

1                                    AMENDMENT TO HOUSE BILL 43

2                    AMENDMENT NO. \_\_\_\_\_. Amend House Bill 43 by replacing  
3 everything after the enacting clause with the following:

4                    "Section 1. Short title. This Act may be cited as the  
5 Physical Fitness Facility Medical Emergency Preparedness Act.

6                    Section 5. Definitions. In this Act, words and phrases  
7 have the meanings set forth in the following Sections.

8                    Section 5.5. Automated external defibrillator.  
9 "Automated external defibrillator" or "AED" means an  
10 automated external defibrillator as defined in the Automated  
11 External Defibrillator Act.

12                    Section 5.10. Department. "Department" means the  
13 Department of Public Health.

14                    Section 5.15. Director. "Director" means the Director of  
15 Public Health.

16                    Section 5.20. Medical emergency. "Medical emergency"  
17 means the occurrence of a sudden, serious, and unexpected  
18 sickness or injury that would lead a reasonable person,

1 possessing an average knowledge of medicine and health, to  
2 believe that the sick or injured person requires urgent or  
3 unscheduled medical care.

4 Section 5.25. Physical fitness facility.

5 (a) "Physical fitness facility" means the following:

6 (1) Any of the following indoor facilities that is

7 (i) owned or operated by a park district, municipality,  
8 or other unit of local government or by a public or  
9 private secondary school, college, university, or  
10 technical or trade school and (ii) supervised by one or  
11 more persons, other than maintenance or security  
12 personnel, employed by the unit of local government,  
13 school, college, or university for the purpose of  
14 supervising the physical fitness activities taking place  
15 at any of these indoor facilities: a swimming pool;  
16 stadium; athletic field; track and field facility; tennis  
17 court; basketball court; or volleyball court.

18 (2) Except as provided in subsection (b), any other  
19 indoor establishment, whether public or private, that  
20 provides services or facilities for preserving,  
21 maintaining, encouraging, or developing physical fitness  
22 or well-being, including an establishment designated as a  
23 "health club", "fitness club", or "exercise gym" or by  
24 any other term of similar import.

25 (b) "Physical fitness facility" does not include a  
26 facility located in a hospital or in a hotel or motel, or any  
27 outdoor facility. The term also does not include any facility  
28 that does not employ any persons to provide instruction,  
29 training, or assistance for persons using the facility.

30 Section 10. Medical emergency plan required.

31 (a) Before July 1, 2004, each person or entity that  
32 operates a physical fitness facility must adopt and

1 implement a written plan for responding to medical  
2 emergencies that occur at the facility during the time that  
3 the facility is open for use by its members or by the public.  
4 The plan must comply with this Act and rules adopted by the  
5 Department to implement this Act. The facility must file a  
6 copy of the plan with the Department.

7 (b) Whenever there is a change in the structure occupied  
8 by the facility or in the services provided or offered by the  
9 facility that would materially affect the facility's ability  
10 to respond to a medical emergency, the person or entity must  
11 promptly update its plan developed under subsection (a) and  
12 must file a copy of the updated plan with the Department.

13 Section 15. Automated external defibrillator required.

14 (a) Before July 1, 2004, every indoor physical fitness  
15 facility must have at least one automated external  
16 defibrillator on the facility's premises. The Department  
17 shall adopt rules to ensure coordination with local emergency  
18 medical services systems regarding the placement and use of  
19 AEDs in physical fitness facilities. The Department may adopt  
20 rules requiring a facility to have more than one AED on the  
21 premises, based on factors that include, but need not be  
22 limited to, the following:

23 (1) The size of the area or the number of buildings  
24 or floors occupied by the facility.

25 (2) The number of persons using the facility.

26 (b) During the time that an indoor physical fitness  
27 facility is open for use by its members or by the public, and  
28 is under the supervision of an employee of the facility other  
29 than maintenance or security personnel, the facility must  
30 ensure that there is on the premises at least one trained AED  
31 user. As used in this subsection, "trained AED user" has the  
32 same meaning as in the Automated External Defibrillator Act.

33 (c) Every physical fitness facility must ensure that

1 every AED on the facility's premises is properly tested and  
2 maintained in accordance with rules adopted by the  
3 Department.

4 Section 20. Training. The Department shall adopt rules  
5 to establish programs to train physical fitness facility  
6 staff on the role of cardiopulmonary resuscitation and the  
7 use of automated external defibrillators. The rules must be  
8 consistent with those adopted by the Department for training  
9 AED users under the Automated External Defibrillator Act.

10 Section 25. Economic incentives.

11 (a) The Department must work with physical fitness  
12 facilities and manufacturers and distributors of automated  
13 external defibrillators to develop a procedure by which 2 or  
14 more facilities may submit a joint bid for the purchase of  
15 AEDs in order to maximize their purchasing power.

