



Sen. John M. Sullivan

Filed: 4/7/2011

09700SB0954sam002

LRB097 04692 HEP 53902 a

1 AMENDMENT TO SENATE BILL 954

2 AMENDMENT NO. _____. Amend Senate Bill 954 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 1-164.5, 7-203, and 7-317 as follows:

6 (625 ILCS 5/1-164.5)

7 Sec. 1-164.5. Proof of financial responsibility. Proof of
8 ability to respond in damages for any liability thereafter
9 incurred resulting from the ownership, maintenance, use or
10 operation of a motor vehicle for bodily injury to or death of
11 any person in the amount of \$20,000, and subject to this limit
12 for any one person injured or killed, in the amount of \$40,000
13 for bodily injury to or death of 2 or more persons in any one
14 accident, and for damage to property in the amount of \$15,000
15 resulting from any one accident. This proof in these amounts
16 shall be furnished for each motor vehicle registered by every

1 person required to furnish this proof.

2 In the case of the revocation of a driver's license of any
3 person under Section 6-205 of this Code, "proof of financial
4 responsibility" means proof of ability to respond in damages
5 for any liability thereafter incurred resulting from the
6 ownership, maintenance, use or operation of a motor vehicle for
7 bodily injury or death of any person in the amount of \$50,000,
8 and subject to this limit for any one person injured or killed,
9 in the amount of \$100,000 for bodily injury to or death of 2 or
10 more persons in any one accident, and for damage to property in
11 the amount of \$40,000 resulting from any one accident. This
12 proof in these amounts shall be furnished for each motor
13 vehicle registered by every person required to furnish this
14 proof.

15 The changes made by this amendatory Act of the 97th General
16 Assembly may be referred to as Devin's Law.

17 (Source: P.A. 90-89, eff. 1-1-98.)

18 (625 ILCS 5/7-203) (from Ch. 95 1/2, par. 7-203)

19 Sec. 7-203. Requirements as to policy or bond. No such
20 policy or bond referred to in Section 7-202 shall be effective
21 under this Section unless issued by an insurance company or
22 surety company authorized to do business in this State, except
23 that if such motor vehicle was not registered in this State, or
24 was a motor vehicle which was registered elsewhere than in this
25 State at the effective date of the policy or bond, or the most

1 recent renewal thereof, such policy or bond shall not be
2 effective under this Section unless the insurance company or
3 surety company, if not authorized to do business in this State,
4 shall execute a power of attorney authorizing the Secretary of
5 State to accept service on its behalf of notice or process in
6 any action upon such policy or bond arising out of such motor
7 vehicle accident. However, every such policy or bond is
8 subject, if the motor vehicle accident has resulted in bodily
9 injury or death, to a limit, exclusive of interest and costs,
10 of not less than \$20,000 because of bodily injury to or death
11 of any one person in any one motor vehicle accident and,
12 subject to said limit for one person, to a limit of not less
13 than \$40,000 because of bodily injury to or death of 2 or more
14 persons in any one motor vehicle accident, and, if the motor
15 vehicle accident has resulted in injury to or destruction of
16 property, to a limit of not less than \$15,000 because of injury
17 to or destruction of property of others in any one motor
18 vehicle accident. In the case of the revocation of a driver's
19 license of any person under Section 6-205 of this Code, every
20 such policy or bond is subject, if the motor vehicle accident
21 has resulted in bodily injury or death, to a limit, exclusive
22 of interest and costs, of not less than \$50,000 because of
23 bodily injury to or death of any one person in any one motor
24 vehicle accident and, subject to said limit for one person, to
25 a limit of not less than \$100,000 because of bodily injury to
26 or death of 2 or more persons in any one motor vehicle

1 accident, and, if the motor vehicle accident has resulted in
2 injury to or destruction of property, to a limit of not less
3 than \$40,000 because of injury to or destruction of property of
4 others in any one motor vehicle accident.

5 Upon receipt of a written motor vehicle accident report
6 from the Administrator the insurance company or surety company
7 named in such notice shall notify the Administrator within such
8 time and in such manner as the Administrator may require, in
9 case such policy or bond was not in effect at the time of such
10 motor vehicle accident.

11 (Source: P.A. 85-730.)

12 (625 ILCS 5/7-317) (from Ch. 95 1/2, par. 7-317)

13 Sec. 7-317. "Motor vehicle liability policy" defined. (a)
14 Certification. -A "motor vehicle liability policy", as that
15 term is used in this Act, means an "owner's policy" or an
16 "operator's policy" of liability insurance, certified as
17 provided in Section 7-315 or Section 7-316 as proof of
18 financial responsibility for the future, and issued, except as
19 otherwise provided in Section 7-316, by an insurance carrier
20 duly authorized to transact business in this State, to or for
21 the benefit of the person named therein as insured.

22 (b) Owner's Policy. --Such owner's policy of liability
23 insurance:

24 1. Shall designate by explicit description or by
25 appropriate reference, all motor vehicles with respect to which

1 coverage is thereby intended to be granted;

2 2. Shall insure the person named therein and any other
3 person using or responsible for the use of such motor vehicle
4 or vehicles with the express or implied permission of the
5 insured;

6 3. Shall insure every named insured and any other person
7 using or responsible for the use of any motor vehicle owned by
8 the named insured and used by such other person with the
9 express or implied permission of the named insured on account
10 of the maintenance, use or operation of any motor vehicle owned
11 by the named insured, within the continental limits of the
12 United States or the Dominion of Canada against loss from
13 liability imposed by law arising from such maintenance, use or
14 operation, to the extent and aggregate amount, exclusive of
15 interest and cost, with respect to each motor vehicle, of
16 \$20,000 for bodily injury to or death of one person as a result
17 of any one accident and, subject to such limit as to one
18 person, the amount of \$40,000 for bodily injury to or death of
19 all persons as a result of any one accident and the amount of
20 \$15,000 for damage to property of others as a result of any one
21 accident, but in the case of the revocation of a driver's
22 license of a named insured under Section 6-205 of this Code,
23 the policy shall insure against loss from liability imposed by
24 law arising from such maintenance, use or operation, to the
25 extent and aggregate amount, exclusive of interest and cost,
26 with respect to each motor vehicle, of \$50,000 for bodily

1 injury to or death of one person as a result of any one
2 accident and, subject to such limit as to one person, the
3 amount of \$100,000 for bodily injury to or death of all persons
4 as a result of any one accident, and the amount of \$40,000 for
5 damage to property of others as a result of any one accident.

