

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 Sections 6-305, 6-305.3, 18c-4201, 18c-4203, and 18c-4204 as
6 follows:

7 (625 ILCS 5/6-305) (from Ch. 95 1/2, par. 6-305)

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

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

18 (b) No person shall rent a motor vehicle to another until
19 he has inspected the drivers license of the person to whom the
20 vehicle is to be rented, or by whom it is to be driven, and
21 compared and verified the signature thereon with the signature
22 of such person written in his presence unless, in the case of a
23 nonresident, the State or country wherein the nonresident

1 resides does not require that a driver be licensed.

2 (c) No person shall rent a motorcycle to another unless the
3 latter person is then duly licensed hereunder as a motorcycle
4 operator, and in the case of a nonresident, then duly licensed
5 under the laws of the State or country of his residence, unless
6 the State or country of his residence does not require that a
7 driver be licensed.

8 (c-1) A rental car company that rents a motor vehicle shall
9 ensure that the renter is provided with an emergency telephone
10 number to personnel capable of fielding roadside assistance and
11 other customer service inquiries, including the ability to
12 provide the caller with the telephone number of the location
13 from which the vehicle was rented, if requested by the caller.
14 If an owner's manual is not available in the vehicle at the
15 time of the rental, an owner's manual for that vehicle or a
16 similar model shall be accessible by the personnel answering
17 the emergency telephone number for assistance with inquiries
18 about the 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, and airport concession charge, if any, which a
25 renter must pay to hire or lease the vehicle for the period of
26 time to which the rental rate applies. The person must provide,

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

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

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

1 include, but are not limited to, optional insurance and
2 accessories requested by the renter, service charges incident
3 to the renter's optional return of the vehicle to a location
4 other than the location where the vehicle was hired or leased,
5 and charges for refueling the vehicle at the conclusion of the
6 rental transaction in the event the renter did not return the
7 vehicle with as much fuel as was in the fuel tank at the
8 beginning of the rental. "Airport concession charge" means a
9 charge or fee imposed and collected from a renter to reimburse
10 the motor vehicle rental company for the concession fee it is
11 required to pay to a local government corporate authority or
12 airport authority to rent motor vehicles at the airport
13 facility. The airport concession charge is in addition to any
14 customer facility charge or any other charge.

15 (g) Every person renting a motor vehicle to another shall
16 keep a record of the registration number of the motor vehicle
17 so rented, the name and address of the person to whom the
18 vehicle is rented, the number of the license, if any, of said
19 latter person, and the date and place when and where the
20 license, if any, was issued. Such record shall be open to
21 inspection by any police officer or designated agent of the
22 Secretary of State.

23 (h) A person licensed as a new car dealer under Section
24 5-101 of this Code shall not be subject to the provisions of
25 this Section regarding the rental of private passenger motor
26 vehicles when providing, free of charge, temporary substitute

1 vehicles for customers to operate during a period when a
2 customer's vehicle, which is either leased or owned by that
3 customer, is being repaired, serviced, replaced or otherwise
4 made unavailable to the customer in accordance with an
5 agreement with the licensed new car dealer or vehicle
6 manufacturer, so long as the customer orally or in writing is
7 made aware that the temporary substitute vehicle will be
8 covered by his or her insurance policy and the customer shall
9 only be liable to the extent of any amount deductible from such
10 insurance coverage in accordance with the terms of the policy.

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

15 (j) A public airport may, if approved by its local
16 government corporate authorities or its airport authority,
17 impose a customer facility charge upon customers of rental car
18 companies for the purposes of financing, designing,
19 constructing, operating, and maintaining consolidated car
20 rental facilities and common use transportation equipment and
21 facilities, which are used to transport the customer,
22 connecting consolidated car rental facilities with other
23 airport facilities.

24 Notwithstanding subsection (f) of this Section, the
25 customer facility charge shall be collected by the rental car
26 company as a separate charge, and clearly indicated as a

1 separate charge on the rental agreement and invoice. Facility
2 charges shall be immediately deposited into a trust account for
3 the benefit of the airport and remitted at the direction of the
4 airport, but not more often than once per month. The charge
5 shall be uniformly calculated on a per-contract or per-day
6 basis. Facility charges imposed by the airport may not exceed
7 the reasonable costs of financing, designing, constructing,
8 operating, and maintaining the consolidated car rental
9 facilities and common use transportation equipment and
10 facilities and may not be used for any other purpose.

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

14 (k) When a rental car company states a rental rate in any
15 of its rate advertisements, its proprietary computer
16 reservation systems, or its in-person quotations intended to
17 apply to an airport rental, a company that collects from its
18 customers a customer facility charge for that rental under
19 subsection (j) shall do all of the following:

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

1 rentals at an airport imposing the charge.

