



Sen. Antonio Muñoz

Filed: 5/27/2019

10100HB0188sam001

LRB101 04816 TAE 61257 a

1 AMENDMENT TO HOUSE BILL 188

2 AMENDMENT NO. _____. Amend House Bill 188 as follows:

3 on page 1, line 5, by replacing "Section 3-421" with "Sections
4 3-421 and 6-305"; and

5 on page 2, below line 26, by inserting the following:

6 "(625 ILCS 5/6-305) (from Ch. 95 1/2, par. 6-305)

7 Sec. 6-305. Renting motor vehicle to another.

8 (a) No person shall rent a motor vehicle to any other
9 person unless the latter person, or a driver designated by a
10 nondriver with disabilities and meeting any minimum age and
11 driver's record requirements that are uniformly applied by the
12 person renting a motor vehicle, is then duly licensed hereunder
13 or, in the case of a nonresident, then duly licensed under the
14 laws of the State or country of his residence unless the State
15 or country of his residence does not require that a driver be

1 licensed.

2 (b) No person shall rent a motor vehicle to another until
3 he has inspected, including through electronic or digital
4 means, the driver's ~~drivers~~ license of the person to whom the
5 vehicle is to be rented, or by whom it is to be driven, and
6 ~~compared and~~ verified the license is unexpired ~~signature~~
7 ~~thereon with the signature of such person written in his~~
8 ~~presence~~ unless, in the case of a nonresident, the State or
9 country wherein the nonresident resides does not require that a
10 driver be licensed.

11 (c) No person shall rent a motorcycle to another unless the
12 latter person is then duly licensed hereunder as a motorcycle
13 operator, and in the case of a nonresident, then duly licensed
14 under the laws of the State or country of his residence, unless
15 the State or country of his residence does not require that a
16 driver be licensed.

17 (c-1) A rental car company that rents a motor vehicle shall
18 ensure that the renter is provided with an emergency telephone
19 number to personnel capable of fielding roadside assistance and
20 other customer service inquiries, including the ability to
21 provide the caller with the telephone number of the location
22 from which the vehicle was rented, if requested by the caller.
23 If an owner's manual is not available in the vehicle at the
24 time of the rental, an owner's manual for that vehicle or a
25 similar model shall be accessible by the personnel answering
26 the emergency telephone number for assistance with inquiries

1 about the operation of the vehicle.

2 (d) (Blank).

3 (e) (Blank).

4 (f) Subject to subsection (1), any person who rents a motor
5 vehicle to another shall only advertise, quote, and charge a
6 rental rate that includes the entire amount except taxes, a
7 mileage charge, and airport concession charge, if any, which a
8 renter must pay to hire or lease the vehicle for the period of
9 time to which the rental rate applies. The person must provide,
10 on the request of the renter, based on the available
11 information, an estimated total of the daily rental rate,
12 including all applicable taxes, fees, and other charges, or an
13 estimated total rental charge, based on the return date of the
14 vehicle noted on the rental agreement. Further, if the rental
15 agreement does not already provide an estimated total rental
16 charge, the following statement must be included in the rental
17 agreement:

18 "NOTICE: UNDER ILLINOIS LAW, YOU MAY REQUEST, BASED ON
19 AVAILABLE INFORMATION, AN ESTIMATED TOTAL DAILY RENTAL
20 RATE, INCLUDING TAXES, FEES, AND OTHER CHARGES, OR AN
21 ESTIMATED TOTAL RENTAL CHARGE, BASED ON THE VEHICLE RETURN
22 DATE NOTED ON THIS AGREEMENT."

23 Such person shall not charge in addition to the rental
24 rate, taxes, mileage charge, and airport concession charge, if
25 any, any fee which must be paid by the renter as a condition of
26 hiring or leasing the vehicle, such as, but not limited to,

1 required fuel or airport surcharges, nor any fee for
2 transporting the renter to the location where the rented
3 vehicle will be delivered to the renter. In addition to the
4 rental rate, taxes, mileage charge, and airport concession
5 charge, if any, such person may charge for an item or service
6 provided in connection with a particular rental transaction if
7 the renter can avoid incurring the charge by choosing not to
8 obtain or utilize the optional item or service. Items and
9 services for which such person may impose an additional charge
10 include, but are not limited to, optional insurance and
11 accessories requested by the renter, service charges incident
12 to the renter's optional return of the vehicle to a location
13 other than the location where the vehicle was hired or leased,
14 and charges for refueling the vehicle at the conclusion of the
15 rental transaction in the event the renter did not return the
16 vehicle with as much fuel as was in the fuel tank at the
17 beginning of the rental. "Airport concession charge" means a
18 charge or fee imposed and collected from a renter to reimburse
19 the motor vehicle rental company for the concession fee it is
20 required to pay to a local government corporate authority or
21 airport authority to rent motor vehicles at the airport
22 facility. The airport concession charge is in addition to any
23 customer facility charge or any other charge.

