

SB2641



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2641

Introduced 2/8/2018, by Sen. Antonio Muñoz

SYNOPSIS AS INTRODUCED:

625 ILCS 27/15

Amends the Renter's Financial Responsibility and Protection Act. Provides that a rental car company may void a damage waiver if damage or loss occurs to the rental vehicle when the rental vehicle is stolen and the renter fails to: (i) return the rental vehicle's ignition key and key tag identifying the rental vehicle to the rental company; (ii) file a police report within the 24-hour period after discovery of the rental vehicle theft; and (iii) fully cooperate with the rental company, law enforcement agency, or any other authority in all matters connected to the investigation of the stolen rental vehicle.

LRB100 15797 AXK 30905 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 Renter's Financial Responsibility and
5 Protection Act is amended by changing Section 15 as follows:

6 (625 ILCS 27/15)

7 (Text of Section before amendment by P.A. 100-312)

8 Sec. 15. Prohibited practices.

9 (a) A rental company may not sell a damage waiver unless
10 the renter agrees to the damage waiver in writing at or prior
11 to the time the rental agreement is executed.

12 (b) A rental company may not void a damage waiver except
13 for one or more of the following reasons:

14 (1) Damage or loss while the rental vehicle is used to
15 carry persons or property for a charge or fee.

16 (2) Damage or loss during an organized or agreed upon
17 racing or speed contest or demonstration or pushing or
18 pulling activity in which the rental vehicle is actively
19 involved.

20 (3) Damage or loss that could reasonably be expected
21 from an intentional or criminal act of the driver other
22 than a traffic infraction.

23 (4) Damage or loss to any rental vehicle resulting from

1 any auto business operation, including but not limited to
2 repairing, servicing, testing, washing, parking, storing,
3 or selling of automobiles.

4 (5) Damage or loss occurring to a rental vehicle if the
5 rental contract is based on fraudulent or material
6 misrepresentation by the renter.

7 (6) Damage or loss arising out of the use of the rental
8 vehicle outside the continental United States when such use
9 is specifically prohibited in the rental agreement.

10 (7) Damage or loss occurring while the rental vehicle
11 is operated by a driver not permitted under the rental
12 agreement.

13 (8) Damage or loss occurring while the rental vehicle
14 is operated by a driver under the influence of alcohol,
15 other drug or drugs, intoxicating compound or compounds, or
16 any combination thereof and convicted of violating
17 subsection (a) of Section 11-501 of the Illinois Vehicle
18 Code.

19 (c) A rental company shall not charge more than \$12.50 per
20 full or partial 24 hour rental day for a collision damage
21 waiver prior to January 1, 2014. Beginning January 1, 2014, a
22 rental company shall not charge more than \$13.50 per full or
23 partial 24 hour rental day for a collision damage waiver.

24 (d) A rental company may offer a collision damage waiver on
25 any rental vehicle having a value in excess of a Manufacturer's
26 Suggested Retail Price (MSRP) of \$50,000; however, the

1 provisions of subsection (c) of this Section shall not apply to
2 collision damage waivers under this subsection (d).

3 (Source: P.A. 98-428, eff. 8-16-13; 99-201, eff. 10-1-15.)

4 (Text of Section after amendment by P.A. 100-312)

5 Sec. 15. Prohibited practices.

6 (a) A rental company may not sell a damage waiver unless
7 the renter agrees to the damage waiver in writing at or prior
8 to the time the rental agreement is executed.

9 (b) A rental company may not void a damage waiver except
10 for one or more of the following reasons:

11 (1) Damage or loss while the rental vehicle is used to
12 carry persons or property for a charge or fee.

13 (2) Damage or loss during an organized or agreed upon
14 racing or speed contest or demonstration or pushing or
15 pulling activity in which the rental vehicle is actively
16 involved.

17 (3) Damage or loss that could reasonably be expected
18 from an intentional or criminal act of the driver other
19 than a traffic infraction.

20 (4) Damage or loss to any rental vehicle resulting from
21 any auto business operation, including but not limited to
22 repairing, servicing, testing, washing, parking, storing,
23 or selling of automobiles.

24 (5) Damage or loss occurring to a rental vehicle if the
25 rental contract is based on fraudulent or material

1 misrepresentation by the renter.

2 (6) Damage or loss arising out of the use of the rental
3 vehicle outside the continental United States when such use
4 is specifically prohibited in the rental agreement.

5 (7) Damage or loss occurring while the rental vehicle
6 is operated by a driver not permitted under the rental
7 agreement.

8 (8) Damage or loss occurring while the rental vehicle
9 is operated by a driver under the influence of alcohol,
10 other drug or drugs, intoxicating compound or compounds, or
11 any combination thereof and convicted of violating
12 subsection (a) of Section 11-501 of the Illinois Vehicle
13 Code.

14 (9) Damage or loss to the rental vehicle if the rental
15 vehicle is stolen and the renter fails to: (i) return the
16 rental vehicle's ignition key and key tag identifying the
17 rental vehicle to the rental vehicle company; (ii) file a
18 police report within the 24-hour period after discovery of
19 the rental vehicle theft; and (iii) fully cooperate with
20 the rental company, law enforcement agency, or any other
21 authority in all matters connected to the investigation of
22 the stolen rental vehicle.

23 (c) (Blank).

24 (d) (Blank).

25 (Source: P.A. 99-201, eff. 10-1-15; 100-312, eff. 1-1-18.)

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.