



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB2375**

Introduced 1/18/2006, by Sen. Mike Jacobs

**SYNOPSIS AS INTRODUCED:**

215 ILCS 5/367f

from Ch. 73, par. 979f

Amends the Illinois Insurance Code. Requires the Division of Insurance of the Department of Financial and Professional Regulation to enforce the provisions of a Section concerning the firemen's continuance privilege, including provisions relating to municipality self-insured benefit plans. Effective immediately.

LRB094 17360 LJB 52655 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning insurance.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Insurance Code is amended by  
5 changing Section 367f as follows:

6 (215 ILCS 5/367f) (from Ch. 73, par. 979f)

7 Sec. 367f. Firemen's continuance privilege. As used in this  
8 Section:

9 1. The terms "municipality", "deferred pensioner" and  
10 "creditable service" shall have the meaning ascribed to such  
11 terms by Sections 4-103, 4-105a and 4-108, respectively, of the  
12 Illinois Pension Code, as now or hereafter amended.

13 2. The terms "fireman" and "firemen" shall have the meaning  
14 ascribed to the term "firefighter" by Section 4-106 of the  
15 Illinois Pension Code, and include those persons under the  
16 coverage of Article 4 of that Code, as heretofore or hereafter  
17 amended.

18 3. The "retirement or disability period" of a fireman means  
19 the period:

20 a. which begins on the day the fireman is removed from  
21 a municipality's fire department payroll because of the  
22 occurrence of any of the following events, to wit: (i) the  
23 fireman retires as a deferred pensioner under Section  
24 4-105a of the Illinois Pension Code, (ii) the fireman  
25 retires from active service as a fireman with an attained  
26 age and accumulated creditable service which together  
27 qualify the fireman for immediate receipt of retirement  
28 pension benefits under Section 4-109 of the Illinois  
29 Pension Code, or (iii) the fireman's disability is  
30 established under Section 4-112 of the Illinois Pension  
31 Code; and

32 b. which ends on the first to occur of any of the

1 following events, to wit: (i) the fireman's reinstatement  
2 or reentry into active service on the municipality's fire  
3 department as provided for under Article 4 of the Illinois  
4 Pension Code, (ii) the fireman's exercise of any refund  
5 option available under Section 4-116 of the Illinois  
6 Pension Code, (iii) the fireman's loss pursuant to Section  
7 4-138 of the Illinois Pension Code of any benefits provided  
8 for in Article 4 of that Code, or (iv) the fireman's death  
9 or -- if at the time of the fireman's death the fireman is  
10 survived by a spouse who, in that capacity, is entitled to  
11 receive a surviving spouse's monthly pension pursuant to  
12 Article 4 of the Illinois Pension Code -- then the death or  
13 remarriage of that spouse.

14 No policy of group accident and health insurance under  
15 which firemen employed by a municipality are insured for their  
16 individual benefit shall be issued or delivered in this State  
17 to any municipality unless such group policy provides for the  
18 election of continued group insurance coverage for the  
19 retirement or disability period of each fireman who is insured  
20 under the provisions of the group policy on the day immediately  
21 preceding the day on which the retirement or disability period  
22 of such fireman begins. So long as any required premiums for  
23 continued group insurance coverage are paid in accordance with  
24 the provisions of the group policy, an election made pursuant  
25 to this Section shall provide continued group insurance  
26 coverage for a fireman throughout the retirement or disability  
27 period of the fireman and, unless the fireman otherwise elects  
28 and subject to any other provisions of the group policy which  
29 relate either to the provision or to the termination of  
30 dependents' coverage and which are not inconsistent with this  
31 Section, for any dependents of the fireman who are insured  
32 under the group policy on the day immediately preceding the day  
33 on which the retirement or disability period of the fireman  
34 begins; provided, however, that when such continued group  
35 insurance coverage is in effect with respect to a fireman on  
36 the date of the fireman's death but the retirement or

1 disability period of the fireman does not end with such  
2 fireman's death, then the deceased fireman's surviving spouse  
3 upon whose death or remarriage such retirement or disability  
4 period will end shall be entitled, without further election and  
5 upon payment of any required premiums in accordance with the  
6 provisions of the group policy, to maintain such continued  
7 group insurance coverage in effect until the end of such  
8 retirement or disability period. Continued group insurance  
9 coverage shall be provided in accordance with this Section at  
10 the same premium rate from time to time charged for equivalent  
11 coverage provided under the group policy with respect to  
12 covered firemen whose retirement or disability period has not  
13 begun, and no distinction or discrimination in the amount or  
14 rate of premiums or in any waiver of premium or other benefit  
15 provision shall be made between continued group insurance  
16 coverage elected pursuant to this Section and equivalent  
17 coverage provided to firemen under the group policy other than  
18 pursuant to the provisions of this Section; provided that no  
19 municipality shall be required by reason of any provision of  
20 this Section to pay any group insurance premium other than one  
21 that may be negotiated in a collective bargaining agreement. If  
22 a person electing continued coverage under this Section becomes  
23 eligible for medicare coverage, benefits under the group policy  
24 may continue as a supplement to the medicare coverage upon  
25 payment of any required premiums to maintain the benefits of  
26 the group policy as supplemental coverage.

