to be EV capable spaces, EV ready spaces, or EVSE~~  
20 ~~spaces.~~

21 "EV-capable" means a parking space that is provided with  
22 electrical infrastructure to support the future installation  
23 of EVSE consistent with applicable provisions of the  
24 International Energy Conservation Code, as adopted by the  
25 Capital Development Board, including a continuous raceway or  
26 cable assembly not less than trade size one (nominal one-inch

1 inside diameter) installed between a suitable panelboard or  
2 other on-site electrical distribution equipment and an  
3 enclosure or outlet located within 6 feet of the parking  
4 space; dedicated and labeled space within the electrical  
5 distribution equipment for a two-pole circuit breaker or set  
6 of fuses; and reserved electrical capacity sufficient to serve  
7 a dedicated branch circuit sized for a calculated electric  
8 vehicle charging load of at least 6.2 kilovolt-amperes (kVA)  
9 per parking space, or, if the parking space is served by an  
10 ALMS installed in accordance with NFPA 70, a calculated  
11 electric vehicle charging load of at least 2.1 kVA per parking  
12 space.

13 Compliance with the electrical capacity requirements of  
14 this definition may be demonstrated by providing a minimum  
15 circuit capacity of 40-amperes at 208 or 240 volts per parking  
16 space, or 20-amperes at 208 or 240 volts per parking space if  
17 controlled by an ALMS. Electrical enclosures or outlets and  
18 electrical distribution equipment directories must be marked  
19 "For future electric vehicle supply equipment (EVSE)," and  
20 EV-capable parking spaces in multi-family residential  
21 buildings must include signage identifying the space as  
22 "EV-capable". Nothing in this definition may be construed to  
23 require the installation of conductors within the raceway or  
24 cable assembly at the time of construction.

25 "EV-ready" means a parking space consistent with  
26 applicable provisions of the International Energy Conservation

1 Code as adopted by the Capital Development Board that is  
2 provided with a dedicated branch circuit installed in a  
3 continuous conduit, raceway, or cable assembly not less than  
4 trade size one (nominal one-inch inside diameter) and  
5 terminating at an outlet, receptacle, junction box, or  
6 enclosure located within 6 feet of the parking space so that  
7 the EVSE may be installed without additional electrical work.  
8 The branch circuit must be sized to provide a calculated  
9 electric vehicle charging load of at least 6.2  
10 kilovolt-amperes (kVA), or, if the parking space is served by  
11 an ALMS installed in accordance with NFPA 70, a calculated  
12 electric vehicle charging load of not less than 2.1 kVA, and  
13 compliance may be demonstrated by providing a minimum circuit  
14 capacity of 40-amperes at 208 or 240 volts, or 20-amperes at  
15 208 or 240 volts if controlled by an ALMS. The outlet,  
16 receptacle, junction box, or enclosure and the associated  
17 panelboard or electrical distribution equipment directory must  
18 be marked "For electric vehicle supply equipment (EVSE)", and  
19 EV-ready parking spaces in multi-family residential buildings  
20 must include signage identifying the space as "EV-ready".

21 "EVSE-installed" means a parking space served by  
22 permanently installed and operational EVSE connected to a  
23 dedicated branch circuit and energized at the time of  
24 certificate of occupancy or final approval. The EVSE must be  
25 installed in compliance with NFPA 70 and applicable State and  
26 local electrical codes and be located within 6 feet of the

1 parking space it serves. The associated electrical  
2 distribution equipment directory must identify the circuit as  
3 servicing electric vehicle supply equipment ~~means electric~~  
4 ~~vehicle supply equipment that is fully installed from the~~  
5 ~~electrical panel to the parking space.~~

6 "Large multifamily residence" means a single residential  
7 building that accommodates 5 families or more.

8 "Level 1" means a 120-volt 20-ampere minimum branch  
9 circuit.

10 "Level 2" means a 208-volt or ~~to~~ 240-volt 40-ampere  
11 minimum branch circuit.

12 "Low Power Level 2" means a 208 or 240-volt 20-ampere  
13 minimum branch circuit.

14 "New" means, unless otherwise specified, newly constructed  
15 after the effective date of this amendatory Act.

