



Sen. William R. Haine

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LRB098 07714 MLW 45526 a

1 AMENDMENT TO HOUSE BILL 3139

2 AMENDMENT NO. _____. Amend House Bill 3139 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Insurance Code is amended by
5 adding 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:

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

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

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

13 (4) At the time of issuance of the original policy and
14 any renewals of that policy, the insurer provides to the
15 insured in the manner it customarily provides declarations
16 pages to the insured, and to the producer of record, the
17 following information clearly displayed in or
18 simultaneously with a declarations page:

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

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

24 (C) the Internet address where their policy and
25 endorsements are posted.

26 (5) The insurer provides to the insured in the manner

1 it customarily provides declarations pages to the insured,
2 and to the producer of record, notice of any changes to the
3 forms or endorsements; the insured's right to obtain from
4 the insurer, upon request and without charge, a paper copy
5 of these forms or endorsements; and the Internet address
6 where these forms or endorsements are posted.

7 (b) Nothing in this Section shall prevent an insurer that
8 posts its policies and endorsements electronically in
9 accordance with this Section from offering a discount to an
10 insured who elects to receive notices and documents
11 electronically in accordance with the provisions of the federal
12 Electronic Signatures in Global and National Commerce Act.

13 (c) Nothing in this Section affects the timing or content
14 of any disclosure or other document required to be provided or
15 made available to any insured under any statute, rule,
16 regulation, or rule of law.

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

19 (625 ILCS 5/7-602) (from Ch. 95 1/2, par. 7-602)

20 Sec. 7-602. Insurance card. Every operator of a motor
21 vehicle subject to Section 7-601 of this Code shall carry
22 within the vehicle evidence of insurance. The evidence shall be
23 legible and sufficient to demonstrate that the motor vehicle
24 currently is covered by a liability insurance policy as

1 required under Section 7-601 of this Code and may include, but
2 is not limited to, the following:

3 (a) an insurance card provided by the insurer under
4 this Section;

5 (b) the combination of proof of purchase of the motor
6 vehicle within the previous 60 days and a current insurance
7 card issued for the motor vehicle replaced by such
8 purchase;

9 (c) the current declarations page of a liability
10 insurance policy;

11 (d) a liability insurance binder, certificate of
12 liability insurance or receipt for payment to an insurer or
13 its authorized representative for a liability insurance
14 premium, provided such document contains all information
15 the Secretary of State by rule and regulation may require;

16 (e) a current rental agreement;

17 (f) registration plates, registration sticker or other
18 evidence of registration issued by the Secretary only upon
19 submission of proof of liability insurance pursuant to this
20 Code;

21 (g) a certificate, decal, or other document or device
22 issued by a governmental agency for a motor vehicle
23 indicating the vehicle is insured for liability pursuant to
24 law; and

25 (h) the display of electronic images on a cellular
26 phone or other type of portable electronic device. The use

1 of a cellular phone or other type of portable electronic
2 device to display proof of insurance does not constitute
3 consent for a law enforcement officer, court, or other
4 officer of the court to access other contents of the
5 electronic device.

6 An insurance card shall be provided for each motor vehicle
7 insured by the insurer issuing the liability insurance policy
8 and may be issued in either paper or electronic format.
9 Acceptable electronic formats shall permit display on a
10 cellular phone or other portable electronic device.

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

26 No insurer shall issue a card, similar in appearance, form

1 and content to the insurance card required under this Section,
2 in connection with an insurance policy that does not provide
3 the liability insurance coverage required under Section 7-601
4 of this Code.

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

15 "Display" means the manual surrender of the evidence of
16 insurance into the hands of the law enforcement officer, court,
17 or officer of the court making the request for the officer's,
18 court's, or officer of the court's inspection thereof.

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."