

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Charitable Organization Beneficiary Act.

6 Section 5. Definitions. As used in this Act:

7 "Beneficiary designation" means the provision in an
8 instrument designating a beneficiary, other than in a will or
9 an instrument creating a trust, and may also mean the
10 instrument itself, including, but not limited to, any of the
11 following:

12 (1) a demand deposit, savings deposit, time deposit or
13 other account or instrument on which the holder is
14 directly liable with a designation for payment upon death
15 or other nonprobate designation making it transferable on
16 death;

17 (2) a security registered in beneficiary form; or

18 (3) a pension, profit-sharing plan, retirement account
19 such as an IRA, 401(k), 403(b), or other
20 employment-related benefit plan.

21 "Beneficiary designation" does not include designation of
22 a beneficiary made as part of an annuity or an insurance
23 policy.

1 "Charitable organization" means an entity that is exempt
2 from taxation under Section 501(c)(3) of the Internal Revenue
3 Code.

4 "Holder of property" means any entity that has possession
5 of or is responsible for property subject to a beneficiary
6 designation.

7 Section 10. Notice of death of owner of property. If the
8 holder of the property has verified the death of the owner of
9 the property, the holder of the property must, within 45
10 business days of the verification: provide notice to each
11 charitable organization listed under the beneficiary
12 designation that the charitable organization may have a right
13 to the property; provide the charitable organization with the
14 name of the owner of the property, contact information of the
15 holder of the property; and provide a general description of
16 the property held for the benefit of the charitable
17 organization; and provide the exact language of the
18 beneficiary designation, except that the names of any other
19 beneficiaries that are not charitable organizations may be
20 redacted.

21 Section 15. Charitable organization affidavit of interest
22 in property.

23 (a) If a charitable organization is a beneficiary of an
24 interest in property created by beneficiary designation, that

1 charitable organization may present an affidavit to the holder
2 of the property or to any person with information about the
3 property to obtain the property or information regarding the
4 property. The affidavit must state all of the following:

5 (1) the decedent's name and last known address to the
6 extent known;

7 (2) a general description of the property to the
8 extent known;

9 (3) the charitable organization's name, address, and
10 primary contact information;

11 (4) the charitable organization is a charitable
12 organization;

13 (5) a request that the property be paid, delivered, or
14 transferred to the charitable organization or that
15 information about the property be given to the charitable
16 organization;

17 (6) the charitable organization has a right to the
18 interest in the property listed in the affidavit to the
19 extent known;

20 (7) the affidavit has been signed by an authorized
21 representative of the charitable organization under
22 penalty of perjury before a notary public as provided in
23 the Notary Public Act; and

24 (8) the information in the affidavit is true and
25 correct to the best of the affiant's knowledge or belief.

26 (b) The affidavit must be accompanied by all of the

1 following:

2 (1) a copy of the charitable organization's
3 determination letter from the Internal Revenue Service
4 recognizing its tax-exempt status;

5 (2) a copy of the charitable organization's
6 Certificate of Good Standing issued by the Secretary of
7 State;

8 (3) a death certificate of the decedent, probate
9 notice published by the personal representative of the
10 decedent's estate, proof of payment of the decedent's
11 funeral expenses, the decedent's obituary as verification
12 of the decedent's death, or any other reliable source or
13 record that verifies the decedent's death;

14 (4) a corporate resolution or similar statement of
15 authority of the affiant to act on behalf of the
16 charitable organization; and

17 (5) Internal Revenue Service Form W-9 completed by an
18 authorized representative of the charitable organization.

19 Section 20. Duties of the holder of the property.

20 (a) Unless a court has ordered otherwise, the holder of
21 the property may not do any of the following:

22 (1) require the charitable organization to establish
23 an account with the holder of the property or otherwise
24 become a customer of the holder of the property;

25 (2) require co-beneficiaries to submit claims

1 simultaneously or impose coordination deadlines among
2 co-beneficiaries; or

3 (3) delay payment to any co-beneficiary if other
4 co-beneficiaries have not submitted their claim
5 documentation, except where a security registered in
6 beneficiary form is not readily divisible among multiple
7 beneficiaries and a co-beneficiary has not waived the
8 co-beneficiary's right to a partial share. In such a case,
9 the holder of the property and the charitable organization
10 shall make reasonable efforts to resolve divisibility
11 concerns.

