

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 143.10a as follows:

6 (215 ILCS 5/143.10a) (from Ch. 73, par. 755.10a)

7 Sec. 143.10a. ~~(1)~~ Loss Information.

8 (1) All companies issuing policies to which Section
9 143.11 of this Code applies, except for those defined in
10 subsections (a), (b) and (c) of Section 143.13 of this Code
11 and to which subsection (o) of Section 19 of the Workers'
12 Compensation Act applies, shall on or after January 1, 1987,
13 provide the following loss information for the 3 previous
14 policy years to the first named insured within 30 days of the
15 insured's request. At the written request of the insured,
16 the company shall send the loss information directly to the
17 insured's producer. In addition, the company shall also send
18 the loss information at the same time as any notice of
19 cancellation or nonrenewal, except where the policy has been
20 cancelled for nonpayment of premium, material
21 misrepresentations or fraud on the part of the insured:

22 (a) On closed claims, date and description of
23 occurrence, and total amounts of payments;

24 (b) On open claims, date and description of
25 occurrence, total amount of payments and total reserves,
26 if any; and

27 (c) For any occurrence not included in (a) or (b)
28 of this subsection (1), the date and description of
29 occurrence and total reserves, if any.

30 (2) Should a named insured be required by a prospective
31 insurer to provide detailed loss information in addition to

1 that required under subsection (1) of this Section, the named
2 insured may mail or deliver a written request to the insurer
3 for such additional information, including specific loss
4 reserves. No prospective insurer shall request, however, more
5 detailed information than required by it to underwrite the
6 same line or class of insurance. The insurer shall provide
7 such information to the first named insured as soon as
8 possible, but in no event later than 20 days of receipt of
9 such request. Coverage under the existing policy shall
10 automatically be extended at the same terms and conditions by
11 the same number of days it takes the insurer to provide the
12 insured with this additional information.

13 (3) The Director may promulgate regulations to exclude
14 the automatic providing of the loss information at the time
15 of cancellation or renewal as outlined in subsection (1) of
16 this Section for any line or class of insurance where it can
17 be shown that the information is not needed for that line or
18 class of insurance.

19 (4) If a company fails to provide the information as
20 required by this Section with such frequency so as to
21 indicate a practice of refusing to provide such information,
22 such failure shall constitute an unfair trade practice as
23 defined in Section 424 and subject to those hearing and
24 penalty provisions as set forth in Sections 425 through 434.

25 (5) Information provided under subsection (2) of this
26 Section shall not be subject to discovery by any party other
27 than the insured, the insurer, and the prospective insurer.

28 (Source: P.A. 88-313.)

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.