



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB1607

Introduced 2/9/2011, by Sen. Mike Jacobs

#### SYNOPSIS AS INTRODUCED:

215 ILCS 5/155.43 new  
215 ILCS 5/424

from Ch. 73, par. 1031

Amends the Illinois Insurance Code. Provides that no insurance producer shall use a senior-specific certification or professional designation that indicates or implies in such a way as to mislead a purchaser or prospective purchaser that the insurance producer has a special certification or training in advising or servicing seniors in connection with the solicitation, sale, or purchase of a life insurance or annuity product or in the provision of advice as to the value of or the advisability of purchasing or selling a life insurance or annuity product, either directly or indirectly through publications, writings, or by issuing or promulgating analyses or reports related to a life insurance or annuity product. Defines "use of senior-specific certifications or professional designations". Makes other changes. Effective immediately.

LRB097 08415 RPM 48542 b

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 Section 424 and by adding Section 155.43 as follows:

6 (215 ILCS 5/155.43 new)

7 Sec. 155.43. Misrepresentation of Senior-Specific  
8 Certification.

9 (a) No insurance producer shall use a senior-specific  
10 certification or professional designation that indicates or  
11 implies in such a way as to mislead a purchaser or prospective  
12 purchaser that the insurance producer has a special  
13 certification or training in advising or servicing seniors in  
14 connection with the solicitation, sale, or purchase of a life  
15 insurance or annuity product or in the provision of advice as  
16 to the value of or the advisability of purchasing or selling a  
17 life insurance or annuity product, either directly or  
18 indirectly through publications, writings, or by issuing or  
19 promulgating analyses or reports related to a life insurance or  
20 annuity product.

21 (b) "Use of senior-specific certifications or professional  
22 designations" includes, but is not limited to, all of the  
23 following:

1           (1) Use of a certification or professional designation  
2 by an insurance producer who has not actually earned or is  
3 otherwise ineligible to use such certification or  
4 designation.

5           (2) Use of a nonexistent or self-conferred  
6 certification or professional designation.

7           (3) Use of a certification or professional designation  
8 that indicates or implies a level of occupational  
9 qualifications obtained through education, training, or  
10 experience that the insurance producer using the  
11 certification or designation does not have.

12           (4) Use of a certification or professional designation  
13 that was obtained from a certifying or designating  
14 organization that:

15               (i) is primarily engaged in the business of  
16 instruction in sales or marketing;

17               (ii) does not have reasonable standards or  
18 procedures for assuring the competency of its  
19 certificate holders or designees;

20               (iii) does not have reasonable standards or  
21 procedures for monitoring and disciplining its  
22 certificate holders or designees for improper or  
23 unethical conduct; or

24               (iv) does not have reasonable continuing education  
25 requirements for its certificate holders or designees  
26 in order to maintain the certificate or designation.

1       (c) There is a rebuttable presumption that a certifying or  
2 designating organization is not disqualified under this  
3 Section if the certification or designation issued from the  
4 organization does not primarily apply to sales or marketing and  
5 if the organization or the certification or designation in  
6 question has been accredited by any of the following entities:

7           (i) the American National Standards Institute;

8           (ii) the National Commission for Certifying Agencies;

9       or

10          (iii) any organization included on the list  
11 "Accrediting Agencies Recognized for Title IV Purposes"  
12 prepared by the United States Department of Education.

13       (d) In determining whether a combination of words or an  
14 acronym standing for a combination of words constitutes a  
15 certification or professional designation indicating or  
16 implying that a person has a special certification or training  
17 in advising or servicing seniors, the Department of Insurance  
18 shall consider all of the following:

19           (1) Use of one or more words, such as "senior",  
20 "retirement", "elder", or like words combined with one or  
21 more words, such as "certified", "registered",  
22 "chartered", "advisor", "specialist", "consultant",  
23 "planner", or like words in the name of the certification  
24 or professional designation.

25           (2) The manner in which the words listed in paragraph  
26 (1) of subsection (b) are combined.

1       (e) For purposes of this Section, a job title within an  
2       organization that is licensed or registered by a State or  
3       federal financial services regulatory agency is not a  
4       certification or professional designation, unless it is used in  
5       a manner that would confuse or mislead a reasonable consumer,  
6       if the job title indicates seniority or standing within the  
7       organization or specifies an individual's area of  
8       specialization within the organization. For purposes of this  
9       subsection (e), "financial services regulatory agency"  
10       includes, but is not limited to, an agency that regulates  
11       insurers, insurance producers, broker-dealers, investment  
12       advisers, or investment companies.

13           (215 ILCS 5/424) (from Ch. 73, par. 1031)

14           Sec. 424. Unfair methods of competition and unfair or  
15       deceptive acts or practices defined. The following are hereby  
16       defined as unfair methods of competition and unfair and  
17       deceptive acts or practices in the business of insurance:

18           (1) The commission by any person of any one or more of the  
19       acts defined or prohibited by Sections 134, 143.24c, 147, 148,  
20       149, 151, 155.22, 155.22a, 155.42, 236, 237, 364, and 469 of  
21       this Code.

22           (2) Entering into any agreement to commit, or by any  
23       concerted action committing, any act of boycott, coercion or  
24       intimidation resulting in or tending to result in unreasonable  
25       restraint of, or monopoly in, the business of insurance.

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

11           (4) Engaging in any of the acts or practices defined in or  
12 prohibited by Sections 154.5 through 154.8 of this Code.

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

17           (Source: P.A. 92-399, eff. 8-16-01; 92-651, eff. 7-11-02;  
18 92-669, eff. 1-1-03.)

19           Section 99. Effective date. This Act takes effect upon  
20 becoming law.