

Illinois retailers are required to file returns by specific statutory deadlines. 35 ILCS 120/3. 86 Ill. Adm. Code 130.501. (This is a GIL.)

June 4, 2010

Dear Xxxxx:

This letter is in response to your letter dated January 20, 2010, in which you request information. The Department issues two types of letter rulings. Private Letter Rulings ("PLRs") are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. A PLR is binding on the Department, but only as to the taxpayer who is the subject of the request for ruling and only to the extent the facts recited in the PLR are correct and complete. Persons seeking PLRs must comply with the procedures for PLRs found in the Department's regulations at 2 Ill. Adm. Code 1200.110. The purpose of a General Information Letter ("GIL") is to direct taxpayers to Department regulations or other sources of information regarding the topic about which they have inquired. A GIL is not a statement of Department policy and is not binding on the Department. See 2 Ill. Adm. Code 1200.120. You may access our website at www.tax.illinois.gov to review regulations, letter rulings and other types of information relevant to your inquiry.

The nature of your inquiry and the information you have provided require that we respond with a GIL. In your letter you have stated and made inquiry as follows:

Per my telephone conversation today with an agent in your office, I learned that there is no Statutory Law allowing a One-Day delay or Time Extension in filing of Sales and Use Tax returns based on contact with AGENT. Under the Americans with Disabilities Amended Act of 2009 with training completed this year under talks sponsored by *Disability Works*, your organization is not exempt from compliance with Federal Laws. Therefore, I suggest that you allow anyone a one day Time Extension to file Sales Tax Forms as long as they contact you. No late charges should apply in those circumstances. In such contact, I recommend that you collect and document the name and reason given by the individual or Store Owner for late filing. Such a method has implications with our Property and Business Account Foreclosure Processes and our Transportation Security System. Under the above business names, I have the opportunity of proprietary Sales affecting industries which include Telecommunications Mobile Phone and Software.

I am blind copying providers of Telecommunications Services with a redacted copy as that they may set-up a complementary 800-number to collect such information about lateness on the part of individuals complying with Illinois and Federal State Tax Filings. Training of mine allows me knowledge of such issues. Also, under my Business Plan in which I am providing you confidentially, there are apparently methods underway to reduce Government Offices, or allow a store to Discontinue Operations under a

Reduction of Features offered in Voice Mail Message Prompts. I am assisting my Telecommunications Providers with this application.

Given the considerations that our court system allows a one-day delay for filing of Court Briefs, I would like you [sic] legal staff to allow me a one-day time extension since I am working other plans which generate bigger revenue. In the meantime, I may be able to obtain a complementary 800-number for my use under the Supplier Quality & Failure Analysis Center™ for Excellence in which State or Federal government operations would be monitored with inputs from Tax Payers who have difficulties with delays requiring extensions in filing of tax returns and/or special forms such as Sales and Use taxes. We would not be a source for completion of Tax Forms or Tax Preparer information. Also, in my obtainment of 800-number service, I would allow myself FREE services for 3-months of call time.

Note that I am the ONLY AUTHORIZED source for collection of Sales and Use tax for ABC Software and Services under U.S. Patent Application #. These RIGHTS are INTERNATIONAL. Also, the U.S. Patent Examiner noted that I am involved in the development of the Google Operating System and the only source for collection of Sales and Use Taxes on the Dell Mobile Phone, based on the Google Operating System. At a later time this year, I would be required to collect those taxes. I can be placed on a 3-month basis for filing of Sales Taxes.

If you have information about what constitutes 'medical appliances', I would like that information provided to me confidentially. In the meantime, your efforts to allow me a one-day filing extension are appreciated without penalty.

DEPARTMENT'S RESPONSE:

Extension of Time

Illinois retailers are required to file returns by specific statutory deadlines. The Department has no authority to provide the extension you have requested. See 35 ILCS 120/3; 86 Ill. Adm. Code 130.510.

Medical Appliances

All gross receipts from sales of tangible personal property in Illinois are subject to Retailers' Occupation Tax unless an exemption is specifically provided. Medicines and medical appliances are not taxed at the normal State rate of 6.25% plus applicable local taxes. These items are taxed at a reduced State rate of 1% plus applicable local taxes. See 86 Ill. Adm. Code 130.310. Items subject to this lower tax rate include prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use.

The definition of a medical appliance is "an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body." "Medical appliances" may be prescribed by licensed health care professionals for use by a patient, purchased by health care professionals for the use of patients, or purchased directly by individuals. See 86 Ill. Adm. Code 130.310(c)(2). Please note that not all items prescribed by or used by physicians or other licensed health care professionals qualify for the low rate.

Medical appliances that qualify for the reduced rate include such items as artificial limbs, dental prostheses and orthodontic braces, crutches and orthopedic braces, wheelchairs, heart pacemakers, and dialysis machines. Other examples of items that qualify for the reduced rate are corrective medical appliances such as hearing aids, eyeglasses and contact lenses. As a general proposition, diagnostic, treatment, and rehabilitative equipment items do not qualify for the reduced rate of tax as medical appliances because such items are not "for use in directly substituting for a malfunctioning part of the body," 86 Ill. Adm. Code 130.310(c)(2).

I hope this information is helpful. If you require additional information, please visit our website at www.tax.illinois.gov or contact the Department's Taxpayer Information Division at (217) 782-3336.

Very truly yours,

Debra M. Boggess
Associate Counsel

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