16 "Reasonable restriction" means a restriction that does not  
17 significantly increase the cost of the electric vehicle  
18 charging station or electric vehicle charging system or  
19 significantly decrease its efficiency or specified  
20 performance.

21 "Single-family residence" means a ~~detached~~ single-family  
22 residence on a single lot.

23 "Small multifamily residence" means a single residential  
24 building that accommodates 2 to 4 families.

25 "Substantially modified parking spaces" means work  
26 requiring a permit under local law that may add, relocate, or

1 reconfigure parking spaces, expand overall size of parking  
2 facility, install new infrastructure that may otherwise  
3 require excavation or utility work, or alterations that  
4 disrupt normal operations for an extended period.

5 (Source: P.A. 103-53, eff. 1-1-24; 103-605, eff. 7-1-24.)

6 (765 ILCS 1085/20)

7 Sec. 20. EV-ready ~~EV-capable~~ parking space requirement.

8 (a) A new or altered single-family residence or a small  
9 multifamily residence shall have at least one EV-ready  
10 ~~EV-capable~~ parking space for each residential unit that has  
11 dedicated parking. ~~, unless any subsequently adopted building~~  
12 ~~code requires additional EV-capable parking spaces, EV-ready~~  
13 ~~parking spaces, or installed EVSE. A new single family~~  
14 ~~residence or small multifamily residence that qualifies as an~~  
15 ~~affordable housing development shall have one EV capable~~  
16 ~~parking space for each code required parking space if the~~  
17 ~~owner is issued a building permit 24 months after the~~  
18 ~~effective date of this Act. Where code-required parking~~  
19 ~~exceeds one parking space per dwelling unit, only one parking~~  
20 ~~space per dwelling unit is required to be~~ EV-ready or  
21 EVSE-installed. If local zoning permits fewer than one parking  
22 space per dwelling unit, all dedicated parking spaces must be  
23 EV-ready or EVSE-installed.

24 (b) ALMS must be allowed to meet the requirements of  
25 Sections 20 and 25. When ALMS is utilized, the required

1 electrical load capacity specified for each EV-capable,  
2 EV-ready, or EVSE-installed parking space must deliver a  
3 minimum of 16-amperes at 208 or 240-volts for each parking  
4 space while simultaneously charging multiple electric  
5 vehicles.

6 (c) Unless determined infeasible by project builder or  
7 designer subject to concurrence of local authority having  
8 jurisdiction, EV-ready, EV-capable, or EVSE-installed  
9 dedicated parking spaces in small multifamily residences must  
10 be provided with a dedicated branch circuit directly wired to  
11 the dwelling unit's electrical panel. If direct wiring to a  
12 residential unit is present, ALMS must be used between  
13 residential unit and corresponding dedicated parking space. If  
14 the cost of direct wiring is prohibitive, local authorities  
15 may grant an exception under Section 25(f). ~~EV-capable.~~

16 (Source: P.A. 103-53, eff. 1-1-24.)

17 (765 ILCS 1085/25)

18 Sec. 25. Residential requirements.

19 (a) All ~~building permits issued 90 days after the~~  
20 ~~effective date of this Act shall require a new or altered~~ 7  
21 large multifamily residential buildings and mixed residential  
22 and commercial buildings with residential accessory parking,  
23 ~~building~~ or ~~a~~ large multifamily residential building being  
24 renovated by a developer converting the property to an  
25 association or rental property must follow these requirements

1 for residential accessory parking spaces: 80% EV-capable; 20%  
2 EV-ready or EVSE-installed, including at least 1  
3 EVSE-installed space if there are 30 or fewer residential  
4 accessory parking spaces and at least 5% EVSE-installed spaces  
5 if there are more than 30 residential accessory parking spaces  
6 to have 100% of its total parking spaces EV capable. If  
7 requirements under this Section result in a fraction of  
8 parking spaces, the required number must round up to the next  
9 whole number per building or parking facility, prioritizing  
10 EVSE-installed and EV-ready spaces before EV-capable.

11 However, nothing in this Act shall be construed to require  
12 that in the case of a developer converting the property to an  
13 association, including in cases in which a commercial property  
14 is being converted to a residential or mixed commercial and  
15 residential property, no EV-capable, ~~or~~ EV-ready, or  
16 EVSE-installed mandate shall apply if it would necessitate the  
17 developer having to excavate an existing surface lot or other  
18 parking facility in order to retrofit the parking lot or  
19 facility with the necessary conduit and wiring.

