



Sen. Kwame Raoul

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1 AMENDMENT TO SENATE BILL 2369

2 AMENDMENT NO. _____. Amend Senate Bill 2369, by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Automobile Renting Occupation and Use Tax
5 Act is amended by changing Section 2 as follows:

6 (35 ILCS 155/2) (from Ch. 120, par. 1702)

7 Sec. 2. Definitions. "Renting" means any transfer of the
8 possession or right to possession of an automobile to a user
9 for a valuable consideration for a period of one year or less.

10 "Renting" does not include making a charge for the use of
11 an automobile where the rentor, either himself or through an
12 agent, furnishes a service of operating an automobile so that
13 the rentor remains in possession of the automobile, because
14 this does not constitute a transfer of possession or right to
15 possession of the automobile.

16 "Renting" does not include the making of a charge by an
17 automobile dealer for the use of an automobile as a
18 demonstrator in connection with the dealer's business of
19 selling, where the charge is merely made to recover the costs
20 of operating the automobile as a demonstrator and is not
21 intended as a rental or leasing charge in the ordinary sense.

22 "Automobile" means any motor vehicle of the first division,
23 a motor vehicle of the second division which is a
24 self-contained motor vehicle designed or permanently converted

1 to provide living quarters for recreational, camping or travel
2 use, with direct walk through access to the living quarters
3 from the driver's seat, or a motor vehicle of the second
4 division which is of the van configuration designed for the
5 transportation of not less than 7 nor more than 16 passengers,
6 as defined in Section 1-146 of the Illinois Vehicle Code.

7 "Car-sharing organization" means a membership-based
8 organization: (i) with a qualified fleet of automobiles that
9 are rented or leased to members primarily for hourly use
10 through a self-service, fully automated reservation system;
11 (ii) that charges a membership fee separately from the hourly
12 charge for the rental or lease of a specific vehicle; (iii)
13 that provides all legally required insurance as part of its
14 initiation fees, membership dues, or leasing or rental charges;
15 and (iv) that does not require a separate written agreement
16 each time a member rents or leases a specific automobile.

17 For the purposes of this definition:

18 "Qualified fleet" means a distributed fleet of
19 automobiles:

20 (1) at least 10% of which is comprised of automobiles
21 that have hybrid engines, with a goal of at least 20%
22 within 3 years after the effective date of this amendatory
23 Act of the 94th General Assembly; and

24 (2) at least 50% of which is comprised of automobiles
25 that are ultra-low emission vehicles.

26 "Department" means the Department of Revenue.

27 "Person" means any natural individual, firm, partnership,
28 association, joint stock company, joint adventure, public or
29 private corporation, limited liability company, or a receiver,
30 executor, trustee, conservator or other representative
31 appointed by order of any court.

32 "Rentor" means any person, firm, corporation or
33 association engaged in the business of renting or leasing
34 automobiles to users. For this purpose, the objective of making

1 a profit is not necessary to make the renting activity a
2 business.

3 "Rentee" means any user to whom the possession, or the
4 right to possession, of an automobile is transferred for a
5 valuable consideration for a period of one year or less,
6 whether paid for by the "rentee" or by someone else.

7 "Gross receipts" from the renting of tangible personal
8 property or "rent" means the total rental price or leasing
9 price. In the case of rental transactions in which the
10 consideration is paid to the rentor on an installment basis,
11 the amounts of such payments shall be included by the rentor in
12 gross receipts or rent only as and when payments are received
13 by the rentor.

14 "Gross receipts" does not include receipts received by an
15 automobile dealer from a manufacturer or service contract
16 provider for the use of an automobile by a person while that
17 person's automobile is being repaired by that automobile dealer
18 and the repair is made pursuant to a manufacturer's warranty or
19 a service contract where a manufacturer or service contract
20 provider reimburses that automobile dealer pursuant to a
21 manufacturer's warranty or a service contract and the
22 reimbursement is merely made to recover the costs of operating
23 the automobile as a loaner vehicle.

24 "Rental price" means the consideration for renting or
25 leasing an automobile valued in money, whether received in
26 money or otherwise, including cash credits, property and
27 services, and shall be determined without any deduction on
28 account of the cost of the property rented, the cost of
29 materials used, labor or service cost, or any other expense
30 whatsoever, but does not include charges that are added by a
31 rentor on account of the rentor's tax liability under this Act
32 or on account of the rentor's duty to collect, from the rentee,
33 the tax that is imposed by Section 4 of this Act. The phrase
34 "rental price" does not include compensation paid to a rentor

1 by a rentee in consideration of the waiver by the rentor of any
2 right of action or claim against the rentee for loss or damage
3 to the automobile rented and also does not include a separately
4 stated charge for insurance or recovery of refueling costs or
5 other separately stated charges that are not for the use of
6 tangible personal property.

7 (Source: P.A. 90-14, eff. 7-1-97; 91-193, eff. 7-20-99.)".