

1 AN ACT concerning transportation.

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 Section 143.33 as follows:

6 (215 ILCS 5/143.33 new)

7 Sec. 143.33. Electronic posting of policies.

8 (a) Policies and endorsements used by a company for
9 transacting insurance as classified in Class 2 and Class 3 of
10 Section 4 of this Code that do not contain personally
11 identifiable information may be mailed, issued, delivered, or
12 posted on the insurer's Internet website. If the insurer elects
13 to post the insurance policies and endorsements on its Internet
14 website in lieu of mailing, issuing, or delivering them to the
15 insured, then the insurer must comply with all of the following
16 conditions:

17 (1) The policy and endorsements must be easily
18 accessible to the insured and the producer of record and
19 remain that way for as long as the policy is in force;

20 (2) After the expiration of the policy, the insurer
21 must archive its expired policies and endorsements for the
22 longer of 5 years or other period required by law, and make
23 them available upon request;

1 (3) The policies and endorsements must be posted in a
2 manner that enables the insured and the producer of record
3 to print and save the policy and endorsements using
4 programs or applications that are widely available on the
5 Internet and free to use;

6 (4) At the time of issuance of the original policy and
7 any renewals of that policy, the insurer provides to the
8 insured in the manner it customarily provides declarations
9 pages to the insured, and to the producer of record, the
10 following information clearly displayed in or
11 simultaneously with a declarations page:

12 (A) a description of the exact policy and
13 endorsement forms purchased by the insured;

14 (B) a method by which the insured may obtain from
15 the insurer, upon request and without charge, a paper
16 copy of their policy and endorsements; and

17 (C) the Internet address where their policy and
18 endorsements are posted.

19 (5) The insurer provides to the insured in the manner
20 it customarily provides declarations pages to the insured,
21 and to the producer of record, notice of any changes to the
22 forms or endorsements; the insured's right to obtain from
23 the insurer, upon request and without charge, a paper copy
24 of these forms or endorsements; and the Internet address
25 where these forms or endorsements are posted.

26 (b) Nothing in this Section shall prevent an insurer that

1 posts its policies and endorsements electronically in
2 accordance with this Section from offering a discount to an
3 insured who elects to receive notices and documents
4 electronically in accordance with the provisions of the federal
5 Electronic Signatures in Global and National Commerce Act.

6 (c) Nothing in this Section affects the timing or content
7 of any disclosure or other document required to be provided or
8 made available to any insured under any statute, rule,
9 regulation, or rule of law.

10 Section 10. The Illinois Vehicle Code is amended by
11 changing Section 7-602 as follows:

12 (625 ILCS 5/7-602) (from Ch. 95 1/2, par. 7-602)

13 Sec. 7-602. Insurance card. Every operator of a motor
14 vehicle subject to Section 7-601 of this Code shall carry
15 within the vehicle evidence of insurance. The evidence shall be
16 legible and sufficient to demonstrate that the motor vehicle
17 currently is covered by a liability insurance policy as
18 required under Section 7-601 of this Code and may include, but
19 is not limited to, the following:

20 (a) an insurance card provided by the insurer under
21 this Section;

22 (b) the combination of proof of purchase of the motor
23 vehicle within the previous 60 days and a current insurance
24 card issued for the motor vehicle replaced by such

1 purchase;

2 (c) the current declarations page of a liability
3 insurance policy;

4 (d) a liability insurance binder, certificate of
5 liability insurance or receipt for payment to an insurer or
6 its authorized representative for a liability insurance
7 premium, provided such document contains all information
8 the Secretary of State by rule and regulation may require;

9 (e) a current rental agreement;

10 (f) registration plates, registration sticker or other
11 evidence of registration issued by the Secretary only upon
12 submission of proof of liability insurance pursuant to this
13 Code;

14 (g) a certificate, decal, or other document or device
15 issued by a governmental agency for a motor vehicle
16 indicating the vehicle is insured for liability pursuant to
17 law; -

18 (h) the display of electronic images on a cellular
19 phone or other type of portable electronic device. The use
20 of a cellular phone or other type of portable electronic
21 device to display proof of insurance does not constitute
22 consent for a law enforcement officer, court, or other
23 officer of the court to access other contents of the
24 electronic device. Any law enforcement officer, court, or
25 officer of the court presented with the device shall be
26 immune from any liability resulting from damage to the

1 cellular phone or other type of portable electronic device.

2 An insurance card shall be provided for each motor vehicle
3 insured by the insurer issuing the liability insurance policy
4 and may be issued in either paper or electronic format.

5 Acceptable electronic formats shall permit display on a
6 cellular phone or other portable electronic device.

7 The form, contents and manner of issuance of the insurance
8 card shall be prescribed by rules and regulations of the
9 Secretary of State. The Secretary shall adopt rules requiring
10 that reasonable measures be taken to prevent the fraudulent
11 production of insurance cards. The insurance card shall display
12 an effective date and an expiration date covering a period of
13 time not to exceed 12 months. The insurance card shall contain
14 the following disclaimer: "Examine policy exclusions
15 carefully. This form does not constitute any part of your
16 insurance policy." If the insurance policy represented by the
17 insurance card does not cover any driver operating the motor
18 vehicle with the owner's permission, or the owner when
19 operating a motor vehicle other than the vehicle for which the
20 policy is issued, the insurance card shall contain a warning of
21 such limitations in the coverage provided by the policy.

22 No insurer shall issue a card, similar in appearance, form
23 and content to the insurance card required under this Section,
24 in connection with an insurance policy that does not provide
25 the liability insurance coverage required under Section 7-601
26 of this Code.

1 The evidence of insurance shall be displayed upon request
2 made by any law enforcement officer wearing a uniform or
3 displaying a badge or other sign of authority. Any person who
4 fails or refuses to comply with such request is in violation of
5 Section 3-707 of this Code. Any person who displays evidence of
6 insurance, knowing there is no valid liability insurance in
7 effect on the motor vehicle as required under Section 7-601 of
8 this Code or knowing the evidence of insurance is illegally
9 altered, counterfeit or otherwise invalid, is in violation of
10 Section 3-710 of this Code.

11 "Display" means the manual surrender of the evidence of
12 insurance into the hands of the law enforcement officer, court,
13 or officer of the court making the request for the officer's,
14 court's, or officer of the court's inspection thereof.

15 (Source: P.A. 93-719, eff. 1-1-05.)

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