

The Farm Machinery and Equipment exemption is not available to sales of ordinary building materials. See 86 Ill. Adm. Code 130.305. (This is a GIL.)

June 18, 2009

Dear Xxxxx:

This letter is in response to your letter dated April 15, 2009, 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:

I was referred to your department by a representative at the Illinois Department of Revenue, after I posed the following question to her:

Are the sales of concrete hog slats subject to Illinois sales tax or are the slats considered to be livestock equipment and therefore exempt per regulation 130.305?

One of our clients produces concrete hog slats and has been filling occasional orders from Illinois. Some of the orders are delivered and/or installed in Illinois. Our client has been charging Illinois sales tax on those sales but has received complaints from customers who claim that the hog slats are exempt from sales tax. Some of the Illinois customers are providing Illinois exemption certificates. The client is now asking to file for refund of the Illinois sales tax remitted in prior periods.

Please let me know whether or not our client should be collecting sales tax on the sale of concrete hog slats.

DEPARTMENT'S RESPONSE:

Although we cannot give you a specific answer in the form of a General Information Letter, we hope you find the following helpful. Please see the Department's regulations at 86 Ill. Adm. Code

Sections 130.305, 130.1940, and 130.2075, which can be found on the Department's website. In addition, you may want to view some of the letters on the Department's website that the Department has already issued concerning this subject matter, specifically ST-08-0148.

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

DMB:msk