



Adopted in House Comm. on Mar 28, 2006

09400SB0716ham001

LRB094 08554 BDD 57182 a

1 AMENDMENT TO SENATE BILL 716

2 AMENDMENT NO. _____. Amend Senate Bill 716 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Metropolitan Pier and Exposition Authority
5 Act is amended by changing Section 13 as follows:

6 (70 ILCS 210/13) (from Ch. 85, par. 1233)

7 Sec. 13. (a) The Authority shall not have power to levy
8 taxes for any purpose, except as provided in subsections (b),
9 (c), (d), (e), and (f).

10 (b) By ordinance the Authority shall, as soon as
11 practicable after the effective date of this amendatory Act of
12 1991, impose a Metropolitan Pier and Exposition Authority
13 Retailers' Occupation Tax upon all persons engaged in the
14 business of selling tangible personal property at retail within
15 the territory described in this subsection at the rate of 1.0%
16 of the gross receipts (i) from the sale of food, alcoholic
17 beverages, and soft drinks sold for consumption on the premises
18 where sold and (ii) from the sale of food, alcoholic beverages,
19 and soft drinks sold for consumption off the premises where
20 sold by a retailer whose principal source of gross receipts is
21 from the sale of food, alcoholic beverages, and soft drinks
22 prepared for immediate consumption.

23 The tax imposed under this subsection and all civil
24 penalties that may be assessed as an incident to that tax shall

1 be collected and enforced by the Illinois Department of
2 Revenue. The Department shall have full power to administer and
3 enforce this subsection, to collect all taxes and penalties so
4 collected in the manner provided in this subsection, and to
5 determine all rights to credit memoranda arising on account of
6 the erroneous payment of tax or penalty under this subsection.
7 In the administration of and compliance with this subsection,
8 the Department and persons who are subject to this subsection
9 shall have the same rights, remedies, privileges, immunities,
10 powers, and duties, shall be subject to the same conditions,
11 restrictions, limitations, penalties, exclusions, exemptions,
12 and definitions of terms, and shall employ the same modes of
13 procedure applicable to this Retailers' Occupation Tax as are
14 prescribed in Sections 1, 2 through 2-65 (in respect to all
15 provisions of those Sections other than the State rate of
16 taxes), 2c, 2h, 2i, 3 (except as to the disposition of taxes
17 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i,
18 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13 and, and until
19 January 1, 1994, 13.5 of the Retailers' Occupation Tax Act,
20 and, on and after January 1, 1994, all applicable provisions of
21 the Uniform Penalty and Interest Act that are not inconsistent
22 with this Act, as fully as if provisions contained in those
23 Sections of the Retailers' Occupation Tax Act were set forth in
24 this subsection.

25 Persons subject to any tax imposed under the authority
26 granted in this subsection may reimburse themselves for their
27 seller's tax liability under this subsection by separately
28 stating that tax as an additional charge, which charge may be
29 stated in combination, in a single amount, with State taxes
30 that sellers are required to collect under the Use Tax Act,
31 pursuant to bracket schedules as the Department may prescribe.
32 The retailer filing the return shall, at the time of filing the
33 return, pay to the Department the amount of tax imposed under
34 this subsection, less a discount of 1.75%, which is allowed to

1 reimburse the retailer for the expenses incurred in keeping
2 records, preparing and filing returns, remitting the tax, and
3 supplying data to the Department on request.

4 Whenever the Department determines that a refund should be
5 made under this subsection to a claimant instead of issuing a
6 credit memorandum, the Department shall notify the State
7 Comptroller, who shall cause a warrant to be drawn for the
8 amount specified and to the person named in the notification
9 from the Department. The refund shall be paid by the State
10 Treasurer out of the Metropolitan Pier and Exposition Authority
11 trust fund held by the State Treasurer as trustee for the
12 Authority.

13 Nothing in this subsection authorizes the Authority to
14 impose a tax upon the privilege of engaging in any business
15 that under the Constitution of the United States may not be
16 made the subject of taxation by this State.