2 (2) Clearly and conspicuously disclose in any print
3 rate advertising the existence and amount of the charge if
4 the advertisement is intended for rentals at an airport
5 imposing the charge or, if the print rate advertisement
6 covers an area with multiple airports with different
7 charges, a range of amounts of customer facility charges if
8 the advertisement is intended for rentals at an airport
9 imposing the charge.

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

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

1 (5) Clearly and conspicuously disclose and separately
2 identify the existence and amount of the charge on its
3 rental agreement.

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

10 (1) Notwithstanding subsection (f), any person who rents a
11 motor vehicle to another may, in connection with the rental of
12 a motor vehicle to (i) a business renter or (ii) a business
13 program sponsor under the sponsor's business program, do the
14 following:

15 (1) separately quote, by telephone, in person, or by
16 computer transmission, additional charges for the rental;
17 and

18 (2) separately impose additional charges for the
19 rental.

20 (m) As used in this Section:

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

24 (2) "Business program" means:

25 (A) a contract between a person who rents motor
26 vehicles and a business program sponsor that

1 establishes rental rates at which the person will rent
2 motor vehicles to persons authorized by the sponsor; or

3 (B) a plan, program, or other arrangement
4 established by a person who rents motor vehicles at the
5 request of, or with the consent of, a business program
6 sponsor under which the person offers to rent motor
7 vehicles to persons authorized by the sponsor on terms
8 that are not the same as those generally offered by the
9 rental company to the public.

10 (3) "Business program sponsor" means any legal entity
11 other than a natural person, including a corporation,
12 limited liability company, partnership, government,
13 municipality or agency, or a natural person operating a
14 business as a sole proprietor.

15 (4) "Business renter" means any person renting a motor
16 vehicle for business purposes or, for any business program
17 sponsor, a person who is authorized by the sponsor to enter
18 into a rental contract under the sponsor's business
19 program. "Business renter" does not include a person
20 renting as:

21 (A) a non-employee member of a not-for-profit
22 organization;

23 (B) the purchaser of a voucher or other prepaid
24 rental arrangement from a person, including a tour
25 operator, engaged in the business of reselling those
26 vouchers or prepaid rental arrangements to the general

1 public;

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

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

10 (Source: P.A. 94-717, eff. 12-19-05; 95-770, eff. 1-1-09.)

11 (625 ILCS 5/6-305.3)

12 Sec. 6-305.3. Vehicle license cost recovery fee.

13 (a) As used in this Section:

14 "Motor vehicle ~~Automobile~~ rental company" means a person or
15 entity whose primary business is renting motor ~~private~~
16 ~~passenger~~ vehicles to the public for 30 days or less.

17 "Inspect" or "inspection" means a vehicle emissions
18 inspection under Chapter 13C of this Code.

19 "Rental agreement" means an agreement for 30 days or less
20 setting forth the terms and conditions governing the use of a
21 motor ~~private passenger~~ vehicle provided by a rental company.

22 "Motor vehicle" means motor ~~passenger~~ vehicles of the first
23 division and motor vehicles of the second division weighing not
24 more than 8,000 pounds.

25 "Vehicle license cost recovery fee" or "VLCRF" means a

1 charge that may be separately stated and charged on a rental
2 agreement in a vehicle rental transaction originating in
3 Illinois to recover costs incurred either directly or
4 indirectly by a motor vehicle ~~an automobile~~ rental company to
5 license, title, register, and inspect motor vehicles.

6 (b) Motor vehicle ~~Automobile~~ rental companies may include a
7 separately stated mandatory surcharge or fee in a rental
8 agreement for vehicle license cost recovery fees (VLCRF) and
9 all applicable taxes.

10 (c) If a motor vehicle ~~an automobile~~ rental company
11 includes a VLCRF as separately stated charge in a rental
12 agreement, the amount of the fee must represent the motor
13 vehicle ~~automobile~~ rental company's good-faith estimate of the
14 automobile rental company's daily charge as calculated by the
15 motor vehicle ~~automobile~~ rental company to recover its actual
16 total annual motor vehicle titling, registration, and
17 inspection costs.

18 (d) If the total amount of the VLCRF collected by a motor
19 vehicle ~~automobile~~ rental company under this Section in any
20 calendar year exceeds the motor vehicle ~~automobile~~ rental
21 company's actual costs to license, title, register, and inspect
22 for that calendar year, the motor vehicle ~~automobile~~ rental
23 company shall do both of the following:

24 (1) Retain the excess amount; and

25 (2) Adjust the estimated average per vehicle titling,
26 licensing, inspection, and registration charge for the

1 following calendar year by a corresponding amount.

2 (e) Nothing in subsection (d) of this Section shall prevent
3 a motor vehicle ~~automobile~~ rental company from making
4 adjustments to the VLCRF during the calendar year.

