



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/06/04, by Lovana Jones

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-305

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

Amends the Illinois Vehicle Code. Makes a technical change in a provision concerning rental vehicles.

LRB093 18887 DRH 44622 b

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) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to any
9 other person unless the latter person, or a driver designated
10 by a nondriver with disabilities and meeting any minimum age
11 and driver's record requirements that are uniformly applied by
12 the person renting a motor vehicle, is then duly licensed
13 hereunder or, 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 (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.

24 (c) No person shall rent a motorcycle to another unless the
25 latter person is then duly licensed hereunder as a motorcycle
26 operator, and in the case of a nonresident, then duly licensed
27 under the laws of the State or country of his residence, unless
28 the State or country of his residence does not require that a
29 driver be licensed.

30 (d) (Blank).

31 (e) (Blank).

32 (f) Any person who rents a motor vehicle to another shall

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

13 "NOTICE: UNDER ILLINOIS LAW, YOU MAY REQUEST, BASED ON
14 AVAILABLE INFORMATION, AN ESTIMATED TOTAL DAILY RENTAL
15 RATE, INCLUDING TAXES, FEES, AND OTHER CHARGES, OR AN
16 ESTIMATED TOTAL RENTAL CHARGE, BASED ON THE VEHICLE RETURN
17 DATE NOTED ON THIS AGREEMENT."

18 Such person shall not charge in addition to the rental
19 rate, taxes, and mileage charge, if any, any fee which must be
20 paid by the renter as a condition of hiring or leasing the
21 vehicle, such as, but not limited to, required fuel or airport
22 surcharges, nor any fee for transporting the renter to the
23 location where the rented vehicle will be delivered to the
24 renter. In addition to the rental rate, taxes, and mileage
25 charge, if any, such person may charge for an item or service
26 provided in connection with a particular rental transaction if
27 the renter can avoid incurring the charge by choosing not to
28 obtain or utilize the optional item or service. Items and
29 services for which such person may impose an additional charge
30 include, but are not limited to, optional insurance and
31 accessories requested by the renter, service charges incident
32 to the renter's optional return of the vehicle to a location
33 other than the location where the vehicle was hired or leased,
34 and charges for refueling the vehicle at the conclusion of the
35 rental transaction in the event the renter did not return the
36 vehicle with as much fuel as was in the fuel tank at the

1 beginning of the rental.

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

10 (h) A person licensed as a new car dealer under Section
11 5-101 of this Code shall not be subject to the provisions of
12 this Section regarding the rental of private passenger motor
13 vehicles when providing, free of charge, temporary substitute
14 vehicles for customers to operate during a period when a
15 customer's vehicle, which is either leased or owned by that
16 customer, is being repaired, serviced, replaced or otherwise
17 made unavailable to the customer in accordance with an
18 agreement with the licensed new car dealer or vehicle
19 manufacturer, so long as the customer orally or in writing is
20 made aware that the temporary substitute vehicle will be
21 covered by his or her insurance policy and the customer shall
22 only be liable to the extent of any amount deductible from such
23 insurance coverage in accordance with the terms of the policy.

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

28 (j) A public airport may, if approved by its local
29 government corporate authorities or its airport authority,
30 impose a customer facility charge upon customers of rental car
31 companies for the purposes of financing, designing,
32 constructing, operating, and maintaining consolidated car
33 rental facilities and common use transportation equipment and
34 facilities, which are used to transport the customer,
35 connecting consolidated car rental facilities with other
36 airport facilities.

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

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

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

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

31 (2) Clearly and conspicuously disclose in any print
32 rate advertising the existence and amount of the charge if
33 the advertisement is intended for rentals at an airport
34 imposing the charge or, if the print rate advertisement
35 covers an area with multiple airports with different
36 charges, a range of amounts of customer facility charges if

1 the advertisement is intended for rentals at an airport
2 imposing the charge.

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

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

20 (5) Clearly and conspicuously disclose and separately
21 identify the existence and amount of the charge on its
22 rental agreement.

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

29 (Source: P.A. 92-426, eff. 1-1-02; 93-118, eff. 1-1-04.)