17 The Department shall forthwith pay over to the State
18 Treasurer, ex officio, as trustee for the Authority, all taxes
19 and penalties collected under this subsection for deposit into
20 a trust fund held outside of the State Treasury. On or before
21 the 25th day of each calendar month, the Department shall
22 prepare and certify to the Comptroller the amounts to be paid
23 under subsection (g) of this Section, which shall be the
24 amounts, not including credit memoranda, collected under this
25 subsection during the second preceding calendar month by the
26 Department, less any amounts determined by the Department to be
27 necessary for the payment of refunds and less 2% of such
28 balance, which sum shall be deposited by the State Treasurer
29 into the Tax Compliance and Administration Fund in the State
30 Treasury from which it shall be appropriated to the Department
31 to cover the costs of the Department in administering and
32 enforcing the provisions of this subsection. Within 10 days
33 after receipt by the Comptroller of the certification, the
34 Comptroller shall cause the orders to be drawn for the

1 remaining amounts, and the Treasurer shall administer those
2 amounts as required in subsection (g).

3 A certificate of registration issued by the Illinois
4 Department of Revenue to a retailer under the Retailers'
5 Occupation Tax Act shall permit the registrant to engage in a
6 business that is taxed under the tax imposed under this
7 subsection, and no additional registration shall be required
8 under the ordinance imposing the tax or under this subsection.

9 A certified copy of any ordinance imposing or discontinuing
10 any tax under this subsection or effecting a change in the rate
11 of that tax shall be filed with the Department, whereupon the
12 Department shall proceed to administer and enforce this
13 subsection on behalf of the Authority as of the first day of
14 the third calendar month following the date of filing.

15 The tax authorized to be levied under this subsection may
16 be levied within all or any part of the following described
17 portions of the metropolitan area:

18 (1) that portion of the City of Chicago located within
19 the following area: Beginning at the point of intersection
20 of the Cook County - DuPage County line and York Road, then
21 North along York Road to its intersection with Touhy
22 Avenue, then east along Touhy Avenue to its intersection
23 with the Northwest Tollway, then southeast along the
24 Northwest Tollway to its intersection with Lee Street, then
25 south along Lee Street to Higgins Road, then south and east
26 along Higgins Road to its intersection with Mannheim Road,
27 then south along Mannheim Road to its intersection with
28 Irving Park Road, then west along Irving Park Road to its
29 intersection with the Cook County - DuPage County line,
30 then north and west along the county line to the point of
31 beginning; and

32 (2) that portion of the City of Chicago located within
33 the following area: Beginning at the intersection of West
34 55th Street with Central Avenue, then east along West 55th

1 Street to its intersection with South Cicero Avenue, then
2 south along South Cicero Avenue to its intersection with
3 West 63rd Street, then west along West 63rd Street to its
4 intersection with South Central Avenue, then north along
5 South Central Avenue to the point of beginning; and

6 (3) that portion of the City of Chicago located within
7 the following area: Beginning at the point 150 feet west of
8 the intersection of the west line of North Ashland Avenue
9 and the north line of West Diversey Avenue, then north 150
10 feet, then east along a line 150 feet north of the north
11 line of West Diversey Avenue extended to the shoreline of
12 Lake Michigan, then following the shoreline of Lake
13 Michigan (including Navy Pier and all other improvements
14 fixed to land, docks, or piers) to the point where the
15 shoreline of Lake Michigan and the Adlai E. Stevenson
16 Expressway extended east to that shoreline intersect, then
17 west along the Adlai E. Stevenson Expressway to a point 150
18 feet west of the west line of South Ashland Avenue, then
19 north along a line 150 feet west of the west line of South
20 and North Ashland Avenue to the point of beginning.

21 The tax authorized to be levied under this subsection may
22 also be levied on food, alcoholic beverages, and soft drinks
23 sold on boats and other watercraft departing from and returning
24 to the shoreline of Lake Michigan (including Navy Pier and all
25 other improvements fixed to land, docks, or piers) described in
26 item (3).

27 (c) By ordinance the Authority shall, as soon as
28 practicable after the effective date of this amendatory Act of
29 1991, impose an occupation tax upon all persons engaged in the
30 corporate limits of the City of Chicago in the business of
31 renting, leasing, or letting rooms in a hotel, as defined in
32 the Hotel Operators' Occupation Tax Act, at a rate of 2.5% of
33 the gross rental receipts from the renting, leasing, or letting
34 of hotel rooms within the City of Chicago, excluding, however,

1 from gross rental receipts the proceeds of renting, leasing, or
2 letting to permanent residents of a hotel, as defined in that
3 Act. Gross rental receipts shall not include charges that are
4 added on account of the liability arising from any tax imposed
5 by the State or any governmental agency on the occupation of
6 renting, leasing, or letting rooms in a hotel.

