

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 Sections 155.22a and 155.22b as follows:

6 (215 ILCS 5/155.22a)

7 Sec. 155.22a. Coverage for subjects of abuse.

8 (a) No company authorized to transact life, health, or  
9 disability income, or property and casualty insurance in this  
10 State may:

11 (1) Deny, refuse to issue, refuse to renew, refuse  
12 to reissue, cancel, or otherwise terminate an insurance  
13 policy or restrict coverage on an individual because that  
14 individual is or has been the subject of abuse or because  
15 that individual seeks or has sought: (i) medical or  
16 psychological treatment for abuse; or (ii) protection or  
17 shelter from abuse;

18 (2) Charge a different rate for the same coverage  
19 for an insurance policy because an individual insured  
20 under such policy has a history of or is a subject of  
21 abuse;

22 (3) Deny a claim by an insured as a result of his  
23 or her status as being or having been a subject of abuse,  
24 except as otherwise permitted or required by the laws of  
25 this State; or

26 (4) Ask an insured or an applicant for insurance  
27 whether that individual is or has been a subject of abuse  
28 or whether that individual seeks or has sought: (i)  
29 medical or psychological treatment specifically for  
30 abuse; or (ii) protection or shelter from abuse.

31 (b) No company authorized to transact life, health, or

1 disability income, or property and casualty insurance in this  
2 State may fail to maintain strict confidentiality of  
3 information, as defined in the Insurance Information and  
4 Privacy Protection Article of this Code, relating to an  
5 applicant's or insured's abuse status or to a medical or  
6 psychological condition that the company knows is  
7 abuse-related. Disclosure of such abuse-related information  
8 shall be subject to the disclosure limitations and conditions  
9 contained in Section 1014 of this Code.

10 (c) Nothing in this Section shall be construed to  
11 prohibit a company specified in subsection (a) from (i)  
12 refusing to insure, refusing to continue to insure, limiting  
13 the amount, extent, or kind of coverage available to an  
14 individual, or charging a different rate for the same  
15 coverage on the basis of that individual's physical or mental  
16 condition regardless of the underlying cause of such  
17 condition; (ii) declining to issue a life insurance policy  
18 insuring an individual who is or has been the subject of  
19 abuse if the perpetrator of the abuse is the applicant or  
20 would be the owner of the insurance policy; or (iii)  
21 inquiring about a physical or mental condition, even if that  
22 condition was caused by or is related in any manner to abuse.

23 (d) As used in this Section, "abuse" means the  
24 occurrence of one or more of the following acts between  
25 family members, current or former household members, or  
26 current or former intimate partners:

27 (1) Attempting to cause or intentionally,  
28 knowingly, or recklessly causing another person,  
29 including a minor child, to be harassed or intimidated or  
30 subject to bodily injury, physical harm, rape, sexual  
31 assault, or involuntary sexual intercourse; or

32 (2) Knowingly engaging in a course of conduct or  
33 repeatedly committing acts without proper authority that  
34 place the person toward whom such acts are directed,

1 including a minor child, in a reasonable fear of bodily  
2 injury or physical harm; or

3 (3) Subjecting another person, including a minor  
4 child, to false imprisonment.

5 (e) No company specified in subsection (a) above shall  
6 be held civilly or criminally liable for any cause of action  
7 that may be brought because of compliance with this Section.  
8 Nothing in this Section, however, shall preclude the  
9 jurisdiction of any administrative agency to carry out its  
10 statutory authority.

11 (Source: P.A. 90-245, eff. 1-1-98.)

12 (215 ILCS 5/155.22b)

13 Sec. 155.22b. Rating, claims handling, and underwriting  
14 decisions.

15 (a) No company issuing a policy of property and casualty  
16 insurance may use the fact that an applicant or insured  
17 incurred bodily injury as a result of a battery or other  
18 violent act committed against him or her by a spouse or  
19 person in the same household as a sole reason for a rating,  
20 underwriting, or claims handling decision.

21 (b) If a policy excludes property coverage for  
22 intentional acts, the insurer may not deny payment to an  
23 innocent co-insured who did not cooperate in or contribute to  
24 the creation of the loss if the loss arose out of a pattern  
25 of criminal domestic violence and the perpetrator of the loss  
26 is criminally prosecuted for the act causing the loss.  
27 Payment to the innocent co-insured may be limited to his or  
28 her ownership interest in the property as reduced by any  
29 payments to a mortgagor or other secured interest.

30 (Source: P.A. 90-700, eff. 8-7-98.)