12 (b) The holder of the property may not request any
13 additional personal information from any individual employed
14 by or serving on the board of the charitable organization,
15 including, but not limited to, any of the following:

- 16 (1) social security number;
- 17 (2) personal contact information, including home
18 address;
- 19 (3) personal financial information;
- 20 (4) date of birth;
- 21 (5) annual income;
- 22 (6) value of personal assets;
- 23 (7) credit checks;
- 24 (8) criminal background checks;
- 25 (9) marital status;
- 26 (10) number of dependents;

1 (11) spouse's maiden name; or

2 (12) government-issued identification card, such as a
3 passport, state identification card, or driver's license,
4 provided that if an individual delivers or presents an
5 affidavit under Section 15 for the purpose of claiming or
6 receiving property, the holder of the property may request
7 presentation of an unexpired government-issued
8 identification bearing a photograph or similar safeguard
9 solely to verify the identity of the individual presenting
10 the affidavit and the individual's authority to act on
11 behalf of the charitable organization.

12 (c) Nothing in this Section prohibits a charitable
13 organization from affirmatively requesting the establishment
14 of a new account with the holder of the property; only upon
15 such affirmative request may the holder of the property
16 require the minimum necessary information contained in
17 subsection (b) and as required by federal law or regulation
18 and the holder's internal account opening policies and
19 procedures to facilitate account establishment.

20 (d) If the holder of property maintains it is prohibited
21 from paying, delivering, or transferring the property listed
22 under a beneficiary designation to a charitable organization
23 in compliance with this Act due to requirements under federal
24 law, the holder of the property shall:

25 (1) explain in writing the reason why the property
26 cannot be paid, delivered, or transferred to the

1 charitable organization; and

2 (2) make good faith efforts in order to facilitate
3 payment, delivery, or transfer of the property in
4 compliance with this Act.

5 (e) Nothing in this Act alters the responsibilities or
6 duties of the beneficiary or holder of the property under the
7 Revised Uniform Unclaimed Property Act or the Illinois Trust
8 and Payable on Death Accounts Act or federal law or
9 regulation.

10 Section 25. Transfer of property. If the requirements of
11 this Act are satisfied by a charitable organization, and there
12 are no conflicting claims to the same shares or portion of a
13 property, the holder of the property must do either or both of
14 the following within 60 business days:

15 (1) pay, deliver, or transfer the property to or for
16 the benefit of the charitable organization if the
17 affidavit has requested the transfer, payment, or delivery
18 of the property to the charitable organization, complying
19 with the charitable organization's preference as to
20 whether the property is paid, delivered, or transferred,
21 to the extent that complying with such preference is
22 reasonably practicable for the holder; or

23 (2) deliver the information requested in the affidavit
24 to the charitable organization.

1 Section 30. Good faith reliance on information given to
2 the holder. The holder of the property and any person who in
3 good faith delivers the property or information requested in
4 reliance on the information a charitable organization provides
5 under this Act, who has no knowledge that representations
6 contained in the affidavit are incorrect, is not liable to any
7 person for so acting and may assume without inquiry the
8 existence of the facts contained in the affidavit.

9 Section 35. Release. Any payments, deliveries, or
10 transfers made by the holder of property in compliance with
11 this Act prior to the receipt of notice of an adverse claim or
12 a restraining order shall be a complete discharge of the
13 holder of property's obligations as to the payment, delivery,
14 or transfer, and the holder of property shall, to the extent of
15 each such payment, delivery, or transfer, be released from all
16 claims of any person, charitable organization, or entity
17 claiming an interest in the property for such payment,
18 delivery, or transfer so made.

19 Section 40. Failure or refusal of holder of the property
20 to act. If the holder of the property fails or refuses to
21 provide the requested property or information within 60
22 business days after receiving the affidavit, the charitable
23 organization may bring an action against the holder of the
24 property to receive the information about the property or

1 recover the property or compel the delivery of the property.
2 An action brought under this Act must be brought within one
3 year after the date of the act or failure to act. If the court
4 finds that the holder of the property acted unreasonably in
5 failing to provide the requested information or to pay,
6 deliver, or transfer the property in compliance with this Act,
7 the court may award to the charitable organization any or all
8 of the following:

9 (1) immediate delivery of the requested information or
10 delivery or recovery of the property or value of the
11 property;

12 (2) damages sustained by the charitable organization;

13 (3) costs of the action;

14 (4) a penalty in an amount determined by the court up
15 to \$10,000 only if the court finds that the holder of the
16 property engaged in bad faith or willful misconduct; or

17 (5) reasonable attorney's fees based on the time
18 expended by the attorney to obtain the requested
19 information or payment, delivery, or transfer of the
20 property without regard to the amount of the recovery on
21 behalf of the charitable organization.

