

1 AN ACT concerning 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 changing Sections 143.19.1, 143.21a, and 143.23a as follows:

6 (215 ILCS 5/143.19.1) (from Ch. 73, par. 755.19.1)

7 Sec. 143.19.1. Limits on exercise of right of  
8 nonrenewal. After a policy of automobile insurance, as  
9 defined in Section 143.13, has been effective or renewed for  
10 5 or more years, the company shall not exercise its right of  
11 non-renewal unless:

12 a. The policy was obtained through a material  
13 misrepresentation; or

14 b. Any insured violated any of the terms and conditions  
15 of the policy; or

16 c. The named insured failed to disclose fully his motor  
17 vehicle accidents and moving traffic violations for the  
18 preceding 36 months, if such information is called for in the  
19 application; or

20 d. Any insured made a false or fraudulent claim or  
21 knowingly aided or abetted another in the presentation of  
22 such a claim; or

23 e. The named insured or any other operator who either  
24 resides in the same household or customarily operates an  
25 automobile insured under such a policy:

26 1. Has, within the 12 months prior to the notice of  
27 non-renewal had his drivers license under suspension or  
28 revocation; or

29 2. Is or becomes subject to epilepsy or heart  
30 attacks, and such individual does not produce a  
31 certificate from a physician testifying to his

1 unqualified ability to operate a motor vehicle safely; or

2 3. Has an accident record, conviction record  
3 (criminal or traffic), or a physical or mental condition  
4 which is such that his operation of an automobile might  
5 endanger the public safety; or

6 4. Has, within the 36 months prior to the notice of  
7 non-renewal, been addicted to the use of narcotics or  
8 other drugs; or

9 5. Has been convicted or forfeited bail, during the  
10 36 months immediately preceding the notice of  
11 non-renewal, for any felony, criminal negligence  
12 resulting in death, homicide or assault arising out of  
13 the operation of a motor vehicle, operating a motor  
14 vehicle while in an intoxicated condition or while under  
15 the influence of drugs, being intoxicated while in or  
16 about an automobile or while having custody of an  
17 automobile, leaving the scene of an accident without  
18 stopping to report, theft or unlawful taking of a motor  
19 vehicle, making false statements in an application for an  
20 operators or chauffeurs license, or has been convicted or  
21 forfeited bail for 3 or more violations within the 12  
22 months immediately preceding the notice of non-renewal,  
23 of any law, ordinance or regulation limiting the speed of  
24 motor vehicles or any of the provisions of the motor  
25 vehicle laws of any state, violation of which constitutes  
26 a misdemeanor, whether or not the violations were  
27 repetitions of the same offense or different offenses; or  
28 f. The insured automobile is:

29 1. So mechanically defective that its operation  
30 might endanger public safety; or

31 2. Used in carrying passengers for hire or  
32 compensation (the use of an automobile for a car pool  
33 shall not be considered use of an automobile for hire or  
34 compensation); or

1           3. Used in the business of transportation of  
2 flammables or explosives; or

3           4. An authorized emergency vehicle; or

4           5. Changed in shape or condition during the policy  
5 period so as to increase the risk substantially; or

6           6. Subject to an inspection law and it has not been  
7 inspected or, if inspected, has failed to qualify; or

8           g. The notice of the intention not to renew is mailed to  
9 the insured at least 60 days before the date of nonrenewal as  
10 provided in Section 143.17.

11           h. The insured has moved to a state or province where  
12 the insurance company is not authorized to conduct business.  
13 Any premium charged for the time period between the date the  
14 insured moved out of state until the termination date of  
15 coverage shall be at the same premium rates as though the  
16 insured still resided in State.

17 (Source: P.A. 89-669, eff. 1-1-97.)

18 (215 ILCS 5/143.21a) (from Ch. 73, par. 755.21a)

19           Sec. 143.21a. Nonrenewal of fire and extended coverage  
20 policy; grounds. A policy of fire and extended coverage  
21 insurance, as defined in subsection (b) of Section 143.13,  
22 may not be nonrenewed for any of the following reasons:

23           (a) age of property,

24           (b) location of property,

25           (c) age, sex, race, color, ancestry, marital  
26 status, or occupation of occupants,

27           (d) reporting a potential loss but not requesting  
28 or receiving payment for that loss, or

29           (e) requesting information about coverages under  
30 the policy.

31 (Source: P.A. 91-357, eff. 7-29-99.)

32 (215 ILCS 5/143.23a) (from Ch. 73, par. 755.23a)

1           Sec. 143.23a.   Access to application.  When any person  
2   has filed a complaint with the Director alleging  
3   cancellation, non-renewal, or refusal to issue a fire and  
4   extended coverage policy, as defined in Section 143.13 of  
5   this Code, by any insurer, such person, upon written request  
6   to the insurer, to which the insurer shall respond within 21  
7   days, shall have access to the complete file of such insurer  
8   pertaining to such person's application or policy.  When any  
9   person has filed a complaint with the Director contesting the  
10   cancellation or nonrenewal of any policy as applicable under  
11   Sections 143.11 through 143.26 by any insurer, the person,  
12   upon written request to the insurer, shall have access to the  
13   complete file of the insurer pertaining to the person's  
14   application or policy, within 10 days after receipt of the  
15   written request. The consumer shall not have a right to any  
16   additional information from the company in connection with  
17   proceedings before the Department to contest the cancellation  
18   or nonrenewal.  There shall be no liability on the part of,  
19   and no cause of action shall rise against, any insurer or  
20   authorized representative, or its agents or employees, or the  
21   director or his authorized representative for any statement  
22   made by them or any information contained in the files  
23   revealed in compliance with the provisions of this Section.  
24   (Source: P.A. 80-1374.)