7 The tax imposed by the Authority under this subsection and
8 all civil penalties that may be assessed as an incident to that
9 tax shall be collected and enforced by the Illinois Department
10 of Revenue. The certificate of registration that is issued by
11 the Department to a lessor under the Hotel Operators'
12 Occupation Tax Act shall permit that registrant to engage in a
13 business that is taxable under any ordinance enacted under this
14 subsection without registering separately with the Department
15 under that ordinance or under this subsection. The Department
16 shall have full power to administer and enforce this
17 subsection, to collect all taxes and penalties due under this
18 subsection, to dispose of taxes and penalties so collected in
19 the manner provided in this subsection, and to determine all
20 rights to credit memoranda arising on account of the erroneous
21 payment of tax or penalty under this subsection. In the
22 administration of and compliance with this subsection, the
23 Department and persons who are subject to this subsection shall
24 have the same rights, remedies, privileges, immunities,
25 powers, and duties, shall be subject to the same conditions,
26 restrictions, limitations, penalties, and definitions of
27 terms, and shall employ the same modes of procedure as are
28 prescribed in the Hotel Operators' Occupation Tax Act (except
29 where that Act is inconsistent with this subsection), as fully
30 as if the provisions contained in the Hotel Operators'
31 Occupation Tax Act were set out in this subsection.

32 Whenever the Department determines that a refund should be
33 made under this subsection to a claimant instead of issuing a
34 credit memorandum, the Department shall notify the State

1 Comptroller, who shall cause a warrant to be drawn for the
2 amount specified and to the person named in the notification
3 from the Department. The refund shall be paid by the State
4 Treasurer out of the Metropolitan Pier and Exposition Authority
5 trust fund held by the State Treasurer as trustee for the
6 Authority.

7 Persons subject to any tax imposed under the authority
8 granted in this subsection may reimburse themselves for their
9 tax liability for that tax by separately stating that tax as an
10 additional charge, which charge may be stated in combination,
11 in a single amount, with State taxes imposed under the Hotel
12 Operators' Occupation Tax Act, the municipal tax imposed under
13 Section 8-3-13 of the Illinois Municipal Code, and the tax
14 imposed under Section 19 of the Illinois Sports Facilities
15 Authority Act.

16 The person filing the return shall, at the time of filing
17 the return, pay to the Department the amount of tax, less a
18 discount of 2.1% or \$25 per calendar year, whichever is
19 greater, which is allowed to reimburse the operator for the
20 expenses incurred in keeping records, preparing and filing
21 returns, remitting the tax, and supplying data to the
22 Department on request.

23 The Department shall forthwith pay over to the State
24 Treasurer, ex officio, as trustee for the Authority, all taxes
25 and penalties collected under this subsection for deposit into
26 a trust fund held outside the State Treasury. On or before the
27 25th day of each calendar month, the Department shall certify
28 to the Comptroller the amounts to be paid under subsection (g)
29 of this Section, which shall be the amounts (not including
30 credit memoranda) collected under this subsection during the
31 second preceding calendar month by the Department, less any
32 amounts determined by the Department to be necessary for
33 payment of refunds. Within 10 days after receipt by the
34 Comptroller of the Department's certification, the Comptroller

1 shall cause the orders to be drawn for such amounts, and the
2 Treasurer shall administer those amounts as required in
3 subsection (g).

4 A certified copy of any ordinance imposing or discontinuing
5 a tax under this subsection or effecting a change in the rate
6 of that tax shall be filed with the Illinois Department of
7 Revenue, whereupon the Department shall proceed to administer
8 and enforce this subsection on behalf of the Authority as of
9 the first day of the third calendar month following the date of
10 filing.

11 (d) By ordinance the Authority shall, as soon as
12 practicable after the effective date of this amendatory Act of
13 1991, impose a tax upon all persons engaged in the business of
14 renting automobiles in the metropolitan area at the rate of 6%
15 of the gross receipts from that business, except that no tax
16 shall be imposed on the business of renting automobiles for use
17 as taxicabs or in livery service or on the business of renting
18 automobiles by a car-sharing organization.