20 (b) The following requirements and timelines shall apply  
21 to all ~~for affordable housing.~~ A new construction  
22 single-family ~~residence~~ or ~~small~~ multifamily residences  
23 ~~residence~~ that qualify ~~qualifies~~ as ~~an~~ affordable housing  
24 developments. For affordable housing developments under the  
25 same project ownership that are located on a campus with  
26 centralized parking areas, centralized or campus parking

1 servicing residential units must be considered residential  
2 accessory parking and evaluated on a cumulative project basis.  
3 ~~development under the same project ownership and is located on~~  
4 ~~a campus with centralized parking areas is subject to the~~  
5 ~~requirements and timelines below.~~

6 All building permits issued ~~24 months~~ after the effective  
7 date of this amendatory Act shall require a new construction  
8 ~~large multifamily~~ residence that qualifies as an affordable  
9 housing development to have the following, unless additional  
10 requirements are required under a subsequently adopted  
11 building code, subject to subsection (e):

12 (1) For permits issued ~~24 months~~ after the effective  
13 date of this amendatory Act, at least one a minimum of 40%  
14 EV-capable parking spaces per residential unit.

15 (2) For permits issued ~~4~~ 5 years after the effective  
16 date of this amendatory Act, 90% a minimum of 50%  
17 EV-capable and 10% EV-ready parking spaces per total  
18 number of residential units.

19 (3) For permits issued ~~7~~ 10 years after the effective  
20 date of this amendatory Act, 80% a minimum of 70%  
21 EV-capable parking spaces and 20% EV-ready parking spaces  
22 per total number of residential units.

23 (4) For permits issued thereafter, 80% EV-capable  
24 parking spaces, 15% EV-ready, and 5% EVSE-installed per  
25 total number of residential units.

26 (d) An accessible parking space is not required by this

1 Section if no accessible parking spaces are required by the  
2 local zoning code.

3 (e) The subsection applies to all residential projects  
4 subject to this Section, including affordable housing  
5 developments. This subsection addresses parking configurations  
6 typical of large multifamily and mixed-use developments and  
7 does not alter the per-unit requirements established in  
8 Section 20. If code-required parking exceeds one parking space  
9 per dwelling unit, only one parking space per dwelling unit is  
10 required to be EV-capable, EV-ready, or EVSE-installed. If  
11 local zoning permits fewer than one parking space per dwelling  
12 unit, the requirements in this Section apply to the equivalent  
13 percentage of the total number of parking spaces. Requirements  
14 under this Section result in a fraction of parking spaces, the  
15 required number must round up to the next whole number per  
16 building or parking facility, prioritizing EVSE-installed and  
17 EV-ready spaces before EV-capable.

18 (f) On a case-by-case basis, a local authority having  
19 jurisdiction may grant an exception to the requirements in  
20 Sections 20 or 25 if the applicant provides documentation  
21 sufficient to demonstrate that additional utility  
22 infrastructure requirements directly related to EV-capable,  
23 EV-ready, or EVSE-installed parking spaces, would materially  
24 increase the construction cost of the project. The applicant  
25 bears the burden of demonstrating that additional utility  
26 infrastructure would materially increase construction costs.

1 The local authority may request additional documentation and  
2 must issue a written decision explaining the basis for  
3 granting or denying the exception. Documentation of cost-based  
4 exceptions must be maintained by the local authority having  
5 jurisdiction and made available upon request. Local  
6 authorities may establish reasonable standards for  
7 documentation, including cost estimates, invoices, or  
8 engineering assessments. These exceptions may not reduce the  
9 number of EV-capable parking spaces below one per residential  
10 unit, and may not reduce the percentage of EV-ready or  
11 EVSE-installed spaces below 10% of total parking spaces for  
12 large multifamily projects. Exceptions may allow phased  
13 installation of EV infrastructure, the use of ALMS, or other  
14 cost-effective alternatives approved by the local authority to  
15 meet the intent of the requirements. Cost-based exceptions  
16 under this subsection may not limit the rights of unit owners  
17 or tenants under Sections 30 and 35 to install an electric  
18 vehicle charging system at their own expense.