6 (c) Operator's Policy. --When an operator's policy is
7 required, it shall insure the person named therein as insured
8 against the liability imposed by law upon the insured for
9 bodily injury to or death of any person or damage to property
10 to the amounts and limits above set forth and growing out of
11 the use or operation by the insured within the continental
12 limits of the United States or the Dominion of Canada of any
13 motor vehicle not owned by him.

14 (d) Required Statements in Policies. --Every motor vehicle
15 liability policy must specify the name and address of the
16 insured, the coverage afforded by the policy, the premium
17 charged therefor, the policy period, and the limits of
18 liability, and shall contain an agreement that the insurance
19 thereunder is provided in accordance with the coverage defined
20 in this Act, as respects bodily injury and death or property
21 damage or both, and is subject to all the provisions of this
22 Act.

23 (e) Policy Need Not Insure Workers' Compensation. --Any
24 liability policy or policies issued hereunder need not cover
25 any liability of the insured assumed by or imposed upon the
26 insured under any workers' compensation law nor any liability

1 for damage to property in charge of the insured or the
2 insured's employees.

3 (f) Provisions Incorporated in Policy. --Every motor
4 vehicle liability policy is subject to the following provisions
5 which need not be contained therein:

6 1. The liability of the insurance carrier under any such
7 policy shall become absolute whenever loss or damage covered by
8 the policy occurs and the satisfaction by the insured of a
9 final judgment for such loss or damage shall not be a condition
10 precedent to the right or obligation of the carrier to make
11 payment on account of such loss or damage.

12 2. No such policy may be cancelled or annulled as respects
13 any loss or damage, by any agreement between the carrier and
14 the insured after the insured has become responsible for such
15 loss or damage, and any such cancellation or annulment shall be
16 void.

17 3. The insurance carrier shall, however, have the right to
18 settle any claim covered by the policy, and if such settlement
19 is made in good faith, the amount thereof shall be deductible
20 from the limits of liability specified in the policy.

21 4. The policy, the written application therefor, if any,
22 and any rider or endorsement which shall not conflict with the
23 provisions of this Act shall constitute the entire contract
24 between the parties.

25 (g) Excess or Additional Coverage. --Any motor vehicle
26 liability policy may, however, grant any lawful coverage in

1 excess of or in addition to the coverage herein specified or
2 contain any agreements, provisions, or stipulations not in
3 conflict with the provisions of this Act and not otherwise
4 contrary to law.

5 (h) Reimbursement Provision Permitted. --The policy may
6 provide that the insured, or any other person covered by the
7 policy shall reimburse the insurance carrier for payment made
8 on account of any loss or damage claim or suit involving a
9 breach of the terms, provisions or conditions of the policy;
10 and further, if the policy shall provide for limits in excess
11 of the limits specified in this Act, the insurance carrier may
12 plead against any plaintiff, with respect to the amount of such
13 excess limits of liability, any defense which it may be
14 entitled to plead against the insured.

15 (i) Proration of Insurance Permitted. --The policy may
16 provide for the pro-rating of the insurance thereunder with
17 other applicable valid and collectible insurance.

18 (j) Binders. --Any binder pending the issuance of any
19 policy, which binder contains or by reference includes the
20 provisions hereunder shall be sufficient proof of ability to
21 respond in damages.

22 (k) Copy of Policy to Be Filed with Department of
23 Insurance--Approval. --A copy of the form of every motor
24 vehicle liability policy which is to be used to meet the
25 requirements of this Act must be filed, by the company offering
26 such policy, with the Department of Insurance, which shall

1 approve or disapprove the policy within 30 days of its filing.
2 If the Department approves the policy in writing within such 30
3 day period or fails to take action for 30 days, the form of
4 policy shall be deemed approved as filed. If within the 30 days
5 the Department disapproves the form of policy filed upon the
6 ground that it does not comply with the requirements of this
7 Act, the Department shall give written notice of its decision
8 and its reasons therefor to the carrier and the policy shall
9 not be accepted as proof of financial responsibility under this
10 Act.

11 (l) Insurance Carrier Required to File Certificate. --An
12 insurance carrier who has issued a motor vehicle liability
13 policy or policies or an operator's policy meeting the
14 requirements of this Act shall, upon the request of the insured
15 therein, deliver to the insured for filing, or at the request
16 of the insured, shall file direct, with the Secretary of State
17 a certificate, as required by this Act, which shows that such
18 policy or policies have been issued. No insurance carrier may
19 require the payment of any extra fee or surcharge, in addition
20 to the insurance premium, for the execution, delivery or filing
21 of such certificate.

22 (m) Proof When Made By Endorsement. --Any motor vehicle
23 liability policy which by endorsement contains the provisions
24 required hereunder shall be sufficient proof of ability to
25 respond in damages.

26 (Source: P.A. 85-730.)

1 Section 99. Effective date. This Act takes effect January
2 1, 2012."