22 Section 45. The Illinois Insurance Code is amended by
23 changing Section 224 as follows:

24 (215 ILCS 5/224) (from Ch. 73, par. 836)

1 Sec. 224. Standard provisions for life policies.

2 (1) After the first day of July, 1937, no policy of life
3 insurance other than industrial, group or annuities and pure
4 endowments with or without return of premiums or of premiums
5 and interest, may be issued or delivered in this State, unless
6 such policy contains in substance the following provisions:

7 (a) A provision that all premiums after the first
8 shall be payable in advance either at the home office of
9 the company or to an agent of the company, upon delivery of
10 a receipt signed by one or more of the officers who shall
11 be designated in the policy, when such receipt is
12 requested by the policyholder.

13 (b) A provision that the insured is entitled to a
14 grace period either of 30 days or of one month within which
15 the payment of any premium after the first may be made,
16 subject at the option of the company to an interest charge
17 not in excess of 6% per annum for the number of days of
18 grace elapsing before the payment of the premium, during
19 which period of grace the policy shall continue in force,
20 but in case the policy becomes a claim during the grace
21 period before the overdue premium is paid, or the deferred
22 premiums of the current policy year, if any, are paid, the
23 amount of such premium or premiums with interest thereon
24 may be deducted in any settlement under the policy.

25 (c) A provision that the policy, together with the
26 application therefor, a copy of which shall be endorsed

1 upon or attached to the policy and made a part thereof,
2 shall constitute the entire contract between the parties
3 and that after it has been in force during the lifetime of
4 the insured a specified time, not later than 2 years from
5 its date, it shall be incontestable except for nonpayment
6 of premiums and except at the option of the company, with
7 respect to provisions relative to benefits in the event of
8 total and permanent disability, and provisions which grant
9 additional insurance specifically against death by
10 accident and except for violations of the conditions of
11 the policy relating to naval or military service in time
12 of war or for violation of an express condition, if any,
13 relating to aviation, (except riding as a fare-paying
14 passenger of a commercial air line flying on regularly
15 scheduled routes between definitely established airports)
16 in which case the liability of the company shall be fixed
17 at a definitely determined amount not less than the full
18 reserve for the policy and any dividend additions;
19 provided that the application therefor need not be
20 attached to or made a part of any policy containing a
21 clause making the policy incontestable from date of issue.

22 (d) A provision that if it is found at any time before
23 final settlement under the policy that the age of the
24 insured (or the age of the beneficiary, if considered in
25 determining the premium) has been misstated, the amount
26 payable under the policy shall be such as the premium

1 would have purchased at the correct age or ages, according
2 to the company's published rate at date of issue.

3 (e) A provision that the policy shall participate
4 annually in the surplus of the company beginning not later
5 than the end of the third policy year; and any policy
6 containing a provision for annual participation beginning
7 at the end of the first policy year, may also provide that
8 each dividend be paid subject to the payment of the
9 premiums for the next ensuing year; and the insured under
10 any annual dividend policy shall have the right each year
11 to have the dividend arising from such participation
12 either paid in cash, or applied in reduction of premiums,
13 or applied to the purchase of paid-up additional
14 insurance, or be left to accumulate to the credit of the
15 policy, with interest at such rate as may be determined
16 from time to time by the company, but not less than a
17 guaranteed minimum rate specified in the policy, and
18 payable at the maturity of the policy, but withdrawable on
19 any anniversary date, subject to such further provisions
20 as the policy may provide regarding the application of
21 dividends toward the payment of any premiums unpaid at the
22 end of the grace period; and if the insured fails to notify
23 the company in writing of his election within the period
24 of grace allowed for the payment of premium, the policy
25 shall further provide which of such options are effective.

