

SB2522



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2522

Introduced 2/6/2018, by Sen. Steve Stadelman

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-305

from Ch. 95 1/2, par. 6-305

Amends the Illinois Vehicle Code. Provides that a rental car company that equips a vehicle with an electronic tolling device and does not offer a renter the ability to opt-out of its use shall not charge a renter a fee of more than \$2 each day for its use. Provides that a rental car company shall not charge a daily fee on any day the renter does not drive through an electronic toll or only drives through an electronic toll collection system for which no alternative payment option exists. Provides that a rental car company that provides or offers a motor vehicle with an electronic tolling device shall clearly include the applicable terms and conditions of its use in the rental agreement and post the applicable terms and conditions on the business premises.

LRB100 18199 LNS 33400 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 6-305 as follows:

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
16 licensed.

17 (b) No person shall rent a motor vehicle to another until
18 he has inspected the drivers license of the person to whom the
19 vehicle is to be rented, or by whom it is to be driven, and
20 compared and verified the signature thereon with the signature
21 of such person written in his presence unless, in the case of a
22 nonresident, the State or country wherein the nonresident
23 resides does not require that a driver be licensed.

1 (c) No person shall rent a motorcycle to another unless the
2 latter person is then duly licensed hereunder as a motorcycle
3 operator, and in the case of a nonresident, then duly licensed
4 under the laws of the State or country of his residence, unless
5 the State or country of his residence does not require that a
6 driver be licensed.

7 (c-1) A rental car company that rents a motor vehicle shall
8 ensure that the renter is provided with an emergency telephone
9 number to personnel capable of fielding roadside assistance and
10 other customer service inquiries, including the ability to
11 provide the caller with the telephone number of the location
12 from which the vehicle was rented, if requested by the caller.
13 If an owner's manual is not available in the vehicle at the
14 time of the rental, an owner's manual for that vehicle or a
15 similar model shall be accessible by the personnel answering
16 the emergency telephone number for assistance with inquiries
17 about the operation of the vehicle.

18 (d) (Blank).

19 (e) (Blank).

20 (f) Subject to subsection (l), any person who rents a motor
21 vehicle to another shall only advertise, quote, and charge a
22 rental rate that includes the entire amount except taxes, a
23 mileage charge, and airport concession charge, if any, which a
24 renter must pay to hire or lease the vehicle for the period of
25 time to which the rental rate applies. The person must provide,
26 on the request of the renter, based on the available

1 information, an estimated total of the daily rental rate,
2 including all applicable taxes, fees, and other charges, or an
3 estimated total rental charge, based on the return date of the
4 vehicle noted on the rental agreement. Further, if the rental
5 agreement does not already provide an estimated total rental
6 charge, the following statement must be included in the rental
7 agreement:

8 "NOTICE: UNDER ILLINOIS LAW, YOU MAY REQUEST, BASED ON
9 AVAILABLE INFORMATION, AN ESTIMATED TOTAL DAILY RENTAL
10 RATE, INCLUDING TAXES, FEES, AND OTHER CHARGES, OR AN
11 ESTIMATED TOTAL RENTAL CHARGE, BASED ON THE VEHICLE RETURN
12 DATE NOTED ON THIS AGREEMENT."

13 Such person shall not charge in addition to the rental
14 rate, taxes, mileage charge, and airport concession charge, if
15 any, any fee which must be paid by the renter as a condition of
16 hiring or leasing the vehicle, such as, but not limited to,
17 required fuel or airport surcharges, nor any fee for
18 transporting the renter to the location where the rented
19 vehicle will be delivered to the renter. In addition to the
20 rental rate, taxes, mileage charge, and airport concession
21 charge, if any, such person may charge for an item or service
22 provided in connection with a particular rental transaction if
23 the renter can avoid incurring the charge by choosing not to
24 obtain or utilize the optional item or service. Items and
25 services for which such person may impose an additional charge
26 include, but are not limited to, optional insurance and

1 accessories requested by the renter, service charges incident
2 to the renter's optional return of the vehicle to a location
3 other than the location where the vehicle was hired or leased,
4 and charges for refueling the vehicle at the conclusion of the
5 rental transaction in the event the renter did not return the
6 vehicle with as much fuel as was in the fuel tank at the
7 beginning of the rental. "Airport concession charge" means a
8 charge or fee imposed and collected from a renter to reimburse
9 the motor vehicle rental company for the concession fee it is
10 required to pay to a local government corporate authority or
11 airport authority to rent motor vehicles at the airport
12 facility. The airport concession charge is in addition to any
13 customer facility charge or any other charge.

