



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB1519

Introduced 2/9/2007, by Sen. William R. Haine

#### SYNOPSIS AS INTRODUCED:

215 ILCS 5/1500 new  
215 ILCS 5/1501 new  
215 ILCS 5/1502 new  
215 ILCS 5/1503 new  
215 ILCS 5/1504 new  
215 ILCS 5/1505 new  
215 ILCS 5/1506 new  
215 ILCS 5/Art. XLV heading new

Amends the Illinois Insurance Code. Creates a new Article establishing the Insurance Consumer Advocate Law. Provides that the Governor shall appoint, with the advice and consent of the Senate, an Insurance Consumer Advocate to serve for a term of 4 years. Sets out the authorities of the Insurance Consumer Advocate. Provides that the Insurance Consumer Advocate may employ employees, including professional employees, that he or she finds necessary for the full and efficient discharge of the powers and duties of that office. Provides that the Insurance Consumer Advocate shall, prior to beginning the discharge of duties of that office, qualify for that office by taking and subscribing the constitutional oath of office. Provides that the Insurance Consumer Advocate shall give bond before entering upon the discharge of duties of that office. Provides that notwithstanding any other provision of law, the Insurance Consumer Advocate shall have access to all files, records, and documents of the Department of Insurance except for certain situations. Effective immediately.

LRB095 07059 KBJ 27183 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 adding  
5 the heading of Article XLV as follows:

6 (215 ILCS 5/Art. XLV heading new)

7 ARTICLE XLV. INSURANCE CONSUMER ADVOCATE

8 (215 ILCS 5/1500 new)

9 Sec. 1500. Short title. This Article may be cited as the  
10 Insurance Consumer Advocate Law.

11 (215 ILCS 5/1501 new)

12 Sec. 1501. Appointment. The Governor shall appoint, with  
13 the advice and consent of the Senate, a competent person to the  
14 office of Insurance Consumer Advocate. The Insurance Consumer  
15 Advocate shall be appointed for a term of 4 years. If a vacancy  
16 occurs in the office of Insurance Consumer Advocate, the  
17 vacancy shall be filled for the unexpired term in the same  
18 manner as an original appointment. The Insurance Consumer  
19 Advocate shall be considered a State employee for purposes of  
20 the State Officials and Employees Ethics Act. The Insurance  
21 Consumer Advocate shall receive an annual salary as set by the

1 Governor from time to time or as set by the Compensation Review  
2 Board, whichever is greater.

3 (215 ILCS 5/1502 new)

4 Sec. 1502. Powers and duties. The Insurance Consumer  
5 Advocate shall have the authority to:

6 (1) investigate the legality of all rates, charges,  
7 rules, regulations and practices of all persons under the  
8 jurisdiction of the Division of Insurance within the  
9 Department of Financial and Professional Regulation;

10 (2) make recommendations to the General Assembly  
11 regarding insurance regulation;

12 (3) make recommendations to the Division regarding  
13 insurance regulations;

14 (4) appeal rulemakings and other decisions of the  
15 Department regarding insurance issues;

16 (5) institute judicial review of final or  
17 interlocutory actions of the Department regarding  
18 insurance issues;

19 (6) represent all consumers and the public generally in  
20 all insurance-related proceedings before the Department  
21 and other State agencies and in related judicial review  
22 proceedings or appeals; and

23 (7) prepare an annual budget adequate to discharge the  
24 duties of the office of Insurance Consumer Advocate for  
25 presentation to the General Assembly.

1 (215 ILCS 5/1503 new)

2 Sec. 1503. Office, employees, and expenses. The Insurance  
3 Consumer Advocate may employ employees, including professional  
4 employees, that he or she finds necessary for the full and  
5 efficient discharge of the powers and duties of that office.  
6 The Insurance Consumer Advocate may also retain consultants or  
7 expert witnesses or technical advisors the Insurance Consumer  
8 Advocate finds necessary for the full and efficient discharge  
9 of the powers and duties of that office.

10 (215 ILCS 5/1504 new)

11 Sec. 1504. Oath. The Insurance Consumer Advocate shall,  
12 prior to beginning the discharge of the duties of that office,  
13 qualify for that office by taking and subscribing the  
14 constitutional oath of office and filing the signed oath in the  
15 office of the Secretary of State.

16 (215 ILCS 5/1505 new)

17 Sec. 1505. Bond. The Insurance Consumer Advocate shall give  
18 bond before entering upon the discharge of the duties of that  
19 office by inclusion in the blanket bond or bonds or  
20 self-insurance program provided in Sections 14.1 and 14.2 of  
21 the Official Bond Act.

22 (215 ILCS 5/1506 new)

1       Sec. 1506. Access to the records of the Division of  
2       Insurance. Notwithstanding any other provision of law, the  
3       Insurance Consumer Advocate shall have access to all files,  
4       records, and documents of the Division of Insurance except the  
5       following:

6               (1) personnel information in confidential personnel  
7               files for the Division;

8               (2) any records or documents that qualify for the work  
9               product or attorney-client privilege where the Division is  
10              the client; and

11              (3) proprietary information of an insurance company  
12              that was provided by the insurance company to the Division.

13              Section 99. Effective date. This Act takes effect upon  
14              becoming law.