

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 Vehicle Code is amended by changing
5 Sections 1-164.5, 7-203, and 7-317 as follows:

6 (625 ILCS 5/1-164.5)

7 Sec. 1-164.5. Proof of financial responsibility. Proof of
8 ability to respond in damages for any liability thereafter
9 incurred resulting from the ownership, maintenance, use or
10 operation of a motor vehicle for bodily injury to or death of
11 any person in the amount of \$20,000, and subject to this limit
12 for any one person injured or killed, in the amount of \$40,000
13 for bodily injury to or death of 2 or more persons in any one
14 accident, and for damage to property in the amount of \$15,000
15 resulting from any one accident. This proof in these amounts
16 shall be furnished for each motor vehicle registered by every
17 person required to furnish this proof.

18 In the case of the revocation of a driver's license of any
19 person under Section 6-205 of this Code, "proof of financial
20 responsibility" means proof of ability to respond in damages
21 for any liability thereafter incurred resulting from the
22 ownership, maintenance, use or operation of a motor vehicle for
23 bodily injury or death of any person in the amount of \$50,000,

1 and subject to this limit for any one person injured or killed,
2 in the amount of \$100,000 for bodily injury to or death of 2 or
3 more persons in any one accident, and for damage to property in
4 the amount of \$40,000 resulting from any one accident. This
5 proof in these amounts shall be furnished for each motor
6 vehicle registered by every person required to furnish this
7 proof.

8 The changes made by this amendatory Act of the 97th General
9 Assembly may be referred to as Devin's Law.

10 (Source: P.A. 90-89, eff. 1-1-98.)

11 (625 ILCS 5/7-203) (from Ch. 95 1/2, par. 7-203)

12 Sec. 7-203. Requirements as to policy or bond. No such
13 policy or bond referred to in Section 7-202 shall be effective
14 under this Section unless issued by an insurance company or
15 surety company authorized to do business in this State, except
16 that if such motor vehicle was not registered in this State, or
17 was a motor vehicle which was registered elsewhere than in this
18 State at the effective date of the policy or bond, or the most
19 recent renewal thereof, such policy or bond shall not be
20 effective under this Section unless the insurance company or
21 surety company, if not authorized to do business in this State,
22 shall execute a power of attorney authorizing the Secretary of
23 State to accept service on its behalf of notice or process in
24 any action upon such policy or bond arising out of such motor
25 vehicle accident. However, every such policy or bond is

1 subject, if the motor vehicle accident has resulted in bodily
2 injury or death, to a limit, exclusive of interest and costs,
3 of not less than \$20,000 because of bodily injury to or death
4 of any one person in any one motor vehicle accident and,
5 subject to said limit for one person, to a limit of not less
6 than \$40,000 because of bodily injury to or death of 2 or more
7 persons in any one motor vehicle accident, and, if the motor
8 vehicle accident has resulted in injury to or destruction of
9 property, to a limit of not less than \$15,000 because of injury
10 to or destruction of property of others in any one motor
11 vehicle accident. In the case of the revocation of a driver's
12 license of any person under Section 6-205 of this Code, every
13 such policy or bond is subject, if the motor vehicle accident
14 has resulted in bodily injury or death, to a limit, exclusive
15 of interest and costs, of not less than \$50,000 because of
16 bodily injury to or death of any one person in any one motor
17 vehicle accident and, subject to said limit for one person, to
18 a limit of not less than \$100,000 because of bodily injury to
19 or death of 2 or more persons in any one motor vehicle
20 accident, and, if the motor vehicle accident has resulted in
21 injury to or destruction of property, to a limit of not less
22 than \$40,000 because of injury to or destruction of property of
23 others in any one motor vehicle accident.

24 Upon receipt of a written motor vehicle accident report
25 from the Administrator the insurance company or surety company
26 named in such notice shall notify the Administrator within such

1 time and in such manner as the Administrator may require, in
2 case such policy or bond was not in effect at the time of such
3 motor vehicle accident.

4 (Source: P.A. 85-730.)

5 (625 ILCS 5/7-317) (from Ch. 95 1/2, par. 7-317)

6 Sec. 7-317. "Motor vehicle liability policy" defined. (a)
7 Certification. -A "motor vehicle liability policy", as that
8 term is used in this Act, means an "owner's policy" or an
9 "operator's policy" of liability insurance, certified as
10 provided in Section 7-315 or Section 7-316 as proof of
11 financial responsibility for the future, and issued, except as
12 otherwise provided in Section 7-316, by an insurance carrier
13 duly authorized to transact business in this State, to or for
14 the benefit of the person named therein as insured.

15 (b) Owner's Policy. --Such owner's policy of liability
16 insurance:

17 1. Shall designate by explicit description or by
18 appropriate reference, all motor vehicles with respect to which
19 coverage is thereby intended to be granted;

20 2. Shall insure the person named therein and any other
21 person using or responsible for the use of such motor vehicle
22 or vehicles with the express or implied permission of the
23 insured;

24 3. Shall insure every named insured and any other person
25 using or responsible for the use of any motor vehicle owned by

1 the named insured and used by such other person with the
2 express or implied permission of the named insured on account
3 of the maintenance, use or operation of any motor vehicle owned
4 by the named insured, within the continental limits of the
5 United States or the Dominion of Canada against loss from
6 liability imposed by law arising from such maintenance, use or
7 operation, to the extent and aggregate amount, exclusive of
8 interest and cost, with respect to each motor vehicle, of
9 \$20,000 for bodily injury to or death of one person as a result
10 of any one accident and, subject to such limit as to one
11 person, the amount of \$40,000 for bodily injury to or death of
12 all persons as a result of any one accident and the amount of
13 \$15,000 for damage to property of others as a result of any one
14 accident, but in the case of the revocation of a driver's
15 license of a named insured under Section 6-205 of this Code,
16 the policy shall insure against loss from liability imposed by
17 law arising from such maintenance, use or operation, to the
18 extent and aggregate amount, exclusive of interest and cost,
19 with respect to each motor vehicle, of \$50,000 for bodily
20 injury to or death of one person as a result of any one
21 accident and, subject to such limit as to one person, the
22 amount of \$100,000 for bodily injury to or death of all persons
23 as a result of any one accident, and the amount of \$40,000 for
24 damage to property of others as a result of any one accident.