26 (f) A provision that after the policy has been in

1 force 3 full years the company at any time, while the
2 policy is in force, will advance, on proper assignment or
3 pledge of the policy and on the sole security thereof, at a
4 specified maximum fixed or adjusted rate of interest in
5 accordance with Section 229.5, a sum equal to, or at the
6 option of the insured less than the amount required by
7 Section 229.3 under the conditions specified thereby and
8 with notification as required by Section 229.5; and that
9 the company will deduct from such loan value any
10 indebtedness not already deducted in determining such
11 value and any unpaid balance of the premium for the
12 current policy year, and may collect interest in advance
13 on the loan to the end of the current policy year; and any
14 policy may also provide that if the interest on the loan is
15 not paid when due it shall be added to the existing loan
16 and shall bear interest at the same rate. No condition
17 other than as provided herein or in Sections 229.3 and
18 229.5 shall be exacted as a prerequisite to any such loan.
19 This clause shall not apply to term insurance.

20 (g) A provision for nonforfeiture benefits and cash
21 surrender values in accordance with the requirements of
22 paragraph (1) of Section 229.1 or, Section 229.2.

23 (h) A table showing in figures the loan values and the
24 options available under the policy each year, upon default
25 in premium payments, during at least the first 20 years of
26 the policy; the policy to contain a provision that the

1 company will furnish upon request an extension of such
2 table beyond the years shown in the policy.

3 (i) A provision that in event of default in premium
4 payments the value of the policy is applied to the
5 purchase of other insurance as provided in this Section,
6 and if such insurance is in force and the original policy
7 is not surrendered to the company and cancelled, the
8 policy may be reinstated within 3 years from such default,
9 upon evidence of insurability satisfactory to the company
10 and payment of arrears of premiums and the payment or
11 reinstatement of any other indebtedness to the company
12 upon the policy, with interest on the premiums at a rate
13 not exceeding 6% per annum payable annually and with
14 interest on the indebtedness at a rate not exceeding the
15 rate prescribed by Section 229.5.

16 (j) A provision that when a policy is a claim by the
17 death of the insured settlement shall be made upon receipt
18 of due proof of death and not later than 2 months after the
19 receipt of such proof. The policy may require that due
20 proof of the death of the insured shall consist of a
21 certified copy of the death certificate of the insured, or
22 other lawful evidence providing equivalent information,
23 and proof of the claimant's interest in the proceeds. If
24 due proof of death requires a certified copy of the death
25 certificate, then no more than one beneficiary shall be
26 required to submit a certified copy of the death

1 certificate.

2 (k) If the policy provides for payment of its proceeds
3 in installments, a table showing the amount and period of
4 such installments shall be included in the policy.

5 (1) Interest shall accrue on the proceeds payable
6 because of the death of the insured, from date of death, at
7 the rate of 10% annually on the total amount payable or the
8 face amount if payments are to be made in installments
9 until the total payment or first installment is paid,
10 unless payment is made within 31 days from the latest of
11 the following to occur:

12 (1) the date that due proof of death is received by
13 the company;

14 (2) the date that the company receives sufficient
15 information to determine its liability, the extent of
16 the liability, and the appropriate payee legally
17 entitled to the proceeds; or

18 (3) the date that legal impediments to payment of
19 proceeds that depend on the action of parties other
20 than the company are resolved and sufficient evidence
21 of the same is provided to the company; legal
22 impediments to payment include, but are not limited
23 to, (A) the establishment of guardianships and
24 conservatorships, (B) the appointment and
25 qualification of trustees, executors, and
26 administrators, and (C) the submission of information

1 required to satisfy State and federal reporting
2 requirements.

3 This provision need not appear in the policy, however, the
4 company shall notify the beneficiary at the time of claim
5 of this provision. The payment of interest shall apply to
6 all policies now in force, as well as those written after
7 the effective date of this amendment.

8 (m) Title on the face and on the back of the policy
9 briefly describing its form.

10 (n) A provision, or a notice attached to the policy,
11 to the effect that during a period of ten days from the
12 date the policy is delivered to the policy owner, it may be
13 surrendered to the insurer together with a written request
14 for cancellation of the policy and in such event, the
15 insurer will refund any premium paid therefor, including
16 any policy fees or other charges. The Director may by rule
17 exempt specific types of policies from the requirements of
18 this subsection.