19 The tax imposed under this subsection and all civil
20 penalties that may be assessed as an incident to that tax shall
21 be collected and enforced by the Illinois Department of
22 Revenue. The certificate of registration issued by the
23 Department to a retailer under the Retailers' Occupation Tax
24 Act or under the Automobile Renting Occupation and Use Tax Act
25 shall permit that person to engage in a business that is
26 taxable under any ordinance enacted under this subsection
27 without registering separately with the Department under that
28 ordinance or under this subsection. The Department shall have
29 full power to administer and enforce this subsection, to
30 collect all taxes and penalties due under this subsection, to
31 dispose of taxes and penalties so collected in the manner
32 provided in this subsection, and to determine all rights to
33 credit memoranda arising on account of the erroneous payment of
34 tax or penalty under this subsection. In the administration of

1 and compliance with this subsection, the Department and persons
2 who are subject to this subsection shall have the same rights,
3 remedies, privileges, immunities, powers, and duties, be
4 subject to the same conditions, restrictions, limitations,
5 penalties, and definitions of terms, and employ the same modes
6 of procedure as are prescribed in Sections 2 and 3 (in respect
7 to all provisions of those Sections other than the State rate
8 of tax; and in respect to the provisions of the Retailers'
9 Occupation Tax Act referred to in those Sections, except as to
10 the disposition of taxes and penalties collected, except for
11 the provision allowing retailers a deduction from the tax to
12 cover certain costs, and except that credit memoranda issued
13 under this subsection may not be used to discharge any State
14 tax liability) of the Automobile Renting Occupation and Use Tax
15 Act, as fully as if provisions contained in those Sections of
16 that Act were set forth in this subsection.

17 Persons subject to any tax imposed under the authority
18 granted in this subsection may reimburse themselves for their
19 tax liability under this subsection by separately stating that
20 tax as an additional charge, which charge may be stated in
21 combination, in a single amount, with State tax that sellers
22 are required to collect under the Automobile Renting Occupation
23 and Use Tax Act, pursuant to bracket schedules as the
24 Department may prescribe.

25 Whenever the Department determines that a refund should be
26 made under this subsection to a claimant instead of issuing a
27 credit memorandum, the Department shall notify the State
28 Comptroller, who shall cause a warrant to be drawn for the
29 amount specified and to the person named in the notification
30 from the Department. The refund shall be paid by the State
31 Treasurer out of the Metropolitan Pier and Exposition Authority
32 trust fund held by the State Treasurer as trustee for the
33 Authority.

34 The Department shall forthwith pay over to the State

1 Treasurer, ex officio, as trustee, all taxes and penalties
2 collected under this subsection for deposit into a trust fund
3 held outside the State Treasury. On or before the 25th day of
4 each calendar month, the Department shall certify to the
5 Comptroller the amounts to be paid under subsection (g) of this
6 Section (not including credit memoranda) collected under this
7 subsection during the second preceding calendar month by the
8 Department, less any amount determined by the Department to be
9 necessary for payment of refunds. Within 10 days after receipt
10 by the Comptroller of the Department's certification, the
11 Comptroller shall cause the orders to be drawn for such
12 amounts, and the Treasurer shall administer those amounts as
13 required in subsection (g).

14 Nothing in this subsection authorizes the Authority to
15 impose a tax upon the privilege of engaging in any business
16 that under the Constitution of the United States may not be
17 made the subject of taxation by this State.

18 A certified copy of any ordinance imposing or discontinuing
19 a tax under this subsection or effecting a change in the rate
20 of that tax shall be filed with the Illinois Department of
21 Revenue, whereupon the Department shall proceed to administer
22 and enforce this subsection on behalf of the Authority as of
23 the first day of the third calendar month following the date of
24 filing.

25 For the purposes of this subsection (d), "car-sharing
26 organization" means a membership-based organization: (i) with
27 a qualified fleet of automobiles that are rented or leased to
28 members primarily for hourly use through a self-service, fully
29 automated reservation system; (ii) that charges a membership
30 fee separately from the hourly charge for the rental or lease
31 of a specific vehicle; (iii) that provides all legally required
32 insurance as part of its initiation fees, membership dues, or
33 leasing or rental charges; and (iv) that does not require a
34 separate written agreement each time a member rents or leases a

1 specific automobile.

