



Sen. Antonio Munoz

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LRB094 04791 DRH 45295 a

1 AMENDMENT TO SENATE BILL 1124

2 AMENDMENT NO. _____. Amend Senate Bill 1124 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing 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.

24 (c) No person shall rent a motorcycle to another unless the

1 latter person is then duly licensed hereunder as a motorcycle
2 operator, and in the case of a nonresident, then duly licensed
3 under the laws of the State or country of his residence, unless
4 the State or country of his residence does not require that a
5 driver be licensed.

6 (d) (Blank).

7 (e) (Blank).

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

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

26 Such person shall not charge in addition to the rental
27 rate, taxes, and mileage charge, if any, any fee which must be
28 paid by the renter as a condition of hiring or leasing the
29 vehicle, such as, but not limited to, required fuel or airport
30 surcharges, nor any fee for transporting the renter to the
31 location where the rented vehicle will be delivered to the
32 renter. In addition to the rental rate, taxes, and mileage
33 charge, if any, such person may charge for an item or service
34 provided in connection with a particular rental transaction if

1 the renter can avoid incurring the charge by choosing not to
2 obtain or utilize the optional item or service. Items and
3 services for which such person may impose an additional charge
4 include, but are not limited to, optional insurance and
5 accessories requested by the renter, service charges incident
6 to the renter's optional return of the vehicle to a location
7 other than the location where the vehicle was hired or leased,
8 and charges for refueling the vehicle at the conclusion of the
9 rental transaction in the event the renter did not return the
10 vehicle with as much fuel as was in the fuel tank at the
11 beginning of the rental.

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

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

34 (i) This Section, except the requirements of subsection

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

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

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

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

29 (k) When a rental car company states a rental rate in any
30 of its rate advertisements, its proprietary computer
31 reservation systems, or its in-person quotations intended to
32 apply to an airport rental, a company that collects from its
33 customers a customer facility charge for that rental under
34 subsection (j) shall do all of the following:

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

9 (2) Clearly and conspicuously disclose in any print
10 rate advertising the existence and amount of the charge if
11 the advertisement is intended for rentals at an airport
12 imposing the charge or, if the print rate advertisement
13 covers an area with multiple airports with different
14 charges, a range of amounts of customer facility charges if
15 the advertisement is intended for rentals at an airport
16 imposing the charge.

17 (3) Clearly and conspicuously disclose the existence
18 and amount of the charge in any telephonic, in-person, or
19 computer-transmitted quotation from the rental car
20 company's proprietary computer reservation system at the
21 time of making an initial quotation of a rental rate if the
22 quotation is made by a rental car company location at an
23 airport imposing the charge and at the time of making a
24 reservation of a rental car if the reservation is made by a
25 rental car company location at an airport imposing the
26 charge.

27 (4) Clearly and conspicuously display the charge in any
28 proprietary computer-assisted reservation or transaction
29 directly between the rental car company and the customer,
30 shown or referenced on the same page on the computer screen
31 viewed by the customer as the displayed rental rate and in
32 a print size not smaller than the print size of the rental
33 rate.

34 (5) Clearly and conspicuously disclose and separately

1 identify the existence and amount of the charge on its
2 rental agreement.

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

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

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

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

19 (m) As used in this Section:

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

23 (2) "Business program" means:

24 (A) a contract between a person who rents motor
25 vehicles and a business program sponsor that
26 establishes rental rates at which the person will rent
27 motor vehicles to persons authorized by the sponsor; or

28 (B) a plan, program, or other arrangement
29 established by a person who rents motor vehicles at the
30 request of, or with the consent of, a business program
31 sponsor under which the person offers to rent motor
32 vehicles to persons authorized by the sponsor on terms
33 that are not the same as those generally offered by the
34 rental company to the public.

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

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

11 (A) a non-employee member of a not-for-profit
12 organization;

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

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

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

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

27 Section 99. Effective date. This Act takes effect upon
28 becoming law."