



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2498

Introduced 1/18/2006, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-305

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

Amends the Vehicle Code. Provides that, if and only if Senate Bill 1124 of the 94th General Assembly, as passed by the House of Representatives on October 27, 2005, becomes law, a car rental company that rents a motor vehicle to any person may (i) separately quote, by telephone, in person, or by computer transmission, additional charges for the rental and (ii) separately impose additional charges for the rental. Effective immediately.

LRB094 15853 DRH 51072 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. If and only if Senate Bill 1124 of the 94th
5 General Assembly, as passed by the House of Representatives on
6 October 27, 2005, becomes law, the Illinois Vehicle Code is
7 amended by changing Section 6-305 as follows:

8 (625 ILCS 5/6-305) (from Ch. 95 1/2, par. 6-305)

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

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

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

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

32 (d) (Blank).

1 (e) (Blank).

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

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

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

1 rental transaction in the event the renter did not return the
2 vehicle with as much fuel as was in the fuel tank at the
3 beginning of the rental.

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

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

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

30 (j) A public airport may, if approved by its local
31 government corporate authorities or its airport authority,
32 impose a customer facility charge upon customers of rental car
33 companies for the purposes of financing, designing,
34 constructing, operating, and maintaining consolidated car
35 rental facilities and common use transportation equipment and
36 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
35 the advertisement is intended for rentals at an airport
36 imposing the charge or, if the print rate advertisement

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

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

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

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

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

31 (1) Notwithstanding subsection (f), any person who rents a
32 motor vehicle to another may, in connection with the rental of
33 a motor vehicle to (i) a business renter or (ii) a business
34 program sponsor under the sponsor's business program, do the
35 following:

36 (1) separately quote, by telephone, in person, or by

1 computer transmission, additional charges for the rental;
2 and

3 (2) separately impose additional charges for the
4 rental.

5 (1-5) Notwithstanding subsection (f), any rental car
6 company that rents a motor vehicle to any person may (i)
7 separately quote, by telephone, in person, or by computer
8 transmission, additional charges for the rental and (ii)
9 separately impose additional charges for the rental.

10 (m) As used in this Section:

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

14 (2) "Business program" means:

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

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

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

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

36 (A) a non-employee member of a not-for-profit

1 organization;

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

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

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

15 (Source: P.A. 92-426, eff. 1-1-02; 93-118, eff. 1-1-04;
16 94SB1124enr.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.