2 For the purposes of this definition:

3 "Qualified fleet" means a distributed fleet of
4 automobiles:

5 (1) at least 10% of which is comprised of
6 hybrid-electric vehicles, with a minimum requirement that
7 at least 20% is comprised of hybrid electric vehicles
8 within 3 years after the effective date of this amendatory
9 Act of the 94th General Assembly; and

10 (2) at least 50% of which is comprised of automobiles
11 that are ultra-low emission vehicles that are fuel economy
12 leaders.

13 "Hybrid-electric vehicles" means vehicles identified as
14 hybrid-electric vehicles by the United States Environmental
15 Protection Agency and the United States Department of Energy
16 and published in the Fuel Economy Guide, or any successor
17 publication.

18 "Fuel economy leaders" means vehicles identified as fuel
19 economy leaders by the United States Environmental Protection
20 Agency and the United States Department of Energy and published
21 in the Fuel Economy Guide, or any successor publication.

22 "Primarily for hourly use" means that at least 75% of a
23 car-sharing organization's rentals are for periods of less than
24 72 hours.

25 The Department of Commerce and Economic Opportunity shall
26 adopt rules concerning car-sharing organizations, including,
27 without limitation, rules to allow other hybrid-type vehicles
28 to be included toward meeting fleet requirements and rules to
29 adjust the percentage requirements in the event of insufficient
30 market supply of qualified hybrid vehicles.

31 (e) By ordinance the Authority shall, as soon as
32 practicable after the effective date of this amendatory Act of
33 1991, impose a tax upon the privilege of using in the
34 metropolitan area an automobile that is rented from a rentor

1 outside Illinois and is titled or registered with an agency of
2 this State's government at a rate of 6% of the rental price of
3 that automobile, except that no tax shall be imposed on the
4 privilege of using automobiles rented for use as taxicabs or in
5 livery service or on the privilege of using automobiles rented
6 for use from a car-sharing organization, as defined in
7 subsection (d).

8 The tax shall be collected from persons whose Illinois
9 address for titling or registration purposes is given as being
10 in the metropolitan area. The tax shall be collected by the
11 Department of Revenue for the Authority. The tax must be paid
12 to the State or an exemption determination must be obtained
13 from the Department of Revenue before the title or certificate
14 of registration for the property may be issued. The tax or
15 proof of exemption may be transmitted to the Department by way
16 of the State agency with which or State officer with whom the
17 tangible personal property must be titled or registered if the
18 Department and that agency or State officer determine that this
19 procedure will expedite the processing of applications for
20 title or registration.

21 The Department shall have full power to administer and
22 enforce this subsection, to collect all taxes, penalties, and
23 interest due under this subsection, to dispose of taxes,
24 penalties, and interest so collected in the manner provided in
25 this subsection, and to determine all rights to credit
26 memoranda or refunds arising on account of the erroneous
27 payment of tax, penalty, or interest under this subsection. In
28 the administration of and compliance with this subsection, the
29 Department and persons who are subject to this subsection shall
30 have the same rights, remedies, privileges, immunities,
31 powers, and duties, be subject to the same conditions,
32 restrictions, limitations, penalties, and definitions of
33 terms, and employ the same modes of procedure as are prescribed
34 in Sections 2 and 4 (except provisions pertaining to the State

1 rate of tax; and in respect to the provisions of the Use Tax
2 Act referred to in that Section, except provisions concerning
3 collection or refunding of the tax by retailers, except the
4 provisions of Section 19 pertaining to claims by retailers,
5 except the last paragraph concerning refunds, and except that
6 credit memoranda issued under this subsection may not be used
7 to discharge any State tax liability) of the Automobile Renting
8 Occupation and Use Tax Act, as fully as if provisions contained
9 in those Sections of that Act were set forth in this
10 subsection.

11 Whenever the Department determines that a refund should be
12 made under this subsection to a claimant instead of issuing a
13 credit memorandum, the Department shall notify the State
14 Comptroller, who shall cause a warrant to be drawn for the
15 amount specified and to the person named in the notification
16 from the Department. The refund shall be paid by the State
17 Treasurer out of the Metropolitan Pier and Exposition Authority
18 trust fund held by the State Treasurer as trustee for the
19 Authority.