16 (b) A private physical fitness facility that purchases  
17 an automated external defibrillator in order to comply with  
18 this Act is eligible for a tax exemption as provided in  
19 Section 3-5 of the Use Tax Act, Section 3-5 of the Service  
20 Use Tax Act, Section 3-5 of the Service Occupation Tax Act,  
21 and Section 2-5 of the Retailers' Occupation Tax Act.

22 Section 30. Inspections. The Department shall inspect a  
23 physical fitness facility in response to a complaint filed  
24 with the Department alleging a violation of this Act. For the  
25 purpose of ensuring compliance with this Act, the Department  
26 may inspect a physical fitness facility at other times in  
27 accordance with rules adopted by the Department.

28 Section 35. Penalties for violations.

29 (a) If a physical fitness facility violates this Act by  
30 (i) failing to adopt or implement a plan for responding to

1 medical emergencies under Section 10 or (ii) failing to have  
2 on the premises an AED or trained AED user as required under  
3 subsection (a) or (b) of Section 15, the Director may impose  
4 a civil penalty against the facility as follows:

5 (1) At least \$250 but less than \$500 for a first  
6 violation.

7 (2) At least \$500 but less than \$1,000 for a second  
8 violation.

9 (3) At least \$1,000 for a third or subsequent  
10 violation.

11 (b) The Director may impose a civil penalty under this  
12 Section only after it provides the following to the facility:

13 (1) Written notice of the alleged violation.

14 (2) Written notice of the facility's right to  
15 request an administrative hearing on the question of the  
16 alleged violation.

17 (3) An opportunity to present evidence, orally or  
18 in writing or both, on the question of the alleged  
19 violation before an impartial hearing examiner appointed  
20 by the Director.

21 (4) A written decision from the Director, based on  
22 the evidence introduced at the hearing and the hearing  
23 examiner's recommendations, finding that the facility  
24 violated this Act and imposing the civil penalty.

25 (c) The Attorney General may bring an action in the  
26 circuit court to enforce the collection of a monetary penalty  
27 imposed under this Section.

28 Section 40. Rules. The Department shall adopt rules to  
29 implement this Act.

30 Section 45. Liability. Nothing in this Act shall be  
31 construed to either limit or expand the exemptions from civil  
32 liability in connection with the purchase or use of an

1 automated external defibrillator that are provided under the  
2 Automated External Defibrillator Act or under any other  
3 provision of law. A right of action does not exist in  
4 connection with the use or non-use of an automated external  
5 defibrillator at a facility governed by this Act, provided  
6 that the person or entity operating the facility has adopted  
7 a medical emergency plan as required under Section 10 of this  
8 Act, has an automated external defibrillator at the facility  
9 as required under Section 15 of this Act, and has maintained  
10 the automated external defibrillator in accordance with the  
11 rules adopted by the Department.

12 Section 50. Compliance dates; private and public indoor  
13 physical fitness facilities.

14 (a) Privately-owned indoor physical fitness facilities.  
15 Every privately-owned or operated indoor physical fitness  
16 facility must be in compliance with this Act on or before  
17 July 1, 2004.

18 (b) Publicly owned indoor physical fitness facilities.  
19 If a funding source is identified for the purchase of an  
20 automated external defibrillator, a public entity owning or  
21 operating 4 or fewer indoor physical fitness facilities must  
22 have at least one such facility in compliance with this Act  
23 on or before July 1, 2004; its second facility in compliance  
24 by July 1, 2005; its third facility in compliance by July 1,  
25 2006; and its fourth facility in compliance by July 1, 2007.

26 If a funding source is identified for the purchase of an  
27 automated external defibrillator, a public entity owning or  
28 operating more than 4 indoor physical fitness facilities must  
29 have 25% of those facilities in compliance by July 1, 2004;  
30 50% of those facilities in compliance by July 1, 2005; 75% of  
31 those facilities in compliance by July 1, 2006; and 100% of  
32 those facilities in compliance by July 1, 2007.

1 Section 88. The State Mandates Act is amended by adding  
2 Section 8.27 as follows:

3 (30 ILCS 805/8.27 new)

4 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6  
5 and 8 of this Act, no reimbursement by the State is required  
6 for the implementation of any mandate created by this  
7 amendatory Act of the 93rd General Assembly.

8 Section 90. The Use Tax Act is amended by changing  
9 Section 3-5 as follows:

10 (35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)

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

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

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

23 (3) Personal property purchased by a not-for-profit arts  
24 or cultural organization that establishes, by proof required  
25 by the Department by rule, that it has received an exemption  
26 under Section 501(c)(3) of the Internal Revenue Code and that  
27 is organized and operated primarily for the presentation or  
28 support of arts or cultural programming, activities, or  
29 services. These organizations include, but are not limited  
30 to, music and dramatic arts organizations such as symphony  
31 orchestras and theatrical groups, arts and cultural service

1 organizations, local arts councils, visual arts  
2 organizations, and media arts organizations. On and after the  
3 effective date of this amendatory Act of the 92nd General  
4 Assembly, however, an entity otherwise eligible for this  
5 exemption shall not make tax-free purchases unless it has an  
6 active identification number issued by the Department.

