



Rep. Lou Lang

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1 AMENDMENT TO SENATE BILL 959

2 AMENDMENT NO. _____. Amend Senate Bill 959 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 6-305, 6-305.3, 18c-4201, 18c-4203, and
6 18c-4204 as 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

1 licensed.

2 (b) No person shall rent a motor vehicle to another until
3 he has inspected the drivers license of the person to whom the
4 vehicle is to be rented, or by whom it is to be driven, and
5 compared and verified the signature thereon with the signature
6 of such person written in his presence unless, in the case of a
7 nonresident, the State or country wherein the nonresident
8 resides does not require that a driver be licensed.

9 (c) No person shall rent a motorcycle to another unless the
10 latter person is then duly licensed hereunder as a motorcycle
11 operator, and in the case of a nonresident, then duly licensed
12 under the laws of the State or country of his residence, unless
13 the State or country of his residence does not require that a
14 driver be licensed.

15 (c-1) A rental car company that rents a motor vehicle shall
16 ensure that the renter is provided with an emergency telephone
17 number to personnel capable of fielding roadside assistance and
18 other customer service inquiries, including the ability to
19 provide the caller with the telephone number of the location
20 from which the vehicle was rented, if requested by the caller.
21 If an owner's manual is not available in the vehicle at the
22 time of the rental, an owner's manual for that vehicle or a
23 similar model shall be accessible by the personnel answering
24 the emergency telephone number for assistance with inquiries
25 about the operation of the vehicle.

26 (d) (Blank).

1 (e) (Blank).

2 (f) Subject to subsection (1), any person who rents a motor
3 vehicle to another shall only advertise, quote, and charge a
4 rental rate that includes the entire amount except taxes, ~~and~~ a
5 mileage charge, and airport concession charge, if any, which a
6 renter must pay to hire or lease the vehicle for the period of
7 time to which the rental rate applies. The person must provide,
8 on the request of the renter, based on the available
9 information, an estimated total of the daily rental rate,
10 including all applicable taxes, fees, and other charges, or an
11 estimated total rental charge, based on the return date of the
12 vehicle noted on the rental agreement. Further, if the rental
13 agreement does not already provide an estimated total rental
14 charge, the following statement must be included in the rental
15 agreement:

16 "NOTICE: UNDER ILLINOIS LAW, YOU MAY REQUEST, BASED ON
17 AVAILABLE INFORMATION, AN ESTIMATED TOTAL DAILY RENTAL
18 RATE, INCLUDING TAXES, FEES, AND OTHER CHARGES, OR AN
19 ESTIMATED TOTAL RENTAL CHARGE, BASED ON THE VEHICLE RETURN
20 DATE NOTED ON THIS AGREEMENT."

21 Such person shall not charge in addition to the rental
22 rate, taxes, ~~and~~ mileage charge, and airport concession charge,
23 if any, any fee which must be paid by the renter as a condition
24 of hiring or leasing the vehicle, such as, but not limited to,
25 required fuel or airport surcharges, nor any fee for
26 transporting the renter to the location where the rented

1 vehicle will be delivered to the renter. In addition to the
2 rental rate, taxes, ~~and~~ mileage charge, and airport concession
3 charge, if any, such person may charge for an item or service
4 provided in connection with a particular rental transaction if
5 the renter can avoid incurring the charge by choosing not to
6 obtain or utilize the optional item or service. Items and
7 services for which such person may impose an additional charge
8 include, but are not limited to, optional insurance and
9 accessories requested by the renter, service charges incident
10 to the renter's optional return of the vehicle to a location
11 other than the location where the vehicle was hired or leased,
12 and charges for refueling the vehicle at the conclusion of the
13 rental transaction in the event the renter did not return the
14 vehicle with as much fuel as was in the fuel tank at the
15 beginning of the rental. "Airport concession charge" means a
16 charge or fee imposed and collected from a renter to reimburse
17 the motor vehicle rental company for the concession fee it is
18 required to pay to a local government corporate authority or
19 airport authority to rent motor vehicles at the airport
20 facility. The airport concession charge is in addition to any
21 customer facility charge or any other charge.

22 (g) Every person renting a motor vehicle to another shall
23 keep a record of the registration number of the motor vehicle
24 so rented, the name and address of the person to whom the
25 vehicle is rented, the number of the license, if any, of said
26 latter person, and the date and place when and where the

1 license, if any, was issued. Such record shall be open to
2 inspection by any police officer or designated agent of the
3 Secretary of State.

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

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

22 (j) A public airport may, if approved by its local
23 government corporate authorities or its airport authority,
24 impose a customer facility charge upon customers of rental car
25 companies for the purposes of financing, designing,
26 constructing, operating, and maintaining consolidated car

1 rental facilities and common use transportation equipment and
2 facilities, which are used to transport the customer,
3 connecting consolidated car rental facilities with other
4 airport facilities.

