



Sen. Napoleon Harris, III

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10300HB1497sam002

LRB103 04797 JDS 61379 a

1 AMENDMENT TO HOUSE BILL 1497

2 AMENDMENT NO. _____. Amend House Bill 1497 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Automobile Renting Occupation and Use Tax
5 Act is amended by changing Section 2 as follows:

6 (35 ILCS 155/2) (from Ch. 120, par. 1702)

7 Sec. 2. Definitions. "Renting" means any transfer of the
8 possession or right to possession of an automobile to a user
9 for a valuable consideration for a period of one year or less.

10 "Renting" does not include making a charge for the use of
11 an automobile where the rentor, either himself or through an
12 agent, furnishes a service of operating an automobile so that
13 the rentor remains in possession of the automobile, because
14 this does not constitute a transfer of possession or right to
15 possession of the automobile.

16 "Renting" does not include the making of a charge by an

1 automobile dealer for the use of an automobile as a
2 demonstrator in connection with the dealer's business of
3 selling, where the charge is merely made to recover the costs
4 of operating the automobile as a demonstrator and is not
5 intended as a rental or leasing charge in the ordinary sense.

6 "Renting" does not include peer-to-peer car sharing, as
7 defined in Section 5 of the Car-Sharing Program Act.

8 "Automobile" means (1) any motor vehicle of the first
9 division, or (2) a motor vehicle of the second division which:
10 (A) is a self-contained motor vehicle designed or permanently
11 converted to provide living quarters for recreational, camping
12 or travel use, with direct walk through access to the living
13 quarters from the driver's seat; (B) is of the van
14 configuration designed for the transportation of not less than
15 7 nor more than 16 passengers, as defined in Section 1-146 of
16 the Illinois Vehicle Code; or (C) has a Gross Vehicle Weight
17 Rating, as defined in Section 1-124.5 of the Illinois Vehicle
18 Code, of 8,000 pounds or less.

19 "Department" means the Department of Revenue.

20 "Person" means any natural individual, firm, partnership,
21 association, joint stock company, joint adventure, public or
22 private corporation, limited liability company, or a receiver,
23 executor, trustee, conservator or other representative
24 appointed by order of any court.

25 "Renter" means any person, firm, corporation or
26 association engaged in the business of renting or leasing

1 automobiles to users. For this purpose, the objective of
2 making a profit is not necessary to make the renting activity a
3 business.

4 "Renter" does not include a car-sharing program or a
5 shared-vehicle owner, as defined in Section 5 of the
6 Car-Sharing Program Act.

7 "Renter" means any user to whom the possession, or the
8 right to possession, of an automobile is transferred for a
9 valuable consideration for a period of one year or less,
10 whether paid for by the "renter" or by someone else.

11 "Renter" does not include a shared-vehicle driver, as
12 defined in Section 5 of the Car-Sharing Program Act.

13 "Gross receipts" from the renting of tangible personal
14 property or "rent" means the total rental price or leasing
15 price. In the case of rental transactions in which the
16 consideration is paid to the renter on an installment basis,
17 the amounts of such payments shall be included by the renter in
18 gross receipts or rent only as and when payments are received
19 by the renter.

20 "Gross receipts" does not include receipts received by an
21 automobile dealer from a manufacturer or service contract
22 provider for the use of an automobile by a person while that
23 person's automobile is being repaired by that automobile
24 dealer and the repair is made pursuant to a manufacturer's
25 warranty or a service contract where a manufacturer or service
26 contract provider reimburses that automobile dealer pursuant

1 to a manufacturer's warranty or a service contract and the
2 reimbursement is merely made to recover the costs of operating
3 the automobile as a loaner vehicle.

4 "Rental price" means the consideration for renting or
5 leasing an automobile valued in money, whether received in
6 money or otherwise, including cash credits, property and
7 services, and shall be determined without any deduction on
8 account of the cost of the property rented, the cost of
9 materials used, labor or service cost, or any other expense
10 whatsoever, but does not include charges that are added by a
11 rentor on account of the rentor's tax liability under this Act
12 or on account of the rentor's duty to collect, from the rentee,
13 the tax that is imposed by Section 4 of this Act. The phrase
14 "rental price" does not include compensation paid to a rentor
15 by a rentee in consideration of the waiver by the rentor of any
16 right of action or claim against the rentee for loss or damage
17 to the automobile rented and also does not include a
18 separately stated charge for insurance or recovery of
19 refueling costs or other separately stated charges that are
20 not for the use of tangible personal property.

21 "Rental price" does not include consideration paid for
22 peer-to-peer car sharing to a shared-vehicle owner or a
23 car-sharing program, as those terms are defined in Section 5
24 of the Car-Sharing Program Act.

25 (Source: P.A. 98-574, eff. 1-1-14.)".