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

22 (5) A passenger car that is a replacement vehicle to the  
23 extent that the purchase price of the car is subject to the  
24 Replacement Vehicle Tax.

25 (6) Graphic arts machinery and equipment, including  
26 repair and replacement parts, both new and used, and  
27 including that manufactured on special order, certified by  
28 the purchaser to be used primarily for graphic arts  
29 production, and including machinery and equipment purchased  
30 for lease. Equipment includes chemicals or chemicals acting  
31 as catalysts but only if the chemicals or chemicals acting as  
32 catalysts effect a direct and immediate change upon a graphic  
33 arts product.

34 (7) Farm chemicals.



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

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

8           (10) A motor vehicle of the first division, a motor  
9 vehicle of the second division that is a self-contained motor  
10 vehicle designed or permanently converted to provide living  
11 quarters for recreational, camping, or travel use, with  
12 direct walk through to the living quarters from the driver's  
13 seat, or a motor vehicle of the second division that is of  
14 the van configuration designed for the transportation of not  
15 less than 7 nor more than 16 passengers, as defined in  
16 Section 1-146 of the Illinois Vehicle Code, that is used for  
17 automobile renting, as defined in the Automobile Renting  
18 Occupation and Use Tax Act.

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

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

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

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

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

27 (13) Proceeds of mandatory service charges separately  
28 stated on customers' bills for the purchase and consumption  
29 of food and beverages purchased at retail from a retailer, to  
30 the extent that the proceeds of the service charge are in  
31 fact turned over as tips or as a substitute for tips to the  
32 employees who participate directly in preparing, serving,  
33 hosting or cleaning up the food or beverage function with  
34 respect to which the service charge is imposed.

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

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

16           (16) Coal exploration, mining, offhighway hauling,  
17 processing, maintenance, and reclamation equipment, including  
18 replacement parts and equipment, and including equipment  
19 purchased for lease, but excluding motor vehicles required to  
20 be registered under the Illinois Vehicle Code.

21           (17) Distillation machinery and equipment, sold as a  
22 unit or kit, assembled or installed by the retailer,  
23 certified by the user to be used only for the production of  
24 ethyl alcohol that will be used for consumption as motor fuel  
25 or as a component of motor fuel for the personal use of the  
26 user, and not subject to sale or resale.

27           (18) Manufacturing and assembling machinery and  
28 equipment used primarily in the process of manufacturing or  
29 assembling tangible personal property for wholesale or retail  
30 sale or lease, whether that sale or lease is made directly by  
31 the manufacturer or by some other person, whether the  
32 materials used in the process are owned by the manufacturer  
33 or some other person, or whether that sale or lease is made  
34 apart from or as an incident to the seller's engaging in the

1 service occupation of producing machines, tools, dies, jigs,  
2 patterns, gauges, or other similar items of no commercial  
3 value on special order for a particular purchaser.

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.

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

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

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

27 (24) Beginning with taxable years ending on or after  
28 December 31, 1995 and ending with taxable years ending on or  
29 before December 31, 2004, personal property that is donated  
30 for disaster relief to be used in a State or federally  
31 declared disaster area in Illinois or bordering Illinois by a  
32 manufacturer or retailer that is registered in this State to  
33 a corporation, society, association, foundation, or  
34 institution that has been issued a sales tax exemption

1 identification number by the Department that assists victims  
2 of the disaster who reside within the declared disaster area.

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

16 (26) Beginning July 1, 1999, game or game birds  
17 purchased at a "game breeding and hunting preserve area" or  
18 an "exotic game hunting area" as those terms are used in the  
19 Wildlife Code or at a hunting enclosure approved through  
20 rules adopted by the Department of Natural Resources. This  
21 paragraph is exempt from the provisions of Section 3-90.

22 (27) A motor vehicle, as that term is defined in Section  
23 1-146 of the Illinois Vehicle Code, that is donated to a  
24 corporation, limited liability company, society, association,  
25 foundation, or institution that is determined by the  
26 Department to be organized and operated exclusively for  
27 educational purposes. For purposes of this exemption, "a  
28 corporation, limited liability company, society, association,  
29 foundation, or institution organized and operated exclusively  
30 for educational purposes" means all tax-supported public  
31 schools, private schools that offer systematic instruction in  
32 useful branches of learning by methods common to public  
33 schools and that compare favorably in their scope and  
34 intensity with the course of study presented in tax-supported

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

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

21 (29) Beginning January 1, 2000 and through December 31,  
22 2001, new or used automatic vending machines that prepare and  
23 serve hot food and beverages, including coffee, soup, and  
24 other items, and replacement parts for these machines.  
25 Beginning January 1, 2002, machines and parts for machines  
26 used in commercial, coin-operated amusement and vending  
27 business if a use or occupation tax is paid on the gross  
28 receipts derived from the use of the commercial,  
29 coin-operated amusement and vending machines. This paragraph  
30 is exempt from the provisions of Section 3-90.

