

# HB4221



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB4221**

by Rep. Ruth Munson

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-305

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

Amends the Illinois Vehicle Code. Provides that any person who rents a motor vehicle to another shall ensure that the person to whom the vehicle is rented is provided with an owner's manual for that vehicle and with an emergency telephone number to call for answers to questions about the vehicle.

LRB095 15171 DRH 41151 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 adding  
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) Any person who rents a motor vehicle to another shall  
8 ensure that the person to whom the vehicle is rented is  
9 provided with an owner's manual for that vehicle and with an  
10 emergency telephone number to call for answers to questions  
11 about the vehicle.

12 (d) (Blank).

13 (e) (Blank).

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

1 "NOTICE: UNDER ILLINOIS LAW, YOU MAY REQUEST, BASED ON  
2 AVAILABLE INFORMATION, AN ESTIMATED TOTAL DAILY RENTAL  
3 RATE, INCLUDING TAXES, FEES, AND OTHER CHARGES, OR AN  
4 ESTIMATED TOTAL RENTAL CHARGE, BASED ON THE VEHICLE RETURN  
5 DATE NOTED ON THIS AGREEMENT."

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

26 (g) Every person renting a motor vehicle to another shall

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

8 (h) A person licensed as a new car dealer under Section  
9 5-101 of this Code shall not be subject to the provisions of  
10 this Section regarding the rental of private passenger motor  
11 vehicles when providing, free of charge, temporary substitute  
12 vehicles for customers to operate during a period when a  
13 customer's vehicle, which is either leased or owned by that  
14 customer, is being repaired, serviced, replaced or otherwise  
15 made unavailable to the customer in accordance with an  
16 agreement with the licensed new car dealer or vehicle  
17 manufacturer, so long as the customer orally or in writing is  
18 made aware that the temporary substitute vehicle will be  
19 covered by his or her insurance policy and the customer shall  
20 only be liable to the extent of any amount deductible from such  
21 insurance coverage in accordance with the terms of the policy.

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

26 (j) A public airport may, if approved by its local

1 government corporate authorities or its airport authority,  
2 impose a customer facility charge upon customers of rental car  
3 companies for the purposes of financing, designing,  
4 constructing, operating, and maintaining consolidated car  
5 rental facilities and common use transportation equipment and  
6 facilities, which are used to transport the customer,  
7 connecting consolidated car rental facilities with other  
8 airport facilities.

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

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

25 (k) When a rental car company states a rental rate in any  
26 of its rate advertisements, its proprietary computer

1 reservation systems, or its in-person quotations intended to  
2 apply to an airport rental, a company that collects from its  
3 customers a customer facility charge for that rental under  
4 subsection (j) shall do all of the following:

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

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

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

1 airport imposing the charge and at the time of making a  
2 reservation of a rental car if the reservation is made by a  
3 rental car company location at an airport imposing the  
4 charge.

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

12 (5) Clearly and conspicuously disclose and separately  
13 identify the existence and amount of the charge on its  
14 rental agreement.

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

21 (1) Notwithstanding subsection (f), any person who rents a  
22 motor vehicle to another may, in connection with the rental of  
23 a motor vehicle to (i) a business renter or (ii) a business  
24 program sponsor under the sponsor's business program, do the  
25 following:

26 (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 (m) As used in this Section:

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

9 (2) "Business program" means:

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

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

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

26 (4) "Business renter" means, for any business program

1 sponsor, a person who is authorized by the sponsor to enter  
2 into a rental contract under the sponsor's business  
3 program. "Business renter" does not include a person  
4 renting as:

5 (A) a non-employee member of a not-for-profit  
6 organization;

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

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

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

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