



Rep. Ronald A. Wait

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09400HB2758ham001

LRB094 09622 DRH 43068 a

1 AMENDMENT TO HOUSE BILL 2758

2 AMENDMENT NO. _____. Amend House Bill 2758 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 7-202 and 7-601 as follows:

6 (625 ILCS 5/7-202) (from Ch. 95 1/2, par. 7-202)

7 Sec. 7-202. Exceptions to requirements of security. (a) The
8 requirements as to security and suspension as provided by
9 Sections 7-201 and 7-205 shall not apply:

10 1. To the driver or owner if such owner had in effect at
11 the time of such motor vehicle accident a liability policy
12 covering such driver and owner with respect to the vehicle
13 involved in such motor vehicle accident; this exemption,
14 however, does not apply to a driver whose insurance company has
15 declined coverage because the driver failed to cooperate with
16 the insurance company's investigation of an accident;

17 2. To the driver, if not the owner of such vehicle, if
18 there was in effect at the time of such motor vehicle accident
19 a liability policy or bond with respect to the operation of
20 motor vehicles not owned by the driver;

21 3. To the driver or owner if the liability of such driver
22 or owner for damages resulting from such motor vehicle accident
23 is covered by any other form of liability insurance policy or
24 bond;

1 4. To the driver or owner, if such owner is qualified as a
2 self-insurer as provided in Section 7-502;

3 5. To the owner if such owner at the time of such motor
4 vehicle accident was in compliance with Section 8-101 or
5 Section 9-101;

6 6. To the driver or owner if such owner at the time of such
7 motor vehicle accident was in compliance with the Federal
8 Revised Interstate Commerce Act (P.L. 95-473), as now or
9 hereafter amended;

10 7. To the owner if the vehicle involved in such motor
11 vehicle accident was owned by the United States, this State or
12 any political sub-division of this State, any municipality
13 therein, or any local Mass Transit District;

14 8. To the driver or the owner of a vehicle involved in a
15 motor vehicle accident wherein no injury or damage was caused
16 to the person or property of any one other than such driver or
17 owner;

18 9. To the driver or the owner of a vehicle which at the
19 time of the motor vehicle accident was parked, unless such
20 vehicle was parked at a place where parking was at the time of
21 the accident prohibited under any applicable law or ordinance;

22 10. To the owner of a vehicle if at the time of the motor
23 vehicle accident the vehicle was being operated without his
24 permission, express or implied, or was parked by a person who
25 had been operating such motor vehicle without such permission;

26 11. To the driver, if not the owner, of a commercial motor
27 vehicle on which there was no liability policy or bond with
28 respect to the operation of such vehicle in effect at the time
29 of the motor vehicle accident when the driver was operating the
30 vehicle in the course of the driver's employment and had no
31 actual knowledge of such lack of a liability policy or bond
32 prior to the motor vehicle accident.

33 (b) If at the time of the motor vehicle accident, an owner
34 or driver is covered by a motor vehicle liability policy or

1 bond meeting the requirements of this Code, such owner or
2 driver shall be exempt from suspension under Section 7-205 as
3 to that motor vehicle accident, if the company issuing the
4 policy or bond has failed, and such policy or bond was not
5 effective at the time of the motor vehicle accident or any time
6 thereafter, provided, that the owner or driver had no knowledge
7 of the company's failure prior to the motor vehicle accident,
8 and such owner or driver has secured within 30 days after
9 learning of such failure another liability policy or bond
10 meeting the requirements of the Code relating to future
11 occurrences or motor vehicle accidents.

12 As used in this paragraph, the words "failed" or "failure"
13 mean that the company has suspended operations by order of a
14 court.

15 (Source: P.A. 85-293.)

16 (625 ILCS 5/7-601) (from Ch. 95 1/2, par. 7-601)

17 Sec. 7-601. Required liability insurance policy.

18 (a) No person shall operate, register or maintain
19 registration of, and no owner shall permit another person to
20 operate, register or maintain registration of, a motor vehicle
21 designed to be used on a public highway unless the motor
22 vehicle is covered by a liability insurance policy.

23 The insurance policy shall be issued in amounts no less
24 than the minimum amounts set for bodily injury or death and for
25 destruction of property under Section 7-203 of this Code, and
26 shall be issued in accordance with the requirements of Sections
27 143a and 143a-2 of the Illinois Insurance Code, as amended. No
28 insurer other than an insurer authorized to do business in this
29 State shall issue a policy pursuant to this Section for any
30 vehicle subject to registration under this Code. Nothing herein
31 shall deprive an insurer of any policy defense available at
32 common law.

33 (a-1) A driver is in violation of this Section if his or

1 her insurance company denies coverage because the driver has
2 failed to cooperate with the insurance company's investigation
3 of an accident.

4 (b) The following vehicles are exempt from the requirements
5 of this Section:

6 (1) vehicles subject to the provisions of Chapters 8 or
7 18a, Article III or Section 7-609 of Chapter 7, or Sections
8 12-606 or 12-707.01 of Chapter 12 of this Code;

9 (2) vehicles required to file proof of liability
10 insurance with the Illinois Commerce Commission;

11 (3) vehicles covered by a certificate of
12 self-insurance under Section 7-502 of this Code;

13 (4) vehicles owned by the United States, the State of
14 Illinois, or any political subdivision, municipality or
15 local mass transit district;

16 (5) implements of husbandry;

17 (6) other vehicles complying with laws which require
18 them to be insured in amounts meeting or exceeding the
19 minimum amounts required under this Section; and

20 (7) inoperable or stored vehicles that are not
21 operated, as defined by rules and regulations of the
22 Secretary.

23 (c) Every employee of a State agency, as that term is
24 defined in the Illinois State Auditing Act, who is assigned a
25 specific vehicle owned or leased by the State on an ongoing
26 basis shall provide the certification described in this Section
27 annually to the director or chief executive officer of his or
28 her agency.

29 The certification shall affirm that the employee is duly
30 licensed to drive the assigned vehicle and that (i) the
31 employee has liability insurance coverage extending to the
32 employee when the assigned vehicle is used for other than
33 official State business, or (ii) the employee has filed a bond
34 with the Secretary of State as proof of financial

1 responsibility, in an amount equal to, or in excess of the
2 requirements stated within this Section. Upon request of the
3 agency director or chief executive officer, the employee shall
4 present evidence to support the certification.

5 The certification shall be provided during the period July
6 1 through July 31 of each calendar year, or within 30 days of
7 any new assignment of a vehicle on an ongoing basis, whichever
8 is later.

9 The employee's authorization to use the assigned vehicle
10 shall automatically be rescinded upon:

11 (1) the revocation or suspension of the license
12 required to drive the assigned vehicle;

13 (2) the cancellation or termination for any reason of
14 the automobile liability insurance coverage as required in
15 item (c) (i); or

16 (3) the termination of the bond filed with the
17 Secretary of State.

18 All State employees providing the required certification
19 shall immediately notify the agency director or chief executive
20 officer in the event any of these actions occur.

21 All peace officers employed by a State agency who are
22 primarily responsible for prevention and detection of crime and
23 the enforcement of the criminal, traffic, or highway laws of
24 this State, and prohibited by agency rule or policy to use an
25 assigned vehicle owned or leased by the State for regular
26 personal or off-duty use, are exempt from the requirements of
27 this Section.

28 (Source: P.A. 91-661, eff. 12-22-99.)".