



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5371

by Rep. Mike Boland

#### SYNOPSIS AS INTRODUCED:

215 ILCS 5/Art. XLV heading new  
215 ILCS 5/1500 new  
215 ILCS 5/1501 new  
215 ILCS 5/1502 new  
215 ILCS 5/1503 new  
215 ILCS 5/1504 new  
215 ILCS 5/1505 new  
215 ILCS 5/1506 new

Amends the Illinois Insurance Code. Creates a new Article establishing the Insurance Consumer Advocate Law. Provides that the Lieutenant Governor shall serve as the Insurance Public Advocate. Provides that if the position of Lieutenant Governor is vacant, a competent individual appointed by the Governor for the duration of the unexpired term shall fill the Insurance Public Advocate position. Sets forth the powers and duties of the Insurance Public Advocate. Provides that the Insurance Public Advocate may hire professional and non-professional employees as he or she finds necessary for the full and efficient discharge of the powers and duties of the Office. Provides that the Insurance Public Advocate shall, prior to beginning the discharge of duties of that office, take a Constitutional oath of office and give bond. Provides that the Insurance Public Advocate shall have access to all files, records, and documents of the Division of Insurance as outlined within the Act. Effective immediately.

LRB095 19582 KBJ 45912 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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 adding  
5 Article XLV as follows:

6 (215 ILCS 5/Art. XLV heading new)

7 ARTICLE XLV. ARTICLE XLV. INSURANCE CONSUMER ADVOCATE

8 (215 ILCS 5/1500 new)

9 Sec. 1500. Short title. This Article may be cited as the  
10 Insurance Consumer Advocate Law.

11 (215 ILCS 5/1501 new)

12 Sec. 1501. Appointment. The Lieutenant Governor shall  
13 serve as the Insurance Public Advocate. If the position of  
14 Lieutenant Governor is vacant, a competent individual  
15 appointed by the Governor for the duration of the unexpired  
16 term shall fill the Insurance Public Advocate position. This  
17 appointment shall be made with the advice and consent of the  
18 Senate. The Insurance Public Advocate shall be considered a  
19 State employee for purposes of the State Officials and  
20 Employees Ethics Act. The Insurance Public Advocate shall  
21 receive an annual salary as set by the Governor from time to

1 time or as set by the Compensation Review Board, whichever is  
2 greater.

3 (215 ILCS 5/1502 new)

4 Sec. 1502. Powers and duties. The Insurance Public Advocate  
5 shall have the authority to:

6 (1) investigate the legality of all rates, charges,  
7 rules, regulations, and practices of all persons under the  
8 jurisdiction of the Division of Insurance within the  
9 Department of Financial and Professional Regulation;

10 (2) make recommendations to the General Assembly  
11 regarding insurance regulation;

12 (3) make recommendations to the Division regarding  
13 insurance regulations;

14 (4) appeal rulemakings and other decisions of the  
15 Department regarding insurance issues;

16 (5) institute judicial review of final or  
17 interlocutory actions of the Department regarding  
18 insurance issues;

19 (6) represent all consumers and the public generally in  
20 all insurance-related proceedings before the Department  
21 and other State agencies and in related judicial review  
22 proceedings or appeals; and

23 (7) prepare an annual budget adequate to discharge the  
24 duties of the office of Insurance Public Advocate for  
25 presentation to the General Assembly.

1 (215 ILCS 5/1503 new)

2 Sec. 1503. Office, employees, and expenses. The Insurance  
3 Public Advocate may hire professional and non-professional  
4 employees as he or she finds necessary for the full and  
5 efficient discharge of the powers and duties of the Office.

6 The Insurance Public Advocate may also retain consultants,  
7 expert witnesses or technical advisors necessary for the full  
8 and efficient discharge of the powers and duties of the Office.

9 (215 ILCS 5/1504 new)

10 Sec. 1504. Oath. The Insurance Public Advocate shall, prior  
11 to beginning the discharge of the duties of this Law, qualify  
12 for that position by taking and subscribing to the  
13 Constitutional oath of office and filing the signed oath in the  
14 Office of the Secretary of State.

15 (215 ILCS 5/1505 new)

16 Sec. 1505. Bond. The Insurance Public Advocate shall give  
17 bond before entering upon the discharge of the duties of that  
18 office by inclusion in the blanket bond or bonds or  
19 self-insurance program provided in Sections 14.1 and 14.2 of  
20 the Official Bond Act.

21 (215 ILCS 5/1506 new)

22 Sec. 1506. Access to the records of the Division of

1 Insurance. Notwithstanding any other provision of law, for  
2 purposes of carrying out the powers and duties of this Law, the  
3 Insurance Public Advocate shall have access to all files,  
4 records, and documents of the Division of Insurance except the  
5 following:

6 (1) personnel information in confidential personnel  
7 files for the Division;

8 (2) any records or documents that qualify for the work  
9 product or attorney-client privilege where the Division is  
10 the client; and

11 (3) proprietary information of an insurance company  
12 that was provided by the insurance company to the Division.

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