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

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

21 (k) When a rental car company states a rental rate in any
22 of its rate advertisements, its proprietary computer
23 reservation systems, or its in-person quotations intended to
24 apply to an airport rental, a company that collects from its
25 customers a customer facility charge for that rental under
26 subsection (j) shall do all of the following:

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

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

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

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

8 (5) Clearly and conspicuously disclose and separately
9 identify the existence and amount of the charge on its
10 rental agreement.

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

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

22 (1) separately quote, by telephone, in person, or by
23 computer transmission, additional charges for the rental;
24 and

25 (2) separately impose additional charges for the
26 rental.

1 (m) As used in this Section:

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

5 (2) "Business program" means:

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

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

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

22 (4) "Business renter" means any person renting a motor
23 vehicle for business purposes or, for any business program
24 sponsor, a person who is authorized by the sponsor to enter
25 into a rental contract under the sponsor's business
26 program. "Business renter" does not include a person

1 renting as:

2 (A) a non-employee member of a not-for-profit
3 organization;

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

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

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

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

18 (625 ILCS 5/6-305.3)

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

20 (a) As used in this Section:

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

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

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

4 "Motor vehicle" means motor ~~passenger~~ vehicles of the first
5 division and motor vehicles of the second division weighing not
6 more than 8,000 pounds.

7 "Vehicle license cost recovery fee" or "VLCRF" means a
8 charge that may be separately stated and charged on a rental
9 agreement in a vehicle rental transaction originating in
10 Illinois to recover costs incurred either directly or
11 indirectly by a motor vehicle ~~an automobile~~ rental company to
12 license, title, register, and inspect motor vehicles.

13 (b) Motor vehicle ~~Automobile~~ rental companies may include a
14 separately stated mandatory surcharge or fee in a rental
15 agreement for vehicle license cost recovery fees (VLCRF) and
16 all applicable taxes.

17 (c) If a motor vehicle ~~an automobile~~ rental company
18 includes a VLCRF as separately stated charge in a rental
19 agreement, the amount of the fee must represent the motor
20 vehicle ~~automobile~~ rental company's good-faith estimate of the
21 automobile rental company's daily charge as calculated by the
22 motor vehicle ~~automobile~~ rental company to recover its actual
23 total annual motor vehicle titling, registration, and
24 inspection costs.

25 (d) If the total amount of the VLCRF collected by a motor
26 vehicle ~~automobile~~ rental company under this Section in any

1 calendar year exceeds the motor vehicle ~~automobile~~ rental
2 company's actual costs to license, title, register, and inspect
3 for that calendar year, the motor vehicle ~~automobile~~ rental
4 company shall do both of the following:

5 (1) Retain the excess amount; and

6 (2) Adjust the estimated average per vehicle titling,
7 licensing, inspection, and registration charge for the
8 following calendar year by a corresponding amount.

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

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

13 (625 ILCS 5/18c-4201) (from Ch. 95 1/2, par. 18c-4201)

14 Sec. 18c-4201. Licensing cases.

15 (1) Scope of Section. The provisions of this Chapter
16 relating to household goods carrier licensing apply to
17 applications:

18 (a) For a license authorizing a carrier to operate as
19 an intrastate household goods carrier;

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

22 (c) To convert household goods contract carrier
23 authority to household goods common carrier authority.

24 (2) Form and content of household goods carrier licensing
25 applications. Household goods carrier licensing applications

1 shall be on such forms and contain such information as may be
2 prescribed by the Commission, be verified under oath, and shall
3 be accompanied by the required filing fee.

4 (3) Public notice of applications.

5 (a) Review of applications prior to publication. The
6 Commission may provide for preliminary review of each
7 application to determine if it is complete, if it gives
8 adequate notice, and if the authority requested is
9 unenforceably vague or otherwise contrary to the
10 provisions of this Chapter.

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

24 (c) Additional notice prescribed by the Commission.
25 The Commission may direct applicant to give such further
26 notice in connection with its application as the Commission

1 deems necessary. The Commission may, itself, give such
2 additional notice as it deems necessary.

3 (4) Hearing on licensing applications.

4 (a) Participation at hearing. Any person having
5 standing to participate under this Chapter may appear and
6 participate in a hearing before the Commission to the
7 extent of its standing, provided that the person has
8 complied with Commission regulations concerning the filing
9 of petitions for leave to intervene and like pleadings.
10 Petitions for leave to intervene must be filed within 15
11 days after publication, unless the Commission provides for
12 filing at a later date. The Commission may permit
13 additional persons to appear and participate, on such terms
14 as the Commission shall prescribe, where such
15 participation is deemed necessary to an informed and just
16 resolution of the issues in the proceeding. ~~No shipper
17 representative shall be permitted to testify in support of
18 an application for a motor common carrier certificate or a
19 motor contract carrier permit on the issue of need for
20 service unless:~~

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

24 ~~(ii) If the supporting statement was not filed with
25 the application, the statement was served on all
26 parties of record at least 10 days prior to the date of~~

1 ~~testimony.~~

2 (b) Setting, notice, and hearing. Notwithstanding any
3 contrary provisions in Section 18c-2101 of this Chapter, a
4 hearing shall be held on each licensing application to
5 determine that the requirements of this Chapter have been
6 satisfied, except as otherwise provided in Section
7 18c-4306 of this Chapter. The Commission shall set the
8 hearing at a time not less than 15 days after publication
9 in the official newspaper. The Commission shall serve
10 notice of hearing on each party of record.

