

Wheelchair ramps, stairway wheelchair lifts, stairway chair lifts, vertical wheelchair lifts, and bathtub lifts do not qualify for the low rate of tax afforded medical appliances. See 86 Ill. Adm. Code subsection 130.310(c)(2). (This is a GIL.)

December 11, 2006

Dear Xxxxx:

This letter is in response to your letter dated September 8, 2006, 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.ILTAX.com](http://www.ILTAX.com) 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:

ABC is seeking a Private Letter Ruling (PLR). I am the owner of ABC. I understand that PLR's are binding on your department while General Letter Rulings (GIL) are not binding.

I sell Medical Devices which substitute for malfunctioning parts of the body. I would like a clear ruling that ABC can charge the medical sales tax rate of 1% on the following items:

- 1) Wheelchair ramps
- 2) Stairway wheelchair lifts
- 3) Stairway Chairlifts
- 4) Vertical wheelchair lifts
- 5) Bath tub lifts

I believe that items 1-4 qualify for the lower sales tax rate for the following reasons. Several GIL's have indicated that wheelchairs qualify for the lower rate because they substitute for a malfunctioning part of the body. A wheelchair in and of itself is unable to fully replace the malfunctioning body part (legs) without ramps and lifting devices. Wheelchairs can not climb steps. If a patient is in a wheelchair and has steps, they may have need for wheelchair ramps or stairway lifts. Items 1-4 become necessary because the patient in a wheelchair is incapable of going up steps. The patient is in the

wheelchair because they have a malfunctioning part of the body, people who have fully functioning body parts do not use these items. The items 1-4 are an adjunct accessory necessary for the proper operation of the wheelchair and the safety of the patient.

I believe that the bath tub lifts that I sell should [sic] taxed at the lower tax rate for the following reasons. The patients using the bath tub lifts are physically unable [sic] lower themselves into or raise themselves out of a tub because their arms and legs are not strong enough. The device is replacing the malfunctioning arms and legs. People who have functional arms and legs do not use these devices.

## **DEPARTMENT'S RESPONSE**

In your letter you provided a list of various items that you feel qualify for the low rate of tax afforded medical appliances. Please note that an item qualifies as a medical appliance because of the use to which it is put not because of the nature of the item itself. A medical appliance is an item that corrects a functioning part of the body, such as eyeglasses or hearing aids, or is for use in directly substituting for a malfunctioning part of the body, such as artificial limbs or wheelchairs. (See Section 130.310(c)(2)).

Wheelchair ramps, stairway wheelchair lifts, stairway chair lifts, vertical wheelchair lifts, and bathtub lifts do not qualify for the low rate of tax afforded medical appliances. These items do not correct a functioning part of the body and do not directly substitute for a malfunctioning part of the body. While the items are of assistance to those with physical disabilities, they do not fall within the definition of medical appliance and as a result are subject to the normal rate of tax of 6.25% plus applicable local taxes.

If you require additional information, please visit our website at [www.ILTAX.com](http://www.ILTAX.com) or contact the Department's Taxpayer Information Division at (217) 782-3336. If you are not under audit and you wish to obtain a binding PLR regarding your factual situation, please submit a request conforming to the requirements of 2 Ill. Adm. Code 1200.110 (b).

Very truly yours,

Martha P. Mote  
Associate Counsel

MPM:msk