5 (Source: P.A. 96-37, eff. 7-13-09.)

6 (625 ILCS 5/18c-4201) (from Ch. 95 1/2, par. 18c-4201)

7 Sec. 18c-4201. Licensing cases.

8 (1) Scope of Section. The provisions of this Chapter
9 relating to household goods carrier licensing apply to
10 applications:

11 (a) For a license authorizing a carrier to operate as
12 an intrastate household goods carrier;

13 (b) To transfer a certificate, permit, or license or to
14 change the name on a certificate, permit, or license; and

15 (c) To convert household goods contract carrier
16 authority to household goods common carrier authority.

17 (2) Form and content of household goods carrier licensing
18 applications. Household goods carrier licensing applications
19 shall be on such forms and contain such information as may be
20 prescribed by the Commission, be verified under oath, and shall
21 be accompanied by the required filing fee.

22 (3) Public notice of applications.

23 (a) Review of applications prior to publication. The
24 Commission may provide for preliminary review of each
25 application to determine if it is complete, if it gives

1 adequate notice, and if the authority requested is
2 unenforceably vague or otherwise contrary to the
3 provisions of this Chapter.

4 (b) Authorization to submit application for
5 publication. If the Commission determines after review
6 that the application is defective in any respect, it shall
7 promptly notify the applicant. No application shall be
8 submitted to the official newspaper for publication until
9 after it has been approved for publication, if the
10 Commission has provided for preliminary review. If the
11 Commission does not find that the application is defective,
12 or if it finds that any defects have been removed by
13 amendment, the applicant shall be permitted to submit the
14 application to the official newspaper for publication. The
15 Commission shall complete its review and notify the
16 applicant within 15 days after filing of the application.

17 (c) Additional notice prescribed by the Commission.
18 The Commission may direct applicant to give such further
19 notice in connection with its application as the Commission
20 deems necessary. The Commission may, itself, give such
21 additional notice as it deems necessary.

22 (4) Hearing on licensing applications.

23 (a) Participation at hearing. Any person having
24 standing to participate under this Chapter may appear and
25 participate in a hearing before the Commission to the
26 extent of its standing, provided that the person has

1 complied with Commission regulations concerning the filing
2 of petitions for leave to intervene and like pleadings.
3 Petitions for leave to intervene must be filed within 15
4 days after publication, unless the Commission provides for
5 filing at a later date. The Commission may permit
6 additional persons to appear and participate, on such terms
7 as the Commission shall prescribe, where such
8 participation is deemed necessary to an informed and just
9 resolution of the issues in the proceeding. ~~No shipper~~
10 ~~representative shall be permitted to testify in support of~~
11 ~~an application for a motor common carrier certificate or a~~
12 ~~motor contract carrier permit on the issue of need for~~
13 ~~service unless:~~

14 ~~(i) A supporting statement was filed on behalf of~~
15 ~~the shipper at least 10 days prior to the date of~~
16 ~~testimony; and~~

17 ~~(ii) If the supporting statement was not filed with~~
18 ~~the application, the statement was served on all~~
19 ~~parties of record at least 10 days prior to the date of~~
20 ~~testimony.~~

21 (b) Setting, notice, and hearing. Notwithstanding any
22 contrary provisions in Section 18c-2101 of this Chapter, a
23 hearing shall be held on each licensing application to
24 determine that the requirements of this Chapter have been
25 satisfied, except as otherwise provided in Section
26 18c-4306 of this Chapter. The Commission shall set the

1 hearing at a time not less than 15 days after publication
2 in the official newspaper. The Commission shall serve
3 notice of hearing on each party of record.

4 (c) Issuance of orders after hearing. The Commission
5 may issue summary orders in cases where the licensing
6 application was not opposed in a timely pleading addressed
7 to the Commission, or was opposed in a timely pleading but
8 such opposition was later withdrawn or the parties in
9 opposition waived all right to other than a summary order.
10 Summary orders shall be issued within 10 days after the
11 close of oral hearing or such other period as the
12 Commission may prescribe. Where a party requests, in a
13 properly filed motion for reconsideration or rehearing, a
14 detailed statement of findings and conclusions, the
15 Commission shall vacate the summary order and issue a new
16 order in accordance with Sub-chapters 1 and 2 of this
17 Chapter. Otherwise, orders shall be issued in accordance
18 with provisions of Sub-chapters 1 and 2 of this Chapter.

19 (Source: P.A. 89-444, eff. 1-25-96.)

20 (625 ILCS 5/18c-4203) (from Ch. 95 1/2, par. 18c-4203)
21 Sec. 18c-4203. Household goods contract carrier permits.

22 (1) Prerequisite to operation as a household goods contract
23 carrier. No person shall operate as a household goods contract
24 carrier of property unless such person possesses a household
25 goods contract carrier permit issued by the Commission and in

1 good standing.