14 (f-5) A rental car company that equips a vehicle with a
15 transponder or other electronic tolling device and does not
16 offer a renter the ability to opt-out of its use shall not
17 charge a renter a fee of more than \$2 each day for the use of a
18 transponder or other electronic tolling device, in addition to
19 the actual cost incurred for any toll. A rental car company
20 shall not charge a renter a daily fee on any day the renter
21 does not drive through an electronic toll or only drives
22 through an electronic toll collection system for which no
23 alternative payment option exists.

24 A rental car company that provides or offers renters a
25 motor vehicle equipped with a transponder or other electronic
26 tolling device shall clearly and conspicuously include the

1 applicable terms and conditions of its use in the rental
2 agreement issued to the renter and post the applicable terms
3 and conditions in a conspicuous location on the business
4 premises.

5 (g) Every person renting a motor vehicle to another shall
6 keep a record of the registration number of the motor vehicle
7 so rented, the name and address of the person to whom the
8 vehicle is rented, the number of the license, if any, of said
9 latter person, and the date and place when and where the
10 license, if any, was issued. Such record shall be open to
11 inspection by any police officer or designated agent of the
12 Secretary of State.

13 (h) A person licensed as a new car dealer under Section
14 5-101 of this Code shall not be subject to the provisions of
15 this Section regarding the rental of private passenger motor
16 vehicles when providing, free of charge, temporary substitute
17 vehicles for customers to operate during a period when a
18 customer's vehicle, which is either leased or owned by that
19 customer, is being repaired, serviced, replaced or otherwise
20 made unavailable to the customer in accordance with an
21 agreement with the licensed new car dealer or vehicle
22 manufacturer, so long as the customer orally or in writing is
23 made aware that the temporary substitute vehicle will be
24 covered by his or her insurance policy and the customer shall
25 only be liable to the extent of any amount deductible from such
26 insurance coverage in accordance with the terms of the policy.

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

5 (j) A public airport may, if approved by its local
6 government corporate authorities or its airport authority,
7 impose a customer facility charge upon customers of rental car
8 companies for the purposes of financing, designing,
9 constructing, operating, and maintaining consolidated car
10 rental facilities and common use transportation equipment and
11 facilities, which are used to transport the customer,
12 connecting consolidated car rental facilities with other
13 airport facilities.

14 Notwithstanding subsection (f) of this Section, the
15 customer facility charge shall be collected by the rental car
16 company as a separate charge, and clearly indicated as a
17 separate charge on the rental agreement and invoice. Facility
18 charges shall be immediately deposited into a trust account for
19 the benefit of the airport and remitted at the direction of the
20 airport, but not more often than once per month. The charge
21 shall be uniformly calculated on a per-contract or per-day
22 basis. Facility charges imposed by the airport may not exceed
23 the reasonable costs of financing, designing, constructing,
24 operating, and maintaining the consolidated car rental
25 facilities and common use transportation equipment and
26 facilities and may not be used for any other purpose.

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

4 (k) When a rental car company states a rental rate in any
5 of its rate advertisements, its proprietary computer
6 reservation systems, or its in-person quotations intended to
7 apply to an airport rental, a company that collects from its
8 customers a customer facility charge for that rental under
9 subsection (j) shall do all of the following:

10 (1) Clearly and conspicuously disclose in any radio,
11 television, or other electronic media advertisements the
12 existence and amount of the charge if the advertisement is
13 intended for rentals at an airport imposing the charge or,
14 if the advertisement covers an area with multiple airports
15 with different charges, a range of amounts of customer
16 facility charges if the advertisement is intended for
17 rentals at an airport imposing the charge.

