

HB0692



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0692

by Rep. David S. Olsen

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-305

from Ch. 95 1/2, par. 6-305

Amends the Illinois Vehicle Code. Provides that a rental company shall not charge a renter any fee, surcharge, or fine amount that is more than twice the toll amount charged to the rental company's I-Pass or E-ZPass account for the renter's use of the rental vehicle on a toll highway operated by the Illinois State Toll Highway Authority. Effective immediately.

LRB100 05560 AXK 15574 b

A BILL FOR

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

18 (d) (Blank).

19 (e) (Blank).

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

1 information, an estimated total of the daily rental rate,
2 including all applicable taxes, fees, and other charges, or an
3 estimated total rental charge, based on the return date of the
4 vehicle noted on the rental agreement. Further, if the rental
5 agreement does not already provide an estimated total rental
6 charge, the following statement must be included in the rental
7 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, mileage charge, and airport concession charge, if
15 any, any fee which must be paid by the renter as a condition of
16 hiring or leasing the vehicle, such as, but not limited to,
17 required fuel or airport surcharges, nor any fee for
18 transporting the renter to the location where the rented
19 vehicle will be delivered to the renter, or any fee, surcharge,
20 or fine amount charged to the renter that is more than twice
21 the toll amount charged to the person's I-Pass or E-ZPass
22 account for the renter's use of the rental vehicle on a toll
23 highway operated by the Illinois State Toll Highway Authority.

24 In addition to the rental rate, taxes, mileage charge, ~~and~~
25 airport concession charge, and toll charge, if any, such person
26 may charge for an item or service provided in connection with a

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

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

26 (h) A person licensed as a new car dealer under Section

1 5-101 of this Code shall not be subject to the provisions of
2 this Section regarding the rental of private passenger motor
3 vehicles when providing, free of charge, temporary substitute
4 vehicles for customers to operate during a period when a
5 customer's vehicle, which is either leased or owned by that
6 customer, is being repaired, serviced, replaced or otherwise
7 made unavailable to the customer in accordance with an
8 agreement with the licensed new car dealer or vehicle
9 manufacturer, so long as the customer orally or in writing is
10 made aware that the temporary substitute vehicle will be
11 covered by his or her insurance policy and the customer shall
12 only be liable to the extent of any amount deductible from such
13 insurance coverage in accordance with the terms of the policy.

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

18 (j) A public airport may, if approved by its local
19 government corporate authorities or its airport authority,
20 impose a customer facility charge upon customers of rental car
21 companies for the purposes of financing, designing,
22 constructing, operating, and maintaining consolidated car
23 rental facilities and common use transportation equipment and
24 facilities, which are used to transport the customer,
25 connecting consolidated car rental facilities with other
26 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,

1 if the advertisement covers an area with multiple airports
2 with different charges, a range of amounts of customer
3 facility charges if the advertisement is intended for
4 rentals at an airport imposing the charge.

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

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

23 (4) Clearly and conspicuously display the charge in any
24 proprietary computer-assisted reservation or transaction
25 directly between the rental car company and the customer,
26 shown or referenced on the same page on the computer screen

1 viewed by the customer as the displayed rental rate and in
2 a print size not smaller than the print size of the rental
3 rate.

4 (5) Clearly and conspicuously disclose and separately
5 identify the existence and amount of the charge on its
6 rental agreement.

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

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

18 (1) separately quote, by telephone, in person, or by
19 computer transmission, additional charges for the rental;
20 and

21 (2) separately impose additional charges for the
22 rental.

23 (m) As used in this Section:

24 (1) "Additional charges" means charges other than: (i)
25 a per period base rental rate; (ii) a mileage charge; (iii)
26 taxes; or (iv) a customer facility charge. An additional

1 charge shall not include any fee, surcharge, or fine amount
2 charged to the renter that is more than twice the toll
3 amount charged to the person's I-Pass or E-ZPass account
4 for the renter's use of the rental vehicle on a toll
5 highway operated by the Illinois State Toll Highway
6 Authority.

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 any person renting a motor
25 vehicle for business purposes or, for any business program
26 sponsor, a person who is authorized by the sponsor to enter

1 into a rental contract under the sponsor's business
2 program. "Business renter" does not include a person
3 renting as:

4 (A) a non-employee member of a not-for-profit
5 organization;

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

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

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

19 (Source: P.A. 97-595, eff. 8-26-11.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.