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

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

1 (625 ILCS 5/18c-4203) (from Ch. 95 1/2, par. 18c-4203)

2 Sec. 18c-4203. Household goods contract carrier permits.

3 (1) Prerequisite to operation as a household goods contract
4 carrier. No person shall operate as a household goods contract
5 carrier of property unless such person possesses a household
6 goods contract carrier permit issued by the Commission and in
7 good standing.

8 (2) Requirements for issuance.

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

21 (b) Conversion to household goods common carrier
22 authority. The Commission may, at the request of the
23 holder, authorize the conversion of household goods
24 contract carrier authority to household goods common
25 carrier authority, subject to the same terms, conditions,

1 limitations, and regulations as other household goods
2 common carriers.

3 (c) Cancellation and non-renewal of contracts.
4 Cancellation or non-renewal of a contract, or failure to
5 keep on file with the Commission a copy of a valid
6 contract, shall render a permit void with regard to the
7 involved shipper.

8 (3) Duties and practices of household goods contract
9 carriers.

10 (a) Services. Household goods contract carriers shall
11 provide safe and adequate transportation service to their
12 contracting shippers within the scope of their authorities
13 and contracts and in compliance with this Chapter,
14 Commission regulations and orders.

15 (b) Contracts. Each household goods contract carrier
16 shall file with the Commission a copy of each contract
17 executed under authority of its permit, and shall provide
18 no service except in accordance with contracts on file with
19 the Commission. The Commission may, at any time, reject
20 contracts filed with it which do not comply with the
21 provisions of this Chapter, Commission regulations and
22 orders.

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

24 (625 ILCS 5/18c-4204) (from Ch. 95 1/2, par. 18c-4204)

25 Sec. 18c-4204. Standards to be considered in issuing common

1 and contract household goods carrier licenses. The Commission
2 shall exercise its discretion in regard to issuance of common
3 carrier of household goods or contract carrier of household
4 goods licenses in accordance with standards enumerated in this
5 Section.

6 (1) Standards relevant to both common and contract
7 household goods carrier licenses. In determining whether to
8 issue a common carrier of household goods certificate or a
9 contract carrier of household goods permit under Sections
10 18c-4202 and 18c-4203 of this Chapter, the Commission shall
11 consider, in addition to other standards enumerated in this
12 Chapter:

13 (a) (Blank) ~~The characteristics of the supporting~~
14 ~~shipper or shippers transportation needs, including the~~
15 ~~total volume of shipments, the amounts handled by existing~~
16 ~~authorized carriers and others, the amounts which would be~~
17 ~~tendered to the applicant, the nature and location of~~
18 ~~points where traffic would be picked up and delivered, and~~
19 ~~any special transportation needs of the supporting shipper~~
20 ~~or shippers or their receiver or receivers;~~

21 (b) The existing authorized carriers' services,
22 including the adequacy of such services and the effect
23 which issuance of a new certificate or permit would have on
24 such services;

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

1 (d) Any evidence bearing on the fitness, willingness,
2 or ability of the applicant, including but not limited to
3 any past history of violations of this Chapter, Commission
4 regulations or orders, whether or not such violations were
5 the subject of an enforcement proceeding; and

6 (e) The effect which issuing the certificate or permit
7 would have on the development, maintenance and
8 preservation of the highways of this State for commercial
9 and other public use.

10 (2) Additional standards relevant to household goods
11 contract carrier licenses. In determining whether to issue a
12 household goods contract carrier permit under Section 18c-4203
13 of this Chapter, the Commission shall consider, in addition to
14 standards enumerated in subsection (1) of this Section or
15 elsewhere in this Sub-chapter:

16 (a) Whether the proposed service is contract carrier
17 service; and

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

20 (3) Standards not relevant to either household goods common
21 or household goods contract carrier licenses. In determining
22 whether to issue a household goods common carrier certificate
23 or a household goods contract carrier permit under Sections
24 18c-4202 and 18c-4203 of this Chapter, the Commission shall not
25 consider:

26 (a) The mere preference of the supporting shipper or

1 shippers or their receiver or receivers for the applicant's
2 service; or

3 (b) Any illegal operations of the applicant as evidence
4 of shipper need or the inadequacy of existing carriers'
5 services.

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".