

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 except taxes and a mileage charge,
5 if any, which a renter must pay to hire or lease the vehicle
6 for the period of time to which the rental rate applies. The
7 person must provide, on the request of the renter, based on
8 the available information, an estimated total of the daily
9 rental rate, including all applicable taxes, fees, and other
10 charges, or an estimated total rental charge, based on the
11 return date of the vehicle noted on the rental agreement.
12 Further, if the rental agreement does not already provide an
13 estimated total rental charge, the following statement must
14 be included in the rental agreement:

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

20 Such person shall not charge in addition to the rental
21 rate, taxes, and mileage charge, if any, any fee which must
22 be paid by the renter as a condition of hiring or leasing the
23 vehicle, such as, but not limited to, required fuel or
24 airport surcharges, nor any fee for transporting the renter
25 to the location where the rented vehicle will be delivered to
26 the renter. In addition to the rental rate, taxes, and
27 mileage charge, if any, such person may charge for an item or
28 service provided in connection with a particular rental
29 transaction if the renter can avoid incurring the charge by
30 choosing not to obtain or utilize the optional item or
31 service. Items and services for which such person may impose
32 an additional charge include, but are not limited to,
33 optional insurance and accessories requested by the renter,
34 service charges incident to the renter's optional return of

1 the vehicle to a location other than the location where the
2 vehicle was hired or leased, and charges for refueling the
3 vehicle at the conclusion of the rental transaction in the
4 event the renter did not return the vehicle with as much fuel
5 as was in the fuel tank at the beginning of the rental.

6 (g) Every person renting a motor vehicle to another
7 shall keep a record of the registration number of the motor
8 vehicle so rented, the name and address of the person to whom
9 the vehicle is rented, the number of the license, if any, of
10 said latter person, and the date and place when and where the
11 license, if any, was issued. Such record shall be open to
12 inspection by any police officer or designated agent of the
13 Secretary of State.

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

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

33 (j) A public airport may, if approved by its local
34 government corporate authorities or its airport authority,

1 impose a customer facility charge upon customers of rental
2 car companies for the purposes of financing, designing,
3 constructing, operating, and maintaining consolidated car
4 rental facilities and common use transportation equipment and
5 facilities, which are used to transport the customer,
6 connecting consolidated car rental facilities with other
7 airport facilities.

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

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

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

30 (1) Clearly and conspicuously disclose in any
31 radio, television, or other electronic media
32 advertisements the existence and amount of the charge if
33 the advertisement is intended for rentals at an airport
34 imposing the charge or, if the advertisement covers an

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

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

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

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

30 (5) Clearly and conspicuously disclose and
31 separately identify the existence and amount of the
32 charge on its rental agreement.

33 (6) A rental car company that collects from its
34 customers a customer facility charge under subsection (j)

1 and engages in a practice which does not comply with
2 subsections (f), (j), and (k) commits an unlawful
3 practice within the meaning of the Consumer Fraud and
4 Deceptive Business Practices Act.

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