31 (30) Food for human consumption that is to be consumed  
32 off the premises where it is sold (other than alcoholic  
33 beverages, soft drinks, and food that has been prepared for  
34 immediate consumption) and prescription and nonprescription

1 medicines, drugs, medical appliances, and insulin, urine  
2 testing materials, syringes, and needles used by diabetics,  
3 for human use, when purchased for use by a person receiving  
4 medical assistance under Article 5 of the Illinois Public Aid  
5 Code who resides in a licensed long-term care facility, as  
6 defined in the Nursing Home Care Act.

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

33 (32) Beginning on the effective date of this amendatory  
34 Act of the 92nd General Assembly, personal property purchased



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

22 (33) Beginning January 1, 2004 and ending December 31,  
23 2006, automated external defibrillators purchased by a  
24 physical fitness facility for the purpose of complying with  
25 the Physical Fitness Facility Medical Emergency Preparedness  
26 Act, up to a maximum exemption of \$300 per year. For purposes  
27 of this paragraph (33), "physical fitness facility" is  
28 defined as in the Physical Fitness Facility Medical Emergency  
29 Preparedness Act, except that the term does not include any  
30 facility that is owned or operated by a unit of local  
31 government or a public school, college, or university.

32 (Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99;  
33 91-439, eff. 8-6-99; 91-637, eff. 8-20-99; 91-644, eff.  
34 8-20-99; 91-901, eff. 1-1-01; 92-35, eff. 7-1-01; 92-227,

1 eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01;  
2 92-651, eff. 7-11-02.)

3 Section 91. The Service Use Tax Act is amended by  
4 changing Section 3-5 as follows:

5 (35 ILCS 110/3-5) (from Ch. 120, par. 439.33-5)

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  
25 to, music and dramatic arts organizations such as symphony  
26 orchestras and theatrical groups, arts and cultural service  
27 organizations, local arts councils, visual arts  
28 organizations, and media arts organizations. On and after the  
29 effective date of this amendatory Act of the 92nd General  
30 Assembly, however, an entity otherwise eligible for this  
31 exemption shall not make tax-free purchases unless it has an  
32 active identification number issued by the Department.

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

5           (5) Graphic arts machinery and equipment, including  
6 repair and replacement parts, both new and used, and  
7 including that manufactured on special order or purchased for  
8 lease, certified by the purchaser to be used primarily for  
9 graphic arts production. Equipment includes chemicals or  
10 chemicals acting as catalysts but only if the chemicals or  
11 chemicals acting as catalysts effect a direct and immediate  
12 change upon a graphic arts product.

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

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

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

9 Farm machinery and equipment also includes computers,  
10 sensors, software, and related equipment used primarily in  
11 the computer-assisted operation of production agriculture  
12 facilities, equipment, and activities such as, but not  
13 limited to, the collection, monitoring, and correlation of  
14 animal and crop data for the purpose of formulating animal  
15 diets and agricultural chemicals. This item (7) is exempt  
16 from the provisions of Section 3-75.

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

24 (9) Proceeds of mandatory service charges separately  
25 stated on customers' bills for the purchase and consumption  
26 of food and beverages acquired as an incident to the purchase  
27 of a service from a serviceman, to the extent that the  
28 proceeds of the service charge are in fact turned over as  
29 tips or as a substitute for tips to the employees who  
30 participate directly in preparing, serving, hosting or  
31 cleaning up the food or beverage function with respect to  
32 which the service charge is imposed.

33 (10) Oil field exploration, drilling, and production  
34 equipment, including (i) rigs and parts of rigs, rotary rigs,

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

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

14 (12) Coal exploration, mining, offhighway hauling,  
15 processing, maintenance, and reclamation equipment, including  
16 replacement parts and equipment, and including equipment  
17 purchased for lease, but excluding motor vehicles required to  
18 be registered under the Illinois Vehicle Code.

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

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

27 (15) Computers and communications equipment utilized for  
28 any hospital purpose and equipment used in the diagnosis,  
29 analysis, or treatment of hospital patients purchased by a  
30 lessor who leases the equipment, under a lease of one year or  
31 longer executed or in effect at the time the lessor would  
32 otherwise be subject to the tax imposed by this Act, to a  
33 hospital that has been issued an active tax exemption  
34 identification number by the Department under Section 1g of

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

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

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

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

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

26 (19) Beginning July 1, 1999, game or game birds  
27 purchased at a "game breeding and hunting preserve area" or  
28 an "exotic game hunting area" as those terms are used in the  
29 Wildlife Code or at a hunting enclosure approved through  
30 rules adopted by the Department of Natural Resources. This  
31 paragraph is exempt from the provisions of Section 3-75.