24 (f-5) A rental car company that offers a renter the
25 opportunity to use a transponder or other electronic tolling
26 device shall notify the renter of the opportunity to use the

1 device at or before the beginning of the rental agreement.

2 If a vehicle offered by a rental car company is equipped
3 with a transponder or other electronic tolling device and the
4 company fails to notify the renter of the option to use the
5 device, the rental car company shall not:

6 (1) charge a renter a fee of more than \$2 each day for
7 the use of a transponder or other electronic tolling
8 device; however, the company may recoup the actual cost
9 incurred for any toll; and

10 (2) charge a renter a daily fee on any day the renter
11 does not drive through an electronic toll or only drives
12 through an electronic toll collection system for which no
13 alternative payment option exists.

14 (g) Every person renting a motor vehicle to another shall
15 keep a record of the registration number of the motor vehicle
16 so rented, the name and address of the person to whom the
17 vehicle is rented, the number of the license, if any, of said
18 latter person, and the ~~date and place when and~~ where the
19 license, if any, was issued. Such record may be maintained in
20 an electronic or digital format, and shall be open to
21 inspection by any police officer or designated agent of the
22 Secretary of State.

23 (h) A person licensed as a new car dealer under Section
24 5-101 of this Code shall not be subject to the provisions of
25 this Section regarding the rental of private passenger motor
26 vehicles when providing, free of charge, temporary substitute

1 vehicles for customers to operate during a period when a
2 customer's vehicle, which is either leased or owned by that
3 customer, is being repaired, serviced, replaced or otherwise
4 made unavailable to the customer in accordance with an
5 agreement with the licensed new car dealer or vehicle
6 manufacturer, so long as the customer orally or in writing is
7 made aware that the temporary substitute vehicle will be
8 covered by his or her insurance policy and the customer shall
9 only be liable to the extent of any amount deductible from such
10 insurance coverage in accordance with the terms of the policy.

11 (i) This Section, except the requirements of subsection
12 (g), also applies to rental agreements of 30 continuous days or
13 less involving a motor vehicle that was delivered by an out of
14 State person or business to a renter in this State.

15 (j) A public airport may, if approved by its local
16 government corporate authorities or its airport authority,
17 impose a customer facility charge upon customers of rental car
18 companies for the purposes of financing, designing,
19 constructing, operating, and maintaining consolidated car
20 rental facilities and common use transportation equipment and
21 facilities, which are used to transport the customer,
22 connecting consolidated car rental facilities with other
23 airport facilities.

24 Notwithstanding subsection (f) of this Section, the
25 customer facility charge shall be collected by the rental car
26 company as a separate charge, and clearly indicated as a

1 separate charge on the rental agreement and invoice. Facility
2 charges shall be immediately deposited into a trust account for
3 the benefit of the airport and remitted at the direction of the
4 airport, but not more often than once per month. The charge
5 shall be uniformly calculated on a per-contract or per-day
6 basis. Facility charges imposed by the airport may not exceed
7 the reasonable costs of financing, designing, constructing,
8 operating, and maintaining the consolidated car rental
9 facilities and common use transportation equipment and
10 facilities and may not be used for any other purpose.

11 Notwithstanding any other provision of law, the charges
12 collected under this Section are not subject to retailer
13 occupation, sales, use, or transaction taxes.

14 (k) When a rental car company states a rental rate in any
15 of its rate advertisements, its proprietary computer
16 reservation systems, or its in-person quotations intended to
17 apply to an airport rental, a company that collects from its
18 customers a customer facility charge for that rental under
19 subsection (j) shall do all of the following:

20 (1) Clearly and conspicuously disclose in any radio,
21 television, or other electronic media advertisements the
22 existence and amount of the charge if the advertisement is
23 intended for rentals at an airport imposing the charge or,
24 if the advertisement covers an area with multiple airports
25 with different charges, a range of amounts of customer
26 facility charges if the advertisement is intended for

1 rentals at an airport imposing the charge.

2 (2) Clearly and conspicuously disclose in any print
3 rate advertising the existence and amount of the charge if
4 the advertisement is intended for rentals at an airport
5 imposing the charge or, if the print rate advertisement
6 covers an area with multiple airports with different
7 charges, a range of amounts of customer facility charges if
8 the advertisement is intended for rentals at an airport
9 imposing the charge.