2 (2) Requirements for issuance.

3 (a) General requirements. The Commission shall grant
4 an application for a household goods contract carrier
5 permit, in whole or in part, to the extent that it finds
6 that the application was properly filed; ~~supporting~~
7 ~~shippers need the proposed service;~~ the applicant is fit,
8 willing and able to provide the service in compliance with
9 this Chapter, Commission regulations and orders; and
10 issuance of the permit will be consistent with the public
11 interest. Otherwise, the application shall be denied. The
12 burden of proving that the requirements for issuance of a
13 household goods contract carrier permit have been met shall
14 be borne by the applicant.

15 (b) Conversion to household goods common carrier
16 authority. The Commission may, at the request of the
17 holder, authorize the conversion of household goods
18 contract carrier authority to household goods common
19 carrier authority, subject to the same terms, conditions,
20 limitations, and regulations as other household goods
21 common carriers.

22 (c) Cancellation and non-renewal of contracts.
23 Cancellation or non-renewal of a contract, or failure to
24 keep on file with the Commission a copy of a valid
25 contract, shall render a permit void with regard to the
26 involved shipper.

1 (3) Duties and practices of household goods contract
2 carriers.

3 (a) Services. Household goods contract carriers shall
4 provide safe and adequate transportation service to their
5 contracting shippers within the scope of their authorities
6 and contracts and in compliance with this Chapter,
7 Commission regulations and orders.

8 (b) Contracts. Each household goods contract carrier
9 shall file with the Commission a copy of each contract
10 executed under authority of its permit, and shall provide
11 no service except in accordance with contracts on file with
12 the Commission. The Commission may, at any time, reject
13 contracts filed with it which do not comply with the
14 provisions of this Chapter, Commission regulations and
15 orders.

16 (Source: P.A. 89-444, eff. 1-25-96.)

17 (625 ILCS 5/18c-4204) (from Ch. 95 1/2, par. 18c-4204)

18 Sec. 18c-4204. Standards to be considered in issuing common
19 and contract household goods carrier licenses. The Commission
20 shall exercise its discretion in regard to issuance of common
21 carrier of household goods or contract carrier of household
22 goods licenses in accordance with standards enumerated in this
23 Section.

24 (1) Standards relevant to both common and contract
25 household goods carrier licenses. In determining whether to

1 issue a common carrier of household goods certificate or a
2 contract carrier of household goods permit under Sections
3 18c-4202 and 18c-4203 of this Chapter, the Commission shall
4 consider, in addition to other standards enumerated in this
5 Chapter:

6 (a) (Blank) ~~The characteristics of the supporting~~
7 ~~shipper or shippers transportation needs, including the~~
8 ~~total volume of shipments, the amounts handled by existing~~
9 ~~authorized carriers and others, the amounts which would be~~
10 ~~tendered to the applicant, the nature and location of~~
11 ~~points where traffic would be picked up and delivered, and~~
12 ~~any special transportation needs of the supporting shipper~~
13 ~~or shippers or their receiver or receivers;~~

14 (b) The existing authorized carriers' services,
15 including the adequacy of such services and the effect
16 which issuance of a new certificate or permit would have on
17 such services;

18 (c) (Blank) ~~The proposed service, and whether it would~~
19 ~~meet the needs of the supporting shipper or shippers;~~

20 (d) Any evidence bearing on the fitness, willingness,
21 or ability of the applicant, including but not limited to
22 any past history of violations of this Chapter, Commission
23 regulations or orders, whether or not such violations were
24 the subject of an enforcement proceeding; and

25 (e) The effect which issuing the certificate or permit
26 would have on the development, maintenance and

1 preservation of the highways of this State for commercial
2 and other public use.

3 (2) Additional standards relevant to household goods
4 contract carrier licenses. In determining whether to issue a
5 household goods contract carrier permit under Section 18c-4203
6 of this Chapter, the Commission shall consider, in addition to
7 standards enumerated in subsection (1) of this Section or
8 elsewhere in this Sub-chapter:

9 (a) Whether the proposed service is contract carrier
10 service; and

11 (b) The effect which failure to issue the permit would
12 have on the supporting shipper or shippers.

13 (3) Standards not relevant to either household goods common
14 or household goods contract carrier licenses. In determining
15 whether to issue a household goods common carrier certificate
16 or a household goods contract carrier permit under Sections
17 18c-4202 and 18c-4203 of this Chapter, the Commission shall not
18 consider:

19 (a) The mere preference of the supporting shipper or
20 shippers or their receiver or receivers for the applicant's
21 service; or

22 (b) Any illegal operations of the applicant as evidence
23 of shipper need or the inadequacy of existing carriers'
24 services.

25 (Source: P.A. 89-444, eff. 1-25-96.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.