32 (20) A motor vehicle, as that term is defined in Section  
33 1-146 of the Illinois Vehicle Code, that is donated to a  
34 corporation, limited liability company, society, association,

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

17 (21) Beginning January 1, 2000, personal property,  
18 including food, purchased through fundraising events for the  
19 benefit of a public or private elementary or secondary  
20 school, a group of those schools, or one or more school  
21 districts if the events are sponsored by an entity recognized  
22 by the school district that consists primarily of volunteers  
23 and includes parents and teachers of the school children.  
24 This paragraph does not apply to fundraising events (i) for  
25 the benefit of private home instruction or (ii) for which the  
26 fundraising entity purchases the personal property sold at  
27 the events from another individual or entity that sold the  
28 property for the purpose of resale by the fundraising entity  
29 and that profits from the sale to the fundraising entity.  
30 This paragraph is exempt from the provisions of Section 3-75.

31 (22) Beginning January 1, 2000 and through December 31,  
32 2001, new or used automatic vending machines that prepare and  
33 serve hot food and beverages, including coffee, soup, and  
34 other items, and replacement parts for these machines.



1 Beginning January 1, 2002, machines and parts for machines  
2 used in commercial, coin-operated amusement and vending  
3 business if a use or occupation tax is paid on the gross  
4 receipts derived from the use of the commercial,  
5 coin-operated amusement and vending machines. This paragraph  
6 is exempt from the provisions of Section 3-75.

7 (23) Food for human consumption that is to be consumed  
8 off the premises where it is sold (other than alcoholic  
9 beverages, soft drinks, and food that has been prepared for  
10 immediate consumption) and prescription and nonprescription  
11 medicines, drugs, medical appliances, and insulin, urine  
12 testing materials, syringes, and needles used by diabetics,  
13 for human use, when purchased for use by a person receiving  
14 medical assistance under Article 5 of the Illinois Public Aid  
15 Code who resides in a licensed long-term care facility, as  
16 defined in the Nursing Home Care Act.

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

1 Use Tax Act, as the case may be, if the tax has not been paid  
2 by the lessor. If a lessor improperly collects any such  
3 amount from the lessee, the lessee shall have a legal right  
4 to claim a refund of that amount from the lessor. If,  
5 however, that amount is not refunded to the lessee for any  
6 reason, the lessor is liable to pay that amount to the  
7 Department. This paragraph is exempt from the provisions of  
8 Section 3-75.

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

32 (26) Beginning January 1, 2004 and ending December 31,  
33 2006, automated external defibrillators purchased by a  
34 physical fitness facility for the purpose of complying with

1 the Physical Fitness Facility Medical Emergency Preparedness  
2 Act, up to a maximum exemption of \$300 per year. For purposes  
3 of this paragraph (26), "physical fitness facility" is  
4 defined as in the Physical Fitness Facility Medical Emergency  
5 Preparedness Act, except that the term does not include any  
6 facility that is owned or operated by a unit of local  
7 government or a public school, college, or university.

8 (Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99;  
9 91-439, eff. 8-6-99; 91-637, eff. 8-20-99; 91-644, eff.  
10 8-20-99; 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227,  
11 eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01;  
12 92-651, eff. 7-11-02.)

13 Section 92. The Service Occupation Tax Act is amended by  
14 changing Section 3-5 as follows:

15 (35 ILCS 115/3-5) (from Ch. 120, par. 439.103-5)

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

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

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

28 (3) Personal property purchased by any not-for-profit  
29 arts or cultural organization that establishes, by proof  
30 required by the Department by rule, that it has received an  
31 exemption under Section 501(c)(3) of the Internal Revenue  
32 Code and that is organized and operated primarily for the

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

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

15 (5) Graphic arts machinery and equipment, including  
16 repair and replacement parts, both new and used, and  
17 including that manufactured on special order or purchased for  
18 lease, certified by the purchaser to be used primarily for  
19 graphic arts production. Equipment includes chemicals or  
20 chemicals acting as catalysts but only if the chemicals or  
21 chemicals acting as catalysts effect a direct and immediate  
22 change upon a graphic arts product.

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

26 (7) Farm machinery and equipment, both new and used,  
27 including that manufactured on special order, certified by  
28 the purchaser to be used primarily for production agriculture  
29 or State or federal agricultural programs, including  
30 individual replacement parts for the machinery and equipment,  
31 including machinery and equipment purchased for lease, and  
32 including implements of husbandry defined in Section 1-130 of  
33 the Illinois Vehicle Code, farm machinery and agricultural  
34 chemical and fertilizer spreaders, and nurse wagons required

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

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

19 Farm machinery and equipment also includes computers,  
20 sensors, software, and related equipment used primarily in  
21 the computer-assisted operation of production agriculture  
22 facilities, equipment, and activities such as, but not  
23 limited to, the collection, monitoring, and correlation of  
24 animal and crop data for the purpose of formulating animal  
25 diets and agricultural chemicals. This item (7) is exempt  
26 from the provisions of Section 3-55.

27 (8) Fuel and petroleum products sold to or used by an  
28 air common carrier, certified by the carrier to be used for  
29 consumption, shipment, or storage in the conduct of its  
30 business as an air common carrier, for a flight destined for  
31 or returning from a location or locations outside the United  
32 States without regard to previous or subsequent domestic  
33 stopovers.

