

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) 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  
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) Subject to subsection (l), any ~~Any~~ person who rents a

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

34 (1) separately quote, by telephone, in person, or by  
35 computer transmission, additional charges for the rental;  
36 and

1           (2) separately impose additional charges for the  
2 rental.

3 (m) As used in this Section:

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

7           (2) "Business program" means:

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

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

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

24           (4) "Business renter" means, for any business program  
25 sponsor, a person who is authorized by the sponsor to enter  
26 into a rental contract under the sponsor's business  
27 program. "Business renter" does not include a person  
28 renting as:

29           (A) a non-employee member of a not-for-profit  
30 organization;

31           (B) the purchaser of a voucher or other prepaid  
32 rental arrangement from a person, including a tour  
33 operator, engaged in the business of reselling those  
34 vouchers or prepaid rental arrangements to the general  
35 public;

36           (C) an individual whose car rental is eligible for

1           reimbursement in whole or in part as a result of the  
2           person being insured or provided coverage under a  
3           policy of insurance issued by an insurance company; or  
4           (D) an individual whose car rental is eligible for  
5           reimbursement in whole or in part as a result of the  
6           person purchasing motor vehicle repair services from a  
7           person licensed to perform those services.

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

9           Section 99. Effective date. This Act takes effect upon  
10          becoming law.