18 (2) Clearly and conspicuously disclose in any print
19 rate advertising the existence and amount of the charge if
20 the advertisement is intended for rentals at an airport
21 imposing the charge or, if the print rate advertisement
22 covers an area with multiple airports with different
23 charges, a range of amounts of customer facility charges if
24 the advertisement is intended for rentals at an airport
25 imposing the charge.

26 (3) Clearly and conspicuously disclose the existence

1 and amount of the charge in any telephonic, in-person, or
2 computer-transmitted quotation from the rental car
3 company's proprietary computer reservation system at the
4 time of making an initial quotation of a rental rate if the
5 quotation is made by a rental car company location at an
6 airport imposing the charge and at the time of making a
7 reservation of a rental car if the reservation is made by a
8 rental car company location at an airport imposing the
9 charge.

10 (4) Clearly and conspicuously display the charge in any
11 proprietary computer-assisted reservation or transaction
12 directly between the rental car company and the customer,
13 shown or referenced on the same page on the computer screen
14 viewed by the customer as the displayed rental rate and in
15 a print size not smaller than the print size of the rental
16 rate.

17 (5) Clearly and conspicuously disclose and separately
18 identify the existence and amount of the charge on its
19 rental agreement.

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

26 (1) Notwithstanding subsection (f), any person who rents a

1 motor vehicle to another may, in connection with the rental of
2 a motor vehicle to (i) a business renter or (ii) a business
3 program sponsor under the sponsor's business program, do the
4 following:

5 (1) separately quote, by telephone, in person, or by
6 computer transmission, additional charges for the rental;
7 and

8 (2) separately impose additional charges for the
9 rental.

10 (1-5) A person licensed under Section 5-101, 5-101.2, or
11 5-102 of this Code shall not participate in a rental-purchase
12 agreement vehicle program unless the licensee retains the
13 vehicle in his or her name and retains proof of proper vehicle
14 registration under Chapter 3 of this Code and liability
15 insurance under Section 7-601 of this Code. The licensee shall
16 transfer ownership of the vehicle to the renter within 20
17 calendar days of the agreed-upon date of completion of the
18 rental-purchase agreement. If the licensee fails to transfer
19 ownership of the vehicle to the renter within the 20 calendar
20 days, then the renter may apply for the vehicle's title to the
21 Secretary of State by providing the Secretary the
22 rental-purchase agreement, an application for title, the
23 required title fee, and any other documentation the Secretary
24 deems necessary to determine ownership of the vehicle. For
25 purposes of this subsection (1-5), "rental-purchase agreement"
26 has the meaning set forth in Section 1 of the Rental-Purchase

1 Agreement Act.

2 (m) As used in this Section:

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

6 (2) "Business program" means:

7 (A) a contract between a person who rents motor
8 vehicles and a business program sponsor that
9 establishes rental rates at which the person will rent
10 motor vehicles to persons authorized by the sponsor; or

11 (B) a plan, program, or other arrangement
12 established by a person who rents motor vehicles at the
13 request of, or with the consent of, a business program
14 sponsor under which the person offers to rent motor
15 vehicles to persons authorized by the sponsor on terms
16 that are not the same as those generally offered by the
17 rental company to the public.

18 (3) "Business program sponsor" means any legal entity
19 other than a natural person, including a corporation,
20 limited liability company, partnership, government,
21 municipality or agency, or a natural person operating a
22 business as a sole proprietor.

23 (4) "Business renter" means any person renting a motor
24 vehicle for business purposes or, for any business program
25 sponsor, a person who is authorized by the sponsor to enter
26 into a rental contract under the sponsor's business

1 program. "Business renter" does not include a person
2 renting as:

3 (A) a non-employee member of a not-for-profit
4 organization;

5 (B) the purchaser of a voucher or other prepaid
6 rental arrangement from a person, including a tour
7 operator, engaged in the business of reselling those
8 vouchers or prepaid rental arrangements to the general
9 public;

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

14 (D) an individual whose car rental is eligible for
15 reimbursement in whole or in part as a result of the
16 person purchasing motor vehicle repair services from a
17 person licensed to perform those services.

18 (Source: P.A. 100-450, eff. 1-1-18.)