10 (3) Clearly and conspicuously disclose the existence
11 and amount of the charge in any telephonic, in-person, or
12 computer-transmitted quotation from the rental car
13 company's proprietary computer reservation system at the
14 time of making an initial quotation of a rental rate if the
15 quotation is made by a rental car company location at an
16 airport imposing the charge and at the time of making a
17 reservation of a rental car if the reservation is made by a
18 rental car company location at an airport imposing the
19 charge.

20 (4) Clearly and conspicuously display the charge in any
21 proprietary computer-assisted reservation or transaction
22 directly between the rental car company and the customer,
23 shown or referenced on the same page on the computer screen
24 viewed by the customer as the displayed rental rate and in
25 a print size not smaller than the print size of the rental
26 rate.

1 (5) Clearly and conspicuously disclose and separately
2 identify the existence and amount of the charge on its
3 rental agreement.

4 (6) A rental car company that collects from its
5 customers a customer facility charge under subsection (j)
6 and engages in a practice which does not comply with
7 subsections (f), (j), and (k) commits an unlawful practice
8 within the meaning of the Consumer Fraud and Deceptive
9 Business Practices Act.

10 (1) Notwithstanding subsection (f), any person who rents a
11 motor vehicle to another may, in connection with the rental of
12 a motor vehicle to (i) a business renter or (ii) a business
13 program sponsor under the sponsor's business program, do the
14 following:

15 (1) separately quote, by telephone, in person, or by
16 computer transmission, additional charges for the rental;
17 and

18 (2) separately impose additional charges for the
19 rental.

20 (1-5) A person licensed under Section 5-101, 5-101.2, or
21 5-102 of this Code shall not participate in a rental-purchase
22 agreement vehicle program unless the licensee retains the
23 vehicle in his or her name and retains proof of proper vehicle
24 registration under Chapter 3 of this Code and liability
25 insurance under Section 7-601 of this Code. The licensee shall
26 transfer ownership of the vehicle to the renter within 20

1 calendar days of the agreed-upon date of completion of the
2 rental-purchase agreement. If the licensee fails to transfer
3 ownership of the vehicle to the renter within the 20 calendar
4 days, then the renter may apply for the vehicle's title to the
5 Secretary of State by providing the Secretary the
6 rental-purchase agreement, an application for title, the
7 required title fee, and any other documentation the Secretary
8 deems necessary to determine ownership of the vehicle. For
9 purposes of this subsection (1-5), "rental-purchase agreement"
10 has the meaning set forth in Section 1 of the Rental-Purchase
11 Agreement Act.

12 (m) As used in this Section:

13 (1) "Additional charges" means charges other than: (i)
14 a per period base rental rate; (ii) a mileage charge; (iii)
15 taxes; or (iv) a customer facility charge.

16 (2) "Business program" means:

17 (A) a contract between a person who rents motor
18 vehicles and a business program sponsor that
19 establishes rental rates at which the person will rent
20 motor vehicles to persons authorized by the sponsor; or

21 (B) a plan, program, or other arrangement
22 established by a person who rents motor vehicles at the
23 request of, or with the consent of, a business program
24 sponsor under which the person offers to rent motor
25 vehicles to persons authorized by the sponsor on terms
26 that are not the same as those generally offered by the

1 rental company to the public.

2 (3) "Business program sponsor" means any legal entity
3 other than a natural person, including a corporation,
4 limited liability company, partnership, government,
5 municipality or agency, or a natural person operating a
6 business as a sole proprietor.

7 (4) "Business renter" means any person renting a motor
8 vehicle for business purposes or, for any business program
9 sponsor, a person who is authorized by the sponsor to enter
10 into a rental contract under the sponsor's business
11 program. "Business renter" does not include a person
12 renting as:

13 (A) a non-employee member of a not-for-profit
14 organization;

15 (B) the purchaser of a voucher or other prepaid
16 rental arrangement from a person, including a tour
17 operator, engaged in the business of reselling those
18 vouchers or prepaid rental arrangements to the general
19 public;

20 (C) an individual whose car rental is eligible for
21 reimbursement in whole or in part as a result of the
22 person being insured or provided coverage under a
23 policy of insurance issued by an insurance company; or

24 (D) an individual whose car rental is eligible for
25 reimbursement in whole or in part as a result of the
26 person purchasing motor vehicle repair services from a

1 person licensed to perform those services.

2 (Source: P.A. 100-450, eff. 1-1-18; 100-878, eff. 1-1-19.)".