19 (Source: P.A. 103-53, eff. 1-1-24; 103-605, eff. 7-1-24.)

20 (765 ILCS 1085/35)

21 Sec. 35. Electric vehicle charging system policy for  
22 renters.

23 (a) Notwithstanding any provision in the lease to the  
24 contrary and subject to subsection (b):

25 (1) a tenant may install, at the tenant's expense for

1 the tenant's own use, a level 1, Low Power ~~receptacle or~~  
2 ~~outlet,~~ a level 2, ~~receptacle or outlet,~~ or a level 2  
3 electric vehicle charging system on or in the leased  
4 premises;

5 (2) a landlord shall not assess or charge a tenant any  
6 fee for the placement or use of an electric vehicle  
7 charging system, except that:

8 (A) the landlord may:

9 (i) require reimbursement for the actual cost  
10 of electricity provided by the landlord that was  
11 used by the electric vehicle charging system;

12 (ii) charge a reasonable fee for access. If  
13 the electric vehicle charging system is part of a  
14 network for which a network fee is charged, the  
15 landlord's reimbursement may include the amount of  
16 the network fee. Nothing in this subparagraph  
17 requires a landlord to impose upon a tenant a fee  
18 or charge other than the rental payments specified  
19 in the lease; or

20 (iii) charge a security deposit to cover costs  
21 to restore the property to its original condition  
22 if the tenant removes the electric vehicle  
23 charging system;

24 (B) the landlord may require reimbursement for the  
25 cost of the installation of the electric vehicle  
26 charging system, including any additions or upgrades

1 to existing wiring directly attributable to the  
2 requirements of the electric vehicle charging system,  
3 if the landlord places or causes the electric vehicle  
4 charging system to be placed at the request of the  
5 tenant; and

6 (C) if the tenant desires to place an electric  
7 vehicle charging system in an area accessible to other  
8 tenants, the landlord may assess or charge the tenant  
9 a reasonable fee to reserve a specific parking space  
10 in which to install the electric vehicle charging  
11 system.

12 (b) A landlord may require a tenant to comply with:

13 (1) bona fide safety requirements consistent with an  
14 applicable building code or recognized safety standard for  
15 the protection of persons and property;

16 (2) a requirement that the electric vehicle charging  
17 system be registered with the landlord within 30 days  
18 after installation; or

19 (3) reasonable aesthetic provisions that govern the  
20 dimensions, placement, or external appearance of an  
21 electric vehicle charging system.

22 (c) A tenant may place an electric vehicle charging system  
23 if:

24 (1) the electric vehicle charging system is in  
25 compliance with all applicable requirements adopted by a  
26 landlord under subsection (b); and

1 (2) the tenant agrees, in writing, to:

2 (A) comply with the landlord's design  
3 specifications for the installation of an electric  
4 vehicle charging system;

5 (B) engage the services of a duly licensed and  
6 registered electrical contractor familiar with the  
7 installation and code requirements of an electric  
8 vehicle charging system; and

9 (C) provide, within 14 days after receiving the  
10 landlord's consent for the installation, a certificate  
11 of insurance naming the landlord as an additional  
12 insured party on the tenant's renter's insurance  
13 policy for any claim related to the installation,  
14 maintenance, or use of the electric vehicle charging  
15 system or, at the landlord's option, reimbursement to  
16 the landlord for the actual cost of any increased  
17 insurance premium amount attributable to the electric  
18 vehicle charging system, notwithstanding any provision  
19 to the contrary in the lease. The tenant shall provide  
20 reimbursement for an increased insurance premium  
21 amount within 14 days after the tenant receives the  
22 landlord's invoice for the amount attributable to the  
23 electric vehicle charging system.

24 (d) If the landlord consents to a tenant's installation of  
25 an electric vehicle charging system on property accessible to  
26 other tenants, including a parking space, carport, or garage

1 stall, then, unless otherwise specified in a written agreement  
2 with the landlord:

3 (1) The tenant, and each successive tenant with  
4 exclusive rights to the area where the electric vehicle  
5 charging system is installed, is responsible for costs for  
6 damages to the electric vehicle charging system and to any  
7 other property of the landlord or another tenant resulting  
8 from the installation, maintenance, repair, removal, or  
9 replacement of the electric vehicle charging system.

