



Sen. William R. Haine

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LRB098 07835 MLW 44590 a

1 AMENDMENT TO SENATE BILL 1775

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1775 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."