

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.

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 emergency telephone number to personnel
10 capable of fielding roadside assistance and other customer
11 service inquiries, including the ability to provide the caller
12 with the telephone number of the location from which the
13 vehicle was rented, if requested by the caller. If an owner's
14 manual is not available in the vehicle at the time of the
15 rental, an owner's manual for that vehicle or a similar model
16 shall be accessible by the personnel answering the emergency
17 telephone number for assistance with inquiries about the
18 operation of the vehicle.

19 (d) (Blank).

20 (e) (Blank).

21 (f) Subject to subsection (l), any person who rents a motor
22 vehicle to another shall only advertise, quote, and charge a
23 rental rate that includes the entire amount except taxes and a
24 mileage charge, if any, which a renter must pay to hire or
25 lease the vehicle for the period of time to which the rental
26 rate applies. The person must provide, on the request of the

1 renter, based on the available information, an estimated total
2 of the daily rental rate, including all applicable taxes, fees,
3 and other charges, or an estimated total rental charge, based
4 on the return date of the vehicle noted on the rental
5 agreement. Further, if the rental agreement does not already
6 provide an estimated total rental charge, the following
7 statement must be included in the rental agreement:

8 "NOTICE: UNDER ILLINOIS LAW, YOU MAY REQUEST, BASED ON
9 AVAILABLE INFORMATION, AN ESTIMATED TOTAL DAILY RENTAL
10 RATE, INCLUDING TAXES, FEES, AND OTHER CHARGES, OR AN
11 ESTIMATED TOTAL RENTAL CHARGE, BASED ON THE VEHICLE RETURN
12 DATE NOTED ON THIS AGREEMENT."

13 Such person shall not charge in addition to the rental
14 rate, taxes, and mileage charge, if any, any fee which must be
15 paid by the renter as a condition of hiring or leasing the
16 vehicle, such as, but not limited to, required fuel or airport
17 surcharges, nor any fee for transporting the renter to the
18 location where the rented vehicle will be delivered to the
19 renter. In addition to the rental rate, taxes, and mileage
20 charge, if any, such person may charge for an item or service
21 provided in connection with a particular rental transaction if
22 the renter can avoid incurring the charge by choosing not to
23 obtain or utilize the optional item or service. Items and
24 services for which such person may impose an additional charge
25 include, but are not limited to, optional insurance and
26 accessories requested by the renter, service charges incident

1 to the renter's optional return of the vehicle to a location
2 other than the location where the vehicle was hired or leased,
3 and charges for refueling the vehicle at the conclusion of the
4 rental transaction in the event the renter did not return the
5 vehicle with as much fuel as was in the fuel tank at the
6 beginning of the rental.

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

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

1 only be liable to the extent of any amount deductible from such
2 insurance coverage in accordance with the terms of the policy.

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

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

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

1 facilities and common use transportation equipment and
2 facilities and may not be used for any other purpose.

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

6 (k) When a rental car company states a rental rate in any
7 of its rate advertisements, its proprietary computer
8 reservation systems, or its in-person quotations intended to
9 apply to an airport rental, a company that collects from its
10 customers a customer facility charge for that rental under
11 subsection (j) shall do all of the following:

12 (1) Clearly and conspicuously disclose in any radio,
13 television, or other electronic media advertisements the
14 existence and amount of the charge if the advertisement is
15 intended for rentals at an airport imposing the charge or,
16 if the advertisement covers an area with multiple airports
17 with different charges, a range of amounts of customer
18 facility charges if the advertisement is intended for
19 rentals at an airport imposing the charge.

20 (2) Clearly and conspicuously disclose in any print
21 rate advertising the existence and amount of the charge if
22 the advertisement is intended for rentals at an airport
23 imposing the charge or, if the print rate advertisement
24 covers an area with multiple airports with different
25 charges, a range of amounts of customer facility charges if
26 the advertisement is intended for rentals at an airport

1 imposing the charge.

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

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

19 (5) Clearly and conspicuously disclose and separately
20 identify the existence and amount of the charge on its
21 rental agreement.

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

1 Business Practices Act.

2 (1) Notwithstanding subsection (f), any person who rents a
3 motor vehicle to another may, in connection with the rental of
4 a motor vehicle to (i) a business renter or (ii) a business
5 program sponsor under the sponsor's business program, do the
6 following:

7 (1) separately quote, by telephone, in person, or by
8 computer transmission, additional charges for the rental;
9 and

10 (2) separately impose additional charges for the
11 rental.

12 (m) As used in this Section:

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

16 (2) "Business program" means:

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

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

1 rental company to the public.

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

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

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

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

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

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

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