34 (9) Proceeds of mandatory service charges separately

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

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

23 (12) Coal exploration, mining, offhighway hauling,  
24 processing, maintenance, and reclamation equipment, including  
25 replacement parts and equipment, and including equipment  
26 purchased for lease, but excluding motor vehicles required to  
27 be registered under the Illinois Vehicle Code.

28 (13) Food for human consumption that is to be consumed  
29 off the premises where it is sold (other than alcoholic  
30 beverages, soft drinks and food that has been prepared for  
31 immediate consumption) and prescription and non-prescription  
32 medicines, drugs, medical appliances, and insulin, urine  
33 testing materials, syringes, and needles used by diabetics,  
34 for human use, when purchased for use by a person receiving

1 medical assistance under Article 5 of the Illinois Public Aid  
2 Code who resides in a licensed long-term care facility, as  
3 defined in the Nursing Home Care Act.

4 (14) Semen used for artificial insemination of livestock  
5 for direct agricultural production.

6 (15) Horses, or interests in horses, registered with and  
7 meeting the requirements of any of the Arabian Horse Club  
8 Registry of America, Appaloosa Horse Club, American Quarter  
9 Horse Association, United States Trotting Association, or  
10 Jockey Club, as appropriate, used for purposes of breeding or  
11 racing for prizes.

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

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

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

1 of the disaster who reside within the declared disaster area.

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

15 (20) Beginning July 1, 1999, game or game birds sold at  
16 a "game breeding and hunting preserve area" or an "exotic  
17 game hunting area" as those terms are used in the Wildlife  
18 Code or at a hunting enclosure approved through rules adopted  
19 by the Department of Natural Resources. This paragraph is  
20 exempt from the provisions of Section 3-55.

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



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

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

20 (23) Beginning January 1, 2000 and through December 31,  
21 2001, new or used automatic vending machines that prepare and  
22 serve hot food and beverages, including coffee, soup, and  
23 other items, and replacement parts for these machines.  
24 Beginning January 1, 2002, machines and parts for machines  
25 used in commercial, coin-operated amusement and vending  
26 business if a use or occupation tax is paid on the gross  
27 receipts derived from the use of the commercial,  
28 coin-operated amusement and vending machines. This paragraph  
29 is exempt from the provisions of Section 3-55.

30 (24) Beginning on the effective date of this amendatory  
31 Act of the 92nd General Assembly, computers and  
32 communications equipment utilized for any hospital purpose  
33 and equipment used in the diagnosis, analysis, or treatment  
34 of hospital patients sold to a lessor who leases the

1 equipment, under a lease of one year or longer executed or in  
2 effect at the time of the purchase, to a hospital that has  
3 been issued an active tax exemption identification number by  
4 the Department under Section 1g of the Retailers' Occupation  
5 Tax Act. This paragraph is exempt from the provisions of  
6 Section 3-55.

7 (25) Beginning on the effective date of this amendatory  
8 Act of the 92nd General Assembly, personal property sold to a  
9 lessor who leases the property, under a lease of one year or  
10 longer executed or in effect at the time of the purchase, to  
11 a governmental body that has been issued an active tax  
12 exemption identification number by the Department under  
13 Section 1g of the Retailers' Occupation Tax Act. This  
14 paragraph is exempt from the provisions of Section 3-55.

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

1 necessary books and records to substantiate the use and  
2 consumption of all such tangible personal property outside of  
3 the State of Illinois.

4 (27) Beginning January 1, 2004 and ending December 31,  
5 2006, automated external defibrillators purchased by a  
6 physical fitness facility for the purpose of complying with  
7 the Physical Fitness Facility Medical Emergency Preparedness  
8 Act, up to a maximum exemption of \$300 per year. For purposes  
9 of this paragraph (27), "physical fitness facility" is  
10 defined as in the Physical Fitness Facility Medical Emergency  
11 Preparedness Act, except that the term does not include any  
12 facility that is owned or operated by a unit of local  
13 government or a public school, college, or university.

14 (Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99;  
15 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff.  
16 8-20-99; 91-644, eff. 8-20-99; 92-16, eff. 6-28-01; 92-35,  
17 eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01;  
18 92-484, eff. 8-23-01; 92-488, eff. 8-23-01; 92-651, eff.  
19 7-11-02.)

20 Section 93. The Retailers' Occupation Tax Act is amended  
21 by changing Section 2-5 as follows:

22 (35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

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

- 26 (1) Farm chemicals.
- 27 (2) Farm machinery and equipment, both new and used,  
28 including that manufactured on special order, certified by  
29 the purchaser to be used primarily for production agriculture  
30 or State or federal agricultural programs, including  
31 individual replacement parts for the machinery and equipment,  
32 including machinery and equipment purchased for lease, and

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

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

22 Farm machinery and equipment also includes computers,  
23 sensors, software, and related equipment used primarily in  
24 the computer-assisted operation of production agriculture  
25 facilities, equipment, and activities such as, but not  
26 limited to, the collection, monitoring, and correlation of  
27 animal and crop data for the purpose of formulating animal  
28 diets and agricultural chemicals. This item (7) is exempt  
29 from the provisions of Section 2-70.

