



Sen. James F. Clayborne Jr.

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09400SB1722sam001

LRB094 08659 LJB 43500 a

1 AMENDMENT TO SENATE BILL 1722

2 AMENDMENT NO. _____. Amend Senate Bill 1722 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Insurance Code is amended by
5 adding Section 143e as follows:

6 (215 ILCS 5/143e new)

7 Sec. 143e. Mandatory binding arbitration of physical
8 damage claims made against a policy of automobile insurance.

9 (a) No policy of automobile insurance as defined in
10 subsection (a) of Section 143.13 of this Code shall be renewed,
11 delivered, or issued for delivery in this State unless it is
12 provided therein that disputes with respect to physical damage
13 claims between the insurer and another insurer for the amount
14 of damages not exceeding \$10,000 shall be submitted for
15 mandatory binding arbitration.

16 (b) All disputes with respect to physical damages set forth
17 in subsection (a) shall be determined by a 3-person arbitration
18 panel impaneled in the following manner: Each party to the
19 dispute shall select an arbitrator and the 2 arbitrators so
20 named shall select a third arbitrator. In lieu of having the
21 dispute determined by a 3-person arbitration panel as set forth
22 in this Section, the parties may have disputes with respect to
23 the damages set forth in subsection (a) determined by any
24 alternative dispute resolution forum agreed to by the parties.

1 (c) All disputes with respect to damages determined by the
2 3-person arbitration panel as set forth in this Section shall
3 be determined in accordance with the following rules:

4 (1) If at least 60 days' written notice of the
5 intention to offer the following documents in evidence is
6 given to every other party, accompanied by a copy of the
7 document, a party may offer in evidence, without foundation
8 or other proof:

9 (A) property repair bills or estimates, when
10 identified and itemized setting forth the charges for
11 labor and material used or proposed for use in the
12 repair of the property;

13 (B) the written opinion of an opinion witness, the
14 deposition of a witness, and the statement of a witness
15 that the witness would be allowed to express if
16 testifying in person, if the opinion or statement is
17 made by affidavit or by certification as provided in
18 Section 1-109 of the Code of Civil Procedure; and

19 (C) any other document not specifically covered by
20 any of the foregoing provisions that is otherwise
21 admissible under the rules of evidence.

22 Any party receiving a notice under this paragraph (1)
23 may apply to the arbitrator or panel of arbitrators, as the
24 case may be, for the issuance of a subpoena directed to the
25 author or maker or custodian of the document that is the
26 subject of the notice, requiring the person subpoenaed to
27 produce copies of any additional documents as may be
28 related to the subject matter of the document that is the
29 subject of the notice. A subpoena shall be issued in
30 substantially similar form and served by notice as provided
31 by Illinois Supreme Court Rule 204(a)(4). A subpoena shall
32 be returnable not less than 5 days before the arbitration
33 hearing.

34 (2) Notwithstanding the provisions of Supreme Court

1 Rule 213(g), a party who proposes to use a written opinion
2 of an expert or opinion witness or the testimony of an
3 expert or opinion witness at the hearing may do so provided
4 a written notice of that intention is given to every other
5 party not less than 60 days prior to the date of hearing,
6 accompanied by a statement containing the identity of the
7 witness, his or her qualifications, the subject matter, the
8 basis of the witness's conclusions, and his or her opinion.

9 (3) Any other party may subpoena the author or maker of
10 a document admissible under this subsection (c) at that
11 party's expense and examine the author or maker as if under
12 cross-examination. The provisions of Section 2-1101 of the
13 Code of Civil Procedure shall be applicable to arbitration
14 hearings, and it shall be the duty of a party requesting
15 the subpoena to modify the form to show that the appearance
16 is set before an arbitration panel and to give the time and
17 place set for the hearing.

18 (4) The provisions of Section 2-1102 of the Code of
19 Civil Procedure shall be applicable to arbitration
20 hearings under this subsection (c).

21 (d) All disputes with respect to damages determined by an
22 alternative dispute resolution forum agreed to by the parties
23 shall be determined pursuant to the current published rules of
24 the agreed to alternative dispute resolution forum.

25 (e) All arbitrations conducted under this Section shall be
26 concluded within 180 days after the request for arbitration
27 made by either insurer unless otherwise agreed to by the
28 parties."