20 The Department shall forthwith pay over to the State
21 Treasurer, ex officio, as trustee, all taxes, penalties, and
22 interest collected under this subsection for deposit into a
23 trust fund held outside the State Treasury. On or before the
24 25th day of each calendar month, the Department shall certify
25 to the State Comptroller the amounts to be paid under
26 subsection (g) of this Section, which shall be the amounts (not
27 including credit memoranda) collected under this subsection
28 during the second preceding calendar month by the Department,
29 less any amounts determined by the Department to be necessary
30 for payment of refunds. Within 10 days after receipt by the
31 State Comptroller of the Department's certification, the
32 Comptroller shall cause the orders to be drawn for such
33 amounts, and the Treasurer shall administer those amounts as
34 required in subsection (g).

1 A certified copy of any ordinance imposing or discontinuing
2 a tax or effecting a change in the rate of that tax shall be
3 filed with the Illinois Department of Revenue, whereupon the
4 Department shall proceed to administer and enforce this
5 subsection on behalf of the Authority as of the first day of
6 the third calendar month following the date of filing.

7 (f) By ordinance the Authority shall, as soon as
8 practicable after the effective date of this amendatory Act of
9 1991, impose an occupation tax on all persons, other than a
10 governmental agency, engaged in the business of providing
11 ground transportation for hire to passengers in the
12 metropolitan area at a rate of (i) \$2 per taxi or livery
13 vehicle departure with passengers for hire from commercial
14 service airports in the metropolitan area, (ii) for each
15 departure with passengers for hire from a commercial service
16 airport in the metropolitan area in a bus or van operated by a
17 person other than a person described in item (iii): \$9 per bus
18 or van with a capacity of 1-12 passengers, \$18 per bus or van
19 with a capacity of 13-24 passengers, and \$27 per bus or van
20 with a capacity of over 24 passengers, and (iii) for each
21 departure with passengers for hire from a commercial service
22 airport in the metropolitan area in a bus or van operated by a
23 person regulated by the Interstate Commerce Commission or
24 Illinois Commerce Commission, operating scheduled service from
25 the airport, and charging fares on a per passenger basis: \$1
26 per passenger for hire in each bus or van. The term "commercial
27 service airports" means those airports receiving scheduled
28 passenger service and enplaning more than 100,000 passengers
29 per year.

30 In the ordinance imposing the tax, the Authority may
31 provide for the administration and enforcement of the tax and
32 the collection of the tax from persons subject to the tax as
33 the Authority determines to be necessary or practicable for the
34 effective administration of the tax. The Authority may enter

1 into agreements as it deems appropriate with any governmental
2 agency providing for that agency to act as the Authority's
3 agent to collect the tax.

4 In the ordinance imposing the tax, the Authority may
5 designate a method or methods for persons subject to the tax to
6 reimburse themselves for the tax liability arising under the
7 ordinance (i) by separately stating the full amount of the tax
8 liability as an additional charge to passengers departing the
9 airports, (ii) by separately stating one-half of the tax
10 liability as an additional charge to both passengers departing
11 from and to passengers arriving at the airports, or (iii) by
12 some other method determined by the Authority.

13 All taxes, penalties, and interest collected under any
14 ordinance adopted under this subsection, less any amounts
15 determined to be necessary for the payment of refunds, shall be
16 paid forthwith to the State Treasurer, ex officio, for deposit
17 into a trust fund held outside the State Treasury and shall be
18 administered by the State Treasurer as provided in subsection
19 (g) of this Section.

20 (g) Amounts deposited from the proceeds of taxes imposed by
21 the Authority under subsections (b), (c), (d), (e), and (f) of
22 this Section and amounts deposited under Section 19 of the
23 Illinois Sports Facilities Authority Act shall be held in a
24 trust fund outside the State Treasury and shall be administered
25 by the Treasurer as follows: first, an amount necessary for the
26 payment of refunds shall be retained in the trust fund; second,
27 the balance of the proceeds deposited in the trust fund during
28 fiscal year 1993 shall be retained in the trust fund during
29 that year and thereafter shall be administered as a reserve to
30 fund the deposits required in item "third"; third, beginning
31 July 20, 1993, and continuing each month thereafter, provided
32 that the amount requested in the certificate of the Chairman of
33 the Authority filed under Section 8.25f of the State Finance
34 Act has been appropriated for payment to the Authority, 1/8 of