30 (3) Distillation machinery and equipment, sold as a unit  
31 or kit, assembled or installed by the retailer, certified by  
32 the user to be used only for the production of ethyl alcohol  
33 that will be used for consumption as motor fuel or as a  
34 component of motor fuel for the personal use of the user, and

1 not subject to sale or resale.

2 (4) Graphic arts machinery and equipment, including  
3 repair and replacement parts, both new and used, and  
4 including that manufactured on special order or purchased for  
5 lease, certified by the purchaser to be used primarily for  
6 graphic arts production. Equipment includes chemicals or  
7 chemicals acting as catalysts but only if the chemicals or  
8 chemicals acting as catalysts effect a direct and immediate  
9 change upon a graphic arts product.

10 (5) A motor vehicle of the first division, a motor  
11 vehicle of the second division that is a self-contained motor  
12 vehicle designed or permanently converted to provide living  
13 quarters for recreational, camping, or travel use, with  
14 direct walk through access to the living quarters from the  
15 driver's seat, or a motor vehicle of the second division that  
16 is of the van configuration designed for the transportation  
17 of not less than 7 nor more than 16 passengers, as defined in  
18 Section 1-146 of the Illinois Vehicle Code, that is used for  
19 automobile renting, as defined in the Automobile Renting  
20 Occupation and Use Tax Act.

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

24 (7) Proceeds of that portion of the selling price of a  
25 passenger car the sale of which is subject to the Replacement  
26 Vehicle Tax.

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

30 (9) Personal property sold to a not-for-profit arts or  
31 cultural organization that establishes, by proof required by  
32 the Department by rule, that it has received an exemption  
33 under Section 501(c)(3) of the Internal Revenue Code and that  
34 is organized and operated primarily for the presentation or

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

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

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

32 (12) Personal property sold to interstate carriers for  
33 hire for use as rolling stock moving in interstate commerce  
34 or to lessors under leases of one year or longer executed or

1 in effect at the time of purchase by interstate carriers for  
2 hire for use as rolling stock moving in interstate commerce  
3 and equipment operated by a telecommunications provider,  
4 licensed as a common carrier by the Federal Communications  
5 Commission, which is permanently installed in or affixed to  
6 aircraft moving in interstate commerce.

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

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

27 (15) Proceeds of mandatory service charges separately  
28 stated on customers' bills for purchase and consumption of  
29 food and beverages, to the extent that the proceeds of the  
30 service charge are in fact turned over as tips or as a  
31 substitute for tips to the employees who participate directly  
32 in preparing, serving, hosting or cleaning up the food or  
33 beverage function with respect to which the service charge is  
34 imposed.

1           (16) Petroleum products sold to a purchaser if the  
2 seller is prohibited by federal law from charging tax to the  
3 purchaser.

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

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

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

25           (20) Photoprocessing machinery and equipment, including  
26 repair and replacement parts, both new and used, including  
27 that manufactured on special order, certified by the  
28 purchaser to be used primarily for photoprocessing, and  
29 including photoprocessing machinery and equipment purchased  
30 for lease.

31           (21) Coal exploration, mining, offhighway hauling,  
32 processing, maintenance, and reclamation equipment, including  
33 replacement parts and equipment, and including equipment  
34 purchased for lease, but excluding motor vehicles required to



1 be registered under the Illinois Vehicle Code.

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

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

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

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

30 (26) Semen used for artificial insemination of livestock  
31 for direct agricultural production.

32 (27) Horses, or interests in horses, registered with and  
33 meeting the requirements of any of the Arabian Horse Club  
34 Registry of America, Appaloosa Horse Club, American Quarter

1 Horse Association, United States Trotting Association, or  
2 Jockey Club, as appropriate, used for purposes of breeding or  
3 racing for prizes.

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

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

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

27 (31) Beginning with taxable years ending on or after  
28 December 31, 1995 and ending with taxable years ending on or  
29 before December 31, 2004, personal property that is used in  
30 the performance of infrastructure repairs in this State,  
31 including but not limited to municipal roads and streets,  
32 access roads, bridges, sidewalks, waste disposal systems,  
33 water and sewer line extensions, water distribution and  
34 purification facilities, storm water drainage and retention

1 facilities, and sewage treatment facilities, resulting from a  
2 State or federally declared disaster in Illinois or bordering  
3 Illinois when such repairs are initiated on facilities  
4 located in the declared disaster area within 6 months after  
5 the disaster.

6 (32) Beginning July 1, 1999, game or game birds sold at  
7 a "game breeding and hunting preserve area" or an "exotic  
8 game hunting area" as those terms are used in the Wildlife  
9 Code or at a hunting enclosure approved through rules adopted  
10 by the Department of Natural Resources. This paragraph is  
11 exempt from the provisions of Section 2-70.