10 (A) Costs under this paragraph shall be based on:

11 (i) an embedded submetering device; or

12 (ii) a reasonable calculation of cost, based  
13 on the average miles driven, efficiency of the  
14 electric vehicle calculated by the United States  
15 Environmental Protection Agency, and the cost of  
16 electricity for the common area.

17 (B) The purpose of the costs under this paragraph  
18 is for reasonable reimbursement of electricity usage  
19 and shall not be set to deliberately exceed that  
20 reasonable reimbursement.

21 (2) Each successive tenant with exclusive rights to  
22 the area where the electric vehicle charging system is  
23 installed shall assume responsibility for the repair,  
24 maintenance, removal, and replacement of the electric  
25 vehicle charging system until the electric vehicle  
26 charging system is removed.

1           (3) The tenant, and each successive tenant with  
2 exclusive rights to the area where the electric vehicle  
3 charging system is installed, shall, at all times, have  
4 and maintain an insurance policy covering the obligations  
5 of the tenant under this subsection and shall name the  
6 landlord as an additional insured party under the policy.

7           (4) The tenant, and each successive tenant with  
8 exclusive rights to the area where the electric vehicle  
9 charging system is installed, is responsible for removing  
10 the system if reasonably necessary or convenient for the  
11 repair, maintenance, or replacement of any property of the  
12 landlord, whether or not leased to another tenant.

13           (e) An electric vehicle charging system installed at the  
14 tenant's cost is the property of the tenant. Upon termination  
15 of the lease, if the electric vehicle charging system is  
16 removable, the tenant may either remove it or sell it to the  
17 landlord or another tenant for an agreed price. Nothing in  
18 this subsection requires the landlord or another tenant to  
19 purchase the electric vehicle charging system.

20           (f) A landlord that willfully violates this Section shall  
21 be liable to the tenant for actual damages, and shall pay a  
22 civil penalty to the tenant in an amount not to exceed \$1,000.

23           (g) In any action by a tenant requesting to have an  
24 electric vehicle charging system installed and seeking to  
25 enforce compliance with this Section, the court shall award  
26 reasonable attorney's fees to a prevailing plaintiff.

1 (h) A tenant whose landlord is an owner in an association  
2 and who desires to install an electric vehicle charging  
3 station must obtain approval to do so through the tenant's  
4 landlord or owner and in accordance with those provisions of  
5 this Act applicable to associations.

6 (Source: P.A. 103-53, eff. 1-1-24; 103-605, eff. 7-1-24.)

7 Section 90. The State Mandates Act is amended by adding  
8 Section 8.50 as follows:

9 (30 ILCS 805/8.50 new)

10 Sec. 8.50. Exempt mandate. Notwithstanding Sections 6 and  
11 8 of this Act, no reimbursement by the State is required for  
12 the implementation of any mandate created by this amendatory  
13 Act of the 104th General Assembly.

14 Section 95. No acceleration or delay. Where this Act makes  
15 changes in a statute that is represented in this Act by text  
16 that is not yet or no longer in effect (for example, a Section  
17 represented by multiple versions), the use of that text does  
18 not accelerate or delay the taking effect of (i) the changes  
19 made by this Act or (ii) provisions derived from any other  
20 Public Act.

21 Section 97. Severability. The provisions of this Act are  
22 severable under Section 1.31 of the Statute on Statutes.

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 30 ILCS 500/20-185 new

4 35 ILCS 105/3-5

5 35 ILCS 110/3-5

6 35 ILCS 115/3-5

7 35 ILCS 120/2-5

8 415 ILCS 120/27

9 415 ILCS 120/37 new

10 415 ILCS 120/40

11 605 ILCS 10/11 from Ch. 121, par. 100-11

12 625 ILCS 5/13-102.1

13 625 ILCS 5/13-109.1

14 625 ILCS 5/18c-1206 new

15 765 ILCS 1085/5

16 765 ILCS 1085/10

17 765 ILCS 1085/15

18 765 ILCS 1085/20

19 765 ILCS 1085/25

20 765 ILCS 1085/35

21 30 ILCS 805/8.50 new