

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           mobile 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 and satisfy  
7 all other requirements of law and rule, including this Section,  
8 regarding form and content.

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

24           No insurer shall issue a card, similar in appearance, form  
25 and content to the insurance card required under this Section,  
26 in connection with an insurance policy that does not provide

1 the liability insurance coverage required under Section 7-601  
2 of this Code.

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

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

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

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