27       Within 15 days of the beginning of the retirement or  
28 disability period of any fireman entitled to elect continued  
29 group insurance coverage under any group policy affected by  
30 this Section, the municipality last employing such fireman  
31 shall give written notice of such beginning by certified mail,  
32 return receipt requested to the insurance company issuing such  
33 policy. The notice shall include the fireman's name and last  
34 known place of residence and the beginning date of the  
35 fireman's retirement or disability period.

36       Within 15 days of the date of receipt of such notice from

1 the municipality, the insurance company by certified mail,  
2 return receipt requested, shall give written notice to the  
3 fireman at the fireman's last known place of residence that  
4 coverage under the group policy may be continued for the  
5 retirement or disability period of the fireman as provided in  
6 this Section. Such notice shall set forth: (i) a statement of  
7 election to be filed by the fireman if the fireman wishes to  
8 continue such group insurance coverage, (ii) the amount of  
9 monthly premium, including a statement of the portion of such  
10 monthly premium attributable to any dependents' coverage which  
11 the fireman may elect, and (iii) instructions as to the return  
12 of the election form to the insurance company issuing such  
13 policy. Election shall be made, if at all, by returning the  
14 statement of election to the insurance company by certified  
15 mail, return receipt requested within 15 days after having  
16 received it.

17 If the fireman elects to continue coverage, it shall be the  
18 obligation of the fireman to pay the monthly premium directly  
19 to the municipality which shall forward it to the insurance  
20 company issuing the group insurance policy, or as otherwise  
21 directed by the insurance company; provided, however, that the  
22 fireman shall be entitled to designate on the statement of  
23 election required to be filed with the insurance company that  
24 the total monthly premium, or such portion thereof as is not  
25 contributed by a municipality, be deducted by a Firefighter's  
26 Pension Fund from any monthly pension payment otherwise payable  
27 to or on behalf of the fireman pursuant to Article 4 of the  
28 Illinois Pension Code, and be remitted by such Pension Fund to  
29 the insurance company. The portion, if any, of the monthly  
30 premium contributed by a municipality for such continued group  
31 insurance coverage shall be paid by the municipality directly  
32 to the insurance company issuing the group insurance policy, or  
33 as otherwise directed by the insurance company. Such continued  
34 group insurance coverage shall relate back to the beginning of  
35 the fireman's retirement or disability period.

36 The amendment, renewal or extension of any group insurance

1 policy affected by this Section shall be deemed to be the  
2 issuance of a new policy of insurance for purposes of this  
3 Section.

4 In the event that a municipality makes a program of  
5 accident, health, hospital or medical benefits available to its  
6 firemen through self-insurance, or by participation in a pool  
7 or reciprocal insurer, or by contract in a form other than a  
8 policy of group insurance with one or more medical service  
9 plans, health care service corporations, health maintenance  
10 organizations, or any other professional corporations or plans  
11 under which health care or reimbursement for the costs thereof  
12 is provided, whether the cost of such benefits is borne by the  
13 municipality or the firemen or both, such firemen and their  
14 surviving spouses shall have the same right to elect continued  
15 coverage under such program of benefits as they would have if  
16 such benefits were provided by a policy of group accident and  
17 health insurance. In such cases, the notice of right to elect  
18 continued coverage shall be sent by the municipality; the  
19 statement of election shall be sent to the municipality; and  
20 references to the required premium shall refer to that portion  
21 of the cost of such benefits which is not borne by the  
22 municipality, either voluntarily or pursuant to the provisions  
23 of a collective bargaining agreement. In the case of a  
24 municipality providing such benefits through self-insurance or  
25 participation in a pool or reciprocal insurer, the right to  
26 elect continued coverage which is provided by this paragraph  
27 shall be implemented and made available to the firemen of the  
28 municipality and qualifying surviving spouses not later than  
29 July 1, 1985.

30 The amendment, renewal or extension of any such contract in  
31 a form other than a policy of group insurance policy shall be  
32 deemed the formation of a new contract for the purposes of this  
33 Section.

34 This Section shall not limit the exercise of any conversion  
35 privileges available under Section 367e.

36 Pursuant to paragraphs (h) and (i) of Section 6 of Article

1 VII of the Illinois Constitution, this Section specifically  
2 denies and limits the exercise by a home rule unit of any power  
3 which is inconsistent with this Section and all existing laws  
4 and ordinances which are inconsistent with this Section are  
5 hereby superseded. This Section does not preempt the concurrent  
6 exercise by home rule units of powers consistent herewith.

7 The Division of Insurance of the Department of Financial  
8 and Professional Regulation shall enforce the provisions of  
9 this Section, including provisions relating to municipality  
10 self-insured benefit plans.

11 (Source: P.A. 86-1444.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.