

1 AN ACT in relation to vehicles.

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
5 changing 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
12 the person renting a motor vehicle, is then duly licensed
13 hereunder or, in the case of a nonresident, then duly
14 licensed under the laws of the State or country of his
15 residence unless the State or country of his residence does
16 not require that a driver be licensed.

17 (b) No person shall rent a motor vehicle to another
18 until he has inspected the drivers license of the person to
19 whom the vehicle is to be rented, or by whom it is to be
20 driven, and compared and verified the signature thereon with
21 the signature of such person written in his presence unless,
22 in the case of a nonresident, the State or country wherein
23 the nonresident resides does not require that a driver be
24 licensed.

25 (c) No person shall rent a motorcycle to another unless
26 the latter person is then duly licensed hereunder as a
27 motorcycle operator, and in the case of a nonresident, then
28 duly licensed under the laws of the State or country of his
29 residence, unless the State or country of his residence does
30 not require that a driver be licensed.

31 (d) (Blank).

1 (e) (Blank).

2 (f) Any person who rents a motor vehicle to another
3 shall only advertise, quote, and charge a rental rate that
4 includes the entire amount, including ~~except~~ taxes and a
5 mileage charge, if any, which a renter must pay to hire or
6 lease the vehicle for the period of time to which the rental
7 rate applies. Such person shall not charge in addition to
8 the rental rate, taxes, and mileage charge, if any, any fee
9 which must be paid by the renter as a condition of hiring or
10 leasing the vehicle, such as, but not limited to, required
11 fuel or airport surcharges, nor any fee for transporting the
12 renter to the location where the rented vehicle will be
13 delivered to the renter. In addition to the rental rate,
14 taxes, and mileage charge, if any, such person may charge for
15 an item or service provided in connection with a particular
16 rental transaction if the renter can avoid incurring the
17 charge by choosing not to obtain or utilize the optional item
18 or service. Items and services for which such person may
19 impose an additional charge include, but are not limited to,
20 optional insurance and accessories requested by the renter,
21 service charges incident to the renter's optional return of
22 the vehicle to a location other than the location where the
23 vehicle was hired or leased, and charges for refueling the
24 vehicle at the conclusion of the rental transaction in the
25 event the renter did not return the vehicle with as much fuel
26 as was in the fuel tank at the beginning of the rental.

27 (g) Every person renting a motor vehicle to another
28 shall keep a record of the registration number of the motor
29 vehicle so rented, the name and address of the person to whom
30 the vehicle is rented, the number of the license, if any, of
31 said latter person, and the date and place when and where the
32 license, if any, was issued. Such record shall be open to
33 inspection by any police officer or designated agent of the
34 Secretary of State.

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

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

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

29 Notwithstanding subsection (f) of this Section, the
30 customer facility charge shall be collected by the rental car
31 company as a separate charge, and clearly indicated as a
32 separate charge on the rental agreement and invoice. Facility
33 charges shall be immediately deposited into a trust account
34 for the benefit of the airport and remitted at the direction

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

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

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

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

26 (2) Clearly and conspicuously disclose in any print
27 rate advertising the existence and amount of the charge
28 if the advertisement is intended for rentals at an
29 airport imposing the charge or, if the print rate
30 advertisement covers an area with multiple airports with
31 different charges, a range of amounts of customer
32 facility charges if the advertisement is intended for
33 rentals at an airport imposing the charge.

34 (3) Clearly and conspicuously disclose the

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

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

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

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

26 (Source: P.A. 92-426, eff. 1-1-02.)