



Rep. Fred Crespo

**Filed: 5/2/2008**

09500HB5731ham005

LRB095 18138 RPM 50174 a

1 AMENDMENT TO HOUSE BILL 5731

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5731 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Insurance Code is amended by  
5 changing Section 143.29 as follows:

6 (215 ILCS 5/143.29) (from Ch. 73, par. 755.29)

7 Sec. 143.29. (a) The rates and premium charges for every  
8 policy of automobile liability insurance shall include  
9 appropriate reductions as determined by the insurer for any  
10 insured over age 55 upon successful completion of the National  
11 Safety Council's Defensive Driving Course or a motor vehicle  
12 accident prevention course, including an online driver safety  
13 course, which is found by the Secretary of State to meet or  
14 exceed the standards of the National Safety Council's Defensive  
15 Driving Course's 8 hour classroom safety instruction program.

16 (b) The premium reduction shall remain in effect for the

1 qualifying insured for a period of 3 years from the date of  
2 successful completion of the accident prevention course,  
3 except that the insurer may elect to apply the premium  
4 reduction beginning either with the last effective date of the  
5 policy or the next renewal date of the policy if the reduction  
6 will result in a savings as though applied over a full 3 year  
7 period. An insured who has completed the course of instruction  
8 prior to July 1, 1982 shall receive the insurance premium  
9 reduction for only the period remaining within the 3 years from  
10 course completion. The period of premium reduction for an  
11 insured who has repeated the accident prevention course shall  
12 be based upon the last such course the insured has successfully  
13 completed.

14 (c) Any accident prevention course approved by the  
15 Secretary of State under this Section shall be taught by an  
16 instructor approved by the Secretary of State, shall consist of  
17 at least 8 hours of classroom or 6 hours of online instruction  
18 or 4 hours for insured persons who have previously completed  
19 the 8-hour classroom course successfully, and shall provide for  
20 a certificate of completion. Records of certification of course  
21 completion shall be maintained in a manner acceptable to the  
22 Secretary of State.

23 (d) Any person claiming eligibility for a rate or premium  
24 reduction shall be responsible for providing to his insurance  
25 company the information necessary to determine eligibility.

26 (e) This Section shall not apply to:

1           (1) any motor vehicle which is a part of a fleet or is used  
2 for commercial purposes unless there is a regularly assigned  
3 principal operator.

4           (2) any motor vehicle subject to a higher premium rate  
5 because of the insured's previous motor vehicle claim  
6 experience or to any motor vehicle whose principal operator has  
7 been convicted of violating any of the motor vehicle laws of  
8 this State, until that operator shall have maintained a driving  
9 record free of accidents and moving violations for a continuous  
10 one year period, in which case such driver shall be eligible  
11 for a reduction the remaining 2 years of the 3 year period.

12           (3) any motor vehicle whose principal operator has had his  
13 drivers license revoked or suspended for any reason by the  
14 Secretary of State within the previous 36 months.

15           (4) any policy of group automobile insurance under which  
16 premiums are broadly averaged for the group rather than  
17 determined individually.

18           (f) Notwithstanding any other rulemaking authority that  
19 may exist, neither the Governor nor any agency or agency head  
20 under the jurisdiction of the Governor has any authority to  
21 make or promulgate rules to implement or enforce the provisions  
22 of this amendatory Act of the 95th General Assembly. If,  
23 however, the Governor believes that rules are necessary to  
24 implement or enforce the provisions of this amendatory Act of  
25 the 95th General Assembly, the Governor may suggest rules to  
26 the General Assembly by filing them with the Clerk of the House

1 and the Secretary of the Senate and by requesting that the  
2 General Assembly authorize such rulemaking by law, enact those  
3 suggested rules into law, or take any other appropriate action  
4 in the General Assembly's discretion. Nothing contained in this  
5 amendatory Act of the 95th General Assembly shall be  
6 interpreted to grant rulemaking authority under any other  
7 Illinois statute where such authority is not otherwise  
8 explicitly given. For the purposes of this amendatory Act of  
9 the 95th General Assembly, "rules" is given the meaning  
10 contained in Section 1-70 of the Illinois Administrative  
11 Procedure Act, and "agency" and "agency head" are given the  
12 meanings contained in Sections 1-20 and 1-25 of the Illinois  
13 Administrative Procedure Act to the extent that such  
14 definitions apply to agencies or agency heads under the  
15 jurisdiction of the Governor.

16 (Source: P.A. 82-920.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law."