19 (2) In the case of the replacement of life insurance, as
20 defined in the rule promulgated by the Director, the replacing
21 insurer shall either (1) delay the issuance of its policy for
22 not less than 20 days from the date it has transmitted a policy
23 summary to the existing insurer, or (2) provide in a form
24 titled "Notice Regarding Replacement of Life Insurance", as
25 well as in its policy, or in a separate notice delivered with
26 the policy, that the insured has the right to an unconditional

1 refund of all premiums paid, and that such right may be
2 exercised within a period of 20 days commencing from the date
3 of delivery of such policy. Where option (2) is exercised, the
4 replacing insurer shall also transmit a policy summary to the
5 existing insurer within 3 working days after the date the
6 replacement policy is issued.

7 (3) Any of the foregoing provisions or portions thereof
8 not applicable to single premium or nonparticipating or term
9 policies shall to that extent not be incorporated therein.
10 This Section shall not apply to policies of reinsurance nor to
11 policies issued or granted pursuant to the nonforfeiture
12 provisions prescribed in subparagraph (g) of paragraph (1) of
13 this Section.

14 (Source: P.A. 97-527, eff. 8-23-11.)

15 Section 50. The Unclaimed Life Insurance Benefits Act is
16 amended by changing Section 15 as follows:

17 (215 ILCS 185/15)

18 Sec. 15. Insurer conduct.

19 (a) An insurer shall initially perform a comparison of its
20 insureds', annuitants', and retained asset account holders'
21 in-force policies, annuity contracts, and retained asset
22 accounts in force on or after January 1, 2017 by using the full
23 Death Master File. The initial comparison shall be completed
24 on or before December 31, 2017. An insurer required to perform

1 a comparison of its insureds', annuitants', and retained asset
2 account holders' in-force policies, annuity contracts, and
3 retained asset accounts in force on or after January 1, 2012
4 shall perform a comparison of policies, annuity contracts, and
5 retained asset accounts in force between January 1, 2012 and
6 December 31, 2016 on or before December 31, 2018 by using the
7 full Death Master File. An insurer required to perform a
8 comparison of electronic searchable files concerning its
9 insureds', annuitants', and retained asset account holders'
10 in-force policies, annuity contracts, and retained asset
11 accounts in force on or after January 1, 2000 shall perform a
12 comparison of policies, annuity contracts, and retained asset
13 accounts in force between January 1, 2000 and December 31,
14 2016 on or before December 31, 2018 by using the full Death
15 Master File. Thereafter, an insurer shall perform a comparison
16 on at least a semi-annual basis using the Death Master File
17 update files for comparisons to identify potential matches of
18 its insureds, annuitants, and retained asset account holders.
19 In the event that one of the insurer's lines of business
20 conducts a search for matches of its insureds, annuitants, and
21 retained asset account holders against the Death Master File
22 at intervals more frequently than semi-annually, then all
23 lines of the insurer's business shall conduct searches for
24 matches against the Death Master File with the same frequency.
25 Within 6 months after acquisition of policies, annuity
26 contracts, or retained asset accounts from another insurer,

1 the acquiring insurer shall compare all newly acquired
2 policies, annuity contracts, and retained asset accounts that
3 were not searched by the previous insurer in compliance with
4 this Act against the complete Death Master File to identify
5 potential matches of its insureds, annuitants, and retained
6 asset account holders. Upon any subsequent acquisition of
7 policies, annuity contracts, or retained asset accounts from
8 another insurer, when the previous insurer has already
9 conducted a search of the newly acquired policies, annuity
10 contracts, and retained asset accounts using the complete
11 Death Master File, the acquiring insurer shall compare all
12 newly acquired policies, annuity contracts, and retained asset
13 accounts using all of the Death Master File updates since the
14 time the previous insurer conducted the complete search to
15 identify potential matches of its insureds, annuitants, and
16 retained asset account holders.

17 An insured, an annuitant, or a retained asset account
18 holder is presumed dead if the date of his or her death is
19 indicated by the comparison required in this subsection (a),
20 unless the insurer has competent and substantial evidence that
21 the person is living, including, but not limited to, a contact
22 made by the insurer with the person or his or her legal
23 representative.