1 the annual amount requested in that certificate together with
2 any cumulative deficiencies shall be transferred from the trust
3 fund into the McCormick Place Expansion Project Fund in the
4 State Treasury until 100% of the amount requested in that
5 certificate plus any cumulative deficiencies in the amounts
6 transferred into the McCormick Place Expansion Project Fund
7 under this item "third", have been so transferred; fourth, the
8 balance shall be maintained in the trust fund; fifth, on July
9 20, 1994, and on July 20 of each year thereafter the Treasurer
10 shall calculate for the previous fiscal year the surplus
11 revenues in the trust fund and pay that amount to the
12 Authority. "Surplus revenues" shall mean the difference
13 between the amount in the trust fund on June 30 of the fiscal
14 year previous to the current fiscal year (excluding amounts
15 retained for refunds under item "first") minus the amount
16 deposited in the trust fund during fiscal year 1993 under item
17 "second". Moneys received by the Authority under item "fifth"
18 may be used solely for the purposes of paying debt service on
19 the bonds and notes issued by the Authority, including early
20 redemption of those bonds or notes, and for the purposes of
21 repair, replacement, and improvement of the grounds,
22 buildings, and facilities of the Authority; provided that any
23 moneys in excess of \$50,000,000 held by the Authority as of
24 June 30 in any fiscal year and received by the Authority under
25 item "fifth" shall be used solely for paying the debt service
26 on or early redemption of the Authority's bonds or notes. When
27 bonds and notes issued under Section 13.2, or bonds or notes
28 issued to refund those bonds and notes, are no longer
29 outstanding, the balance in the trust fund shall be paid to the
30 Authority.

31 (h) The ordinances imposing the taxes authorized by this
32 Section shall be repealed when bonds and notes issued under
33 Section 13.2 or bonds and notes issued to refund those bonds
34 and notes are no longer outstanding.

1 (Source: P.A. 90-612, eff. 7-8-98.)

2 Section 10. The Illinois Vehicle Code is amended by
3 changing Section 6-305 as follows:

4 (625 ILCS 5/6-305) (from Ch. 95 1/2, par. 6-305)

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

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

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

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

28 (d) (Blank).

29 (e) (Blank).

30 (f) Subject to subsection (l), any person who rents a motor
31 vehicle to another shall only advertise, quote, and charge a
32 rental rate that includes the entire amount except taxes and a

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

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

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

1 connecting consolidated car rental facilities with other
2 airport facilities.

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

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

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

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

33 (2) Clearly and conspicuously disclose in any print
34 rate advertising the existence and amount of the charge if

1 the advertisement is intended for rentals at an airport
2 imposing the charge or, if the print rate advertisement
3 covers an area with multiple airports with different
4 charges, a range of amounts of customer facility charges if
5 the advertisement is intended for rentals at an airport
6 imposing the charge.

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

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

24 (5) Clearly and conspicuously disclose and separately
25 identify the existence and amount of the charge on its
26 rental agreement.

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

33 (1) Notwithstanding subsection (f), any person who rents a
34 motor vehicle to another may, in connection with the rental of

1 a motor vehicle to (i) a business renter or (ii) a business
2 program sponsor under the sponsor's business program, do the
3 following:

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

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

9 (m) As used in this Section:

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

13 (2) "Business program" means:

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

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

25 (3) "Business program sponsor" means any legal entity
26 other than a natural person, including a corporation,
27 limited liability company, partnership, government,
28 municipality or agency, or a natural person operating a
29 business as a sole proprietor.

30 (4) "Business renter" means, for any business program
31 sponsor, a person who is authorized by the sponsor to enter
32 into a rental contract under the sponsor's business
33 program. "Business renter" does not include a person
34 renting as:

1 (A) a non-employee member of a not-for-profit
2 organization;

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

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

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

16 (n) This Section does not apply to a car-sharing
17 organization, as defined under subsection (d) of Section 13 of
18 the Metropolitan Pier and Exposition Authority Act.

19 (Source: P.A. 93-118, eff. 1-1-04; 94-717, eff. 12-19-05.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."