25 (c) Operator's Policy. --When an operator's policy is
26 required, it shall insure the person named therein as insured

1 against the liability imposed by law upon the insured for
2 bodily injury to or death of any person or damage to property
3 to the amounts and limits above set forth and growing out of
4 the use or operation by the insured within the continental
5 limits of the United States or the Dominion of Canada of any
6 motor vehicle not owned by him.

7 (d) Required Statements in Policies. --Every motor vehicle
8 liability policy must specify the name and address of the
9 insured, the coverage afforded by the policy, the premium
10 charged therefor, the policy period, and the limits of
11 liability, and shall contain an agreement that the insurance
12 thereunder is provided in accordance with the coverage defined
13 in this Act, as respects bodily injury and death or property
14 damage or both, and is subject to all the provisions of this
15 Act.

16 (e) Policy Need Not Insure Workers' Compensation. --Any
17 liability policy or policies issued hereunder need not cover
18 any liability of the insured assumed by or imposed upon the
19 insured under any workers' compensation law nor any liability
20 for damage to property in charge of the insured or the
21 insured's employees.

22 (f) Provisions Incorporated in Policy. --Every motor
23 vehicle liability policy is subject to the following provisions
24 which need not be contained therein:

25 1. The liability of the insurance carrier under any such
26 policy shall become absolute whenever loss or damage covered by

1 the policy occurs and the satisfaction by the insured of a
2 final judgment for such loss or damage shall not be a condition
3 precedent to the right or obligation of the carrier to make
4 payment on account of such loss or damage.

5 2. No such policy may be cancelled or annulled as respects
6 any loss or damage, by any agreement between the carrier and
7 the insured after the insured has become responsible for such
8 loss or damage, and any such cancellation or annulment shall be
9 void.

10 3. The insurance carrier shall, however, have the right to
11 settle any claim covered by the policy, and if such settlement
12 is made in good faith, the amount thereof shall be deductible
13 from the limits of liability specified in the policy.

14 4. The policy, the written application therefor, if any,
15 and any rider or endorsement which shall not conflict with the
16 provisions of this Act shall constitute the entire contract
17 between the parties.

18 (g) Excess or Additional Coverage. --Any motor vehicle
19 liability policy may, however, grant any lawful coverage in
20 excess of or in addition to the coverage herein specified or
21 contain any agreements, provisions, or stipulations not in
22 conflict with the provisions of this Act and not otherwise
23 contrary to law.

24 (h) Reimbursement Provision Permitted. --The policy may
25 provide that the insured, or any other person covered by the
26 policy shall reimburse the insurance carrier for payment made

1 on account of any loss or damage claim or suit involving a
2 breach of the terms, provisions or conditions of the policy;
3 and further, if the policy shall provide for limits in excess
4 of the limits specified in this Act, the insurance carrier may
5 plead against any plaintiff, with respect to the amount of such
6 excess limits of liability, any defense which it may be
7 entitled to plead against the insured.

8 (i) Proration of Insurance Permitted. --The policy may
9 provide for the pro-rating of the insurance thereunder with
10 other applicable valid and collectible insurance.

11 (j) Binders. --Any binder pending the issuance of any
12 policy, which binder contains or by reference includes the
13 provisions hereunder shall be sufficient proof of ability to
14 respond in damages.

15 (k) Copy of Policy to Be Filed with Department of
16 Insurance--Approval. --A copy of the form of every motor
17 vehicle liability policy which is to be used to meet the
18 requirements of this Act must be filed, by the company offering
19 such policy, with the Department of Insurance, which shall
20 approve or disapprove the policy within 30 days of its filing.
21 If the Department approves the policy in writing within such 30
22 day period or fails to take action for 30 days, the form of
23 policy shall be deemed approved as filed. If within the 30 days
24 the Department disapproves the form of policy filed upon the
25 ground that it does not comply with the requirements of this
26 Act, the Department shall give written notice of its decision

1 and its reasons therefor to the carrier and the policy shall
2 not be accepted as proof of financial responsibility under this
3 Act.

4 (l) Insurance Carrier Required to File Certificate. --An
5 insurance carrier who has issued a motor vehicle liability
6 policy or policies or an operator's policy meeting the
7 requirements of this Act shall, upon the request of the insured
8 therein, deliver to the insured for filing, or at the request
9 of the insured, shall file direct, with the Secretary of State
10 a certificate, as required by this Act, which shows that such
11 policy or policies have been issued. No insurance carrier may
12 require the payment of any extra fee or surcharge, in addition
13 to the insurance premium, for the execution, delivery or filing
14 of such certificate.

15 (m) Proof When Made By Endorsement. --Any motor vehicle
16 liability policy which by endorsement contains the provisions
17 required hereunder shall be sufficient proof of ability to
18 respond in damages.

19 (Source: P.A. 85-730.)

20 Section 99. Effective date. This Act takes effect January
21 1, 2012.