24 For those potential matches identified as a result of a
25 Death Master File match, the insurer shall within 120 days
26 after the date of death notice, if the insurer has not been

1 contacted by a beneficiary, determine whether benefits are due
2 in accordance with the applicable policy or contract and, if
3 benefits are due in accordance with the applicable policy or
4 contract:

5 (1) use good faith efforts, which shall be documented
6 by the insurer, to locate the beneficiary or
7 beneficiaries; the Department shall establish by
8 administrative rule minimum standards for what constitutes
9 good faith efforts to locate a beneficiary, which shall
10 include: (A) searching insurer records; (B) the
11 appropriate use of First Class United States mail, e-mail
12 addresses, and telephone calls; and (C) reasonable efforts
13 by insurers to obtain updated contact information for the
14 beneficiary or beneficiaries; good faith efforts shall not
15 include additional attempts to contact the beneficiary at
16 an address already confirmed not to be current;

17 If the beneficiary is a charitable organization as
18 defined in Section 5 of the Charitable Organization
19 Beneficiary Act, but excluding not-for-profit
20 organizations that are the irrevocable sole beneficiary of
21 a life insurance policy covered by Section 245.2 of the
22 Illinois Insurance Code, the insurer shall, within 120
23 days, including if the insurer has been contacted by the
24 charitable beneficiary:

25 (A) determine whether the charitable organization
26 has a right to the proceeds of the policy, annuity

1 contract, or a retained asset account;

2 (B) provide a general description of the policy,
3 annuity contract, or a retained asset account that may
4 be held for the benefit of the charitable
5 organization, and the exact language of the
6 beneficiary designation, in accordance with subsection
7 (c);

8 (C) include information that verifies whether the
9 insurer has already obtained the official death
10 certificate or documentation needed to verify the
11 death of the insured, annuitant, or retained asset
12 account holder; and

13 (2) provide the appropriate claims forms or
14 instructions to the beneficiary or beneficiaries to make a
15 claim, including the need to provide an official death
16 certificate if applicable under the policy or annuity
17 contract.

18 If the beneficiary is a charitable organization as
19 defined in Section 5 of the Charitable Organization
20 Beneficiary Act, the insurer shall, within 120 days,
21 provide the forms and instructions pursuant to subsection
22 (a) (2), and the insurer has the same duties as a holder of
23 property under Section 20 of the Charitable Organization
24 Beneficiary Act, including if the insurer has been
25 contacted by the charitable beneficiary.

26 (b) Insurers shall implement procedures to account for the

1 following when conducting searches of the Death Master File:

2 (1) common nicknames, initials used in lieu of a first
3 or middle name, use of a middle name, compound first and
4 middle names, and interchanged first and middle names;

5 (2) compound last names, maiden or married names, and
6 hyphens, blank spaces, or apostrophes in last names;

7 (3) transposition of the "month" and "date" portions
8 of the date of birth; and

9 (4) incomplete social security numbers.

10 (c) To the extent permitted by law, an insurer may
11 disclose the minimum necessary personal information about the
12 insured, annuity owner, retained asset account holder, or
13 beneficiary to a person whom the insurer reasonably believes
14 may be able to assist the insurer with locating the
15 beneficiary or a person otherwise entitled to payment of the
16 claims proceeds.

17 (d) An insurer or its service provider shall not charge
18 any beneficiary or other authorized representative for any
19 fees or costs associated with a Death Master File search or
20 verification of a Death Master File match conducted pursuant
21 to this Act.

22 (e) The benefits from a policy, annuity contract, or a
23 retained asset account, plus any applicable accrued interest,
24 shall first be payable to the designated beneficiaries or
25 owners and, in the event the beneficiaries or owners cannot be
26 found, shall be reported and delivered to the State Treasurer

1 pursuant to the Revised Uniform Unclaimed Property Act.
2 Nothing in this subsection (e) is intended to alter the
3 amounts reportable under the existing provisions of the
4 Revised Uniform Unclaimed Property Act or to allow the
5 imposition of additional statutory interest under Article XIV
6 of the Illinois Insurance Code.

7 (f) Failure to meet any requirement of this Section with
8 such frequency as to constitute a general business practice is
9 a violation of Section 424 of the Illinois Insurance Code.
10 Nothing in this Section shall be construed to create or imply a
11 private cause of action for a violation of this Section.

12 (Source: P.A. 99-893, eff. 1-1-17; 100-22, eff. 1-1-18;
13 100-543, eff. 1-1-18; 100-863, eff. 8-14-18.)