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

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

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

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

21 (35-5) ~~(36)~~ Food for human consumption that is to be  
22 consumed off the premises where it is sold (other than  
23 alcoholic beverages, soft drinks, and food that has been  
24 prepared for immediate consumption) and prescription and  
25 nonprescription medicines, drugs, medical appliances, and  
26 insulin, urine testing materials, syringes, and needles used  
27 by diabetics, for human use, when purchased for use by a  
28 person receiving medical assistance under Article 5 of the  
29 Illinois Public Aid Code who resides in a licensed long-term  
30 care facility, as defined in the Nursing Home Care Act.

31 (36) Beginning August 2, 2001 ~~on-the-effective--date--of~~  
32 ~~this--amendatory--Act-of-the-92nd-General-Assembly~~, computers  
33 and communications equipment utilized for any hospital  
34 purpose and equipment used in the diagnosis, analysis, or

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

7 (37) Beginning August 2, 2001 ~~on the effective date of~~  
8 ~~this amendatory Act of the 92nd General Assembly~~, personal  
9 property sold to a lessor who leases the property, under a  
10 lease of one year or longer executed or in effect at the time  
11 of the purchase, to a governmental body that has been issued  
12 an active tax exemption identification number by the  
13 Department under Section 1g of this Act. This paragraph is  
14 exempt from the provisions of Section 2-70.

15 (38) Beginning on January 1, 2002, tangible personal  
16 property purchased from an Illinois retailer by a taxpayer  
17 engaged in centralized purchasing activities in Illinois who  
18 will, upon receipt of the property in Illinois, temporarily  
19 store the property in Illinois (i) for the purpose of  
20 subsequently transporting it outside this State for use or  
21 consumption thereafter solely outside this State or (ii) for  
22 the purpose of being processed, fabricated, or manufactured  
23 into, attached to, or incorporated into other tangible  
24 personal property to be transported outside this State and  
25 thereafter used or consumed solely outside this State. The  
26 Director of Revenue shall, pursuant to rules adopted in  
27 accordance with the Illinois Administrative Procedure Act,  
28 issue a permit to any taxpayer in good standing with the  
29 Department who is eligible for the exemption under this  
30 paragraph (38). The permit issued under this paragraph (38)  
31 shall authorize the holder, to the extent and in the manner  
32 specified in the rules adopted under this Act, to purchase  
33 tangible personal property from a retailer exempt from the  
34 taxes imposed by this Act. Taxpayers shall maintain all

1 necessary books and records to substantiate the use and  
2 consumption of all such tangible personal property outside of  
3 the State of Illinois.

4 (39) Beginning January 1, 2004 and ending December 31,  
5 2006, automated external defibrillators purchased by a  
6 physical fitness facility for the purpose of complying with  
7 the Physical Fitness Facility Medical Emergency Preparedness  
8 Act, up to a maximum exemption of \$300 per year. For  
9 purposes of this paragraph (39), "physical fitness facility"  
10 is defined as in the Physical Fitness Facility Medical  
11 Emergency Preparedness Act, except that the term does not  
12 include any facility that is owned or operated by a unit of  
13 local government or a public school, college, or university.

14 (Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99;  
15 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff.  
16 8-20-99; 91-644, eff. 8-20-99; 92-16, eff. 6-28-01; 92-35,  
17 eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01;  
18 92-484, eff. 8-23-01; 92-488, eff. 8-23-01; 92-651, eff.  
19 7-11-02; 92-680, eff. 7-16-02; revised 1-26-03.)

20 Section 95. The Automated External Defibrillator Act is  
21 amended by changing Section 30 as follows:

22 (410 ILCS 4/30)

23 Sec. 30. Exemption from civil liability.

24 (a) A physician licensed in Illinois to practice  
25 medicine in all its branches who authorizes the purchase of  
26 an automated external defibrillator is not liable for civil  
27 damages as a result of any act or omission arising out of  
28 authorizing the purchase of an automated external  
29 defibrillator, except for willful or wanton misconduct, if  
30 the requirements of this Act are met.

31 (b) An individual or entity providing training in the  
32 use of automated external defibrillators is not liable for

1 civil damages as a result of any act or omission involving  
2 the use of an automated external defibrillator, except for  
3 willful or wanton misconduct, if the requirements of this Act  
4 are met.

5 (c) A person, entity, unit of State or local government,  
6 or school district owning, occupying, or managing the  
7 premises where an automated external defibrillator is located  
8 is not liable for civil damages as a result of any act or  
9 omission involving the use or non-use of an automated  
10 external defibrillator, except for willful or wanton  
11 misconduct, if the requirements of this Act are met.

12 (d) A trained AED user is not liable for civil damages  
13 as a result of any act or omission involving the use of an  
14 automated external defibrillator in an emergency situation,  
15 except for willful or wanton misconduct, if the requirements  
16 of this Act are met.

17 (Source: P.A. 91-524, eff. 1-1-00.)".