

1 AN ACT relating to insurance.

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
5 adding Section 143.24c and changing Section 424 as follows:

6 (215 ILCS 5/143.24c new)

7 Sec. 143.24c. Hate crimes; coverage refusal.

8 (a) This Section applies to policies of insurance if the
9 insured or proposed insured is (1) an individual, (2) a
10 religious organization described in clause (i) of
11 subparagraph (A) of paragraph (1) of subsection (b) of
12 Section 170 of Title 26 of the United States Code, (3) an
13 educational organization described in clause (ii) of
14 subparagraph (A) of paragraph (1) of subsection (b) of
15 Section 170 of Title 26 of the United States Code, or (4) any
16 other nonprofit organization described in clause (vi) of
17 subparagraph (A) of paragraph (1) of subsection (b) of
18 Section 170 of Title 26 of the United States Code that is
19 organized and operated for religious, charitable, or
20 educational purposes.

21 (b) An insurer issuing policies subject to this Section
22 may not cancel, refuse to issue, or refuse to renew the
23 policy solely on the basis that one or more claims have been
24 made against any policy during the preceding 60 months for a
25 loss that is the result of a hate crime committed against the
26 person or property insured if the insured provides evidence
27 to the insurer that the act causing the loss is identified as
28 a hate crime on a police report.

29 (c) As it relates to this Section, if determined by a
30 law enforcement agency, a "hate crime" may include any of the
31 following:

1 (1) By force or threat of force, willfully
2 injuring, intimidating, interfering with, oppressing, or
3 threatening any other person in the free exercise or
4 enjoyment of any right or privilege secured to him or her
5 by the Constitution or laws of this State or by the
6 Constitution or laws of the United States because of the
7 other person's race, color, religion, ancestry, national
8 origin, disability, gender, or sexual orientation or
9 because he or she perceives that the other person has one
10 or more of those characteristics. This offense, however,
11 does not include speech alone, except upon a showing that
12 the speech itself threatened violence against a specific
13 person or group of persons and that the defendant had the
14 apparent ability to carry out the threat.

15 (2) Knowingly defacing, damaging, or destroying the
16 real or personal property of any other person for the
17 purpose of intimidating or interfering with the free
18 exercise or enjoyment of any right or privilege secured
19 to the other person by the Constitution or laws of this
20 State or by the Constitution or laws of the United States
21 because of the other person's race, color, religion,
22 ancestry, national origin, disability, gender, or sexual
23 orientation or because he or she perceives that the other
24 person has one or more of those characteristics.

25 (d) Nothing in this Section prevents an insurer subject
26 to this Section from taking any of the actions specified in
27 subsection (b) on the basis of criteria not otherwise made
28 invalid by this Section or any other law or rule.

29 (215 ILCS 5/424) (from Ch. 73, par. 1031)

30 Sec. 424. Unfair methods of competition and unfair or
31 deceptive acts or practices defined. The following are
32 hereby defined as unfair methods of competition and unfair
33 and deceptive acts or practices in the business of insurance:

1 (1) The commission by any person of any one or more of
2 the acts defined or prohibited by Sections 134, 143.24c, 147,
3 148, 149, 151, 155.22, 155.22a, 236, 237, 364, and 469 of
4 this Code.

5 (2) Entering into any agreement to commit, or by any
6 concerted action committing, any act of boycott, coercion or
7 intimidation resulting in or tending to result in
8 unreasonable restraint of, or monopoly in, the business of
9 insurance.

10 (3) Making or permitting, in the case of insurance of
11 the types enumerated in Classes 1, 2, and 3 of Section 4, any
12 unfair discrimination between individuals or risks of the
13 same class or of essentially the same hazard and expense
14 element because of the race, color, religion, or national
15 origin of such insurance risks or applicants. The
16 application of this Article to the types of insurance
17 enumerated in Class 1 of Section 4 shall in no way limit,
18 reduce, or impair the protections and remedies already
19 provided for by Sections 236 and 364 of this Code or any
20 other provision of this Code.

21 (4) Engaging in any of the acts or practices defined in
22 or prohibited by Sections 154.5 through 154.8 of ~~the~~ this
23 Insurance Code.

24 (5) Making or charging any rate for insurance against
25 losses arising from the use or ownership of a motor vehicle
26 which requires a higher premium of any person by reason of
27 his physical handicap, race, color, religion, or national
28 origin.

29 (Source: P.A. 92-399, eff. 8-16-01; revised 12-07-01.)