



Sen. William R. Haine

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09600HB4782sam001

LRB096 17044 RPM 39980 a

1 AMENDMENT TO HOUSE BILL 4782

2 AMENDMENT NO. _____. Amend House Bill 4782 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Insurance Code is amended by
5 changing and renumbering Section 356z.15, as added by Public
6 Act 96-180, and changing Section 404 as follows:

7 (215 ILCS 5/356z.16)

8 Sec. 356z.16 ~~356z.15~~. Applicability of mandated benefits
9 to supplemental policies. Unless specified otherwise, the
10 following Sections of the Illinois Insurance Code do not apply
11 to short-term travel, disability income, long-term care,
12 accident only, or limited or specified disease policies: 356b,
13 356c, 356d, 356g, 356k, 356m, 356n, 356p, 356q, 356r, 356t,
14 356u, 356w, 356x, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6,
15 356z.8, 356z.12, 367.2-5, and 367e.

16 (Source: P.A. 96-180, eff. 1-1-10; revised 10-21-09.)

1 (215 ILCS 5/404) (from Ch. 73, par. 1016)

2 Sec. 404. Office of Director; A public office; destruction
3 or disposal of records, papers, documents, and memoranda.

4 (1) (a) The office of the Director shall be a public office
5 and the records, books, and papers thereof on file therein,
6 except those records or documents containing or disclosing any
7 analysis, opinion, calculation, ratio, recommendation, advice,
8 viewpoint, or estimation by any Department staff regarding the
9 financial or market condition of an insurer not otherwise made
10 part of the public record by the Director, shall be accessible
11 to the inspection of the public, except as the Director, for
12 good reason, may decide otherwise, or except as may be
13 otherwise provided in this Code or as otherwise provided in
14 Section 7 of the Freedom of Information Act.

15 (b) Except where another provision of this Code expressly
16 prohibits a disclosure of confidential information to the
17 specific officials or organizations described in this
18 subsection, the Director may disclose or share any confidential
19 records or information in his custody and control with any
20 insurance regulatory officials of any state or country, with
21 the law enforcement officials of this State, any other state,
22 or the federal government, or with the National Association of
23 Insurance Commissioners, upon the written agreement of the
24 official or organization receiving the information to hold the
25 information or records confidential and in a manner consistent

1 with this Code.

2 (c) The Director shall maintain as confidential any records
3 or information received from the National Association of
4 Insurance Commissioners or insurance regulatory officials of
5 other states which is confidential in that other jurisdiction.

6 (2) Upon the filing of the examination to which they
7 relate, the Director is authorized to destroy or otherwise
8 dispose of all working papers relative to any company which
9 has been examined at any time prior to that last
10 examination by the Department, so that in such
11 circumstances only current working papers of that last
12 examination may be retained by the Department.

13 (3) Five years after the conclusion of the transactions
14 to which they relate, the Director is authorized to destroy
15 or otherwise dispose of all books, records, papers,
16 memoranda and correspondence directly related to consumer
17 complaints or inquiries.

18 (4) Two years after the conclusion of the transactions
19 to which they relate, the Director is authorized to destroy
20 or otherwise dispose of all books, records, papers,
21 memoranda, and correspondence directly related to all
22 void, obsolete, or superseded rate filings and schedules
23 required to be filed by statute; and all individual company
24 rating experience data and all records, papers, documents
25 and memoranda in the possession of the Director relating
26 thereto.

1 (5) Five years after the conclusion of the transactions
2 to which they relate, the Director is authorized to destroy
3 or otherwise dispose of all examination reports of
4 companies made by the insurance supervisory officials of
5 states other than Illinois; applications, requisitions,
6 and requests for licenses; all records of hearings; and all
7 similar records, papers, documents, and memoranda in the
8 possession of the Director.

9 (6) Ten years after the conclusion of the transactions
10 to which they relate, the Director is authorized to destroy
11 or otherwise dispose of all official correspondence of
12 foreign and alien companies, all foreign companies' and
13 alien companies' annual statements, valuation reports, tax
14 reports, and all similar records, papers, documents and
15 memoranda in the possession of the Director.

16 (7) Whenever any records, papers, documents or
17 memoranda are destroyed or otherwise disposed of pursuant
18 to the provisions of this section, the Director shall
19 execute and file in a separate, permanent office file a
20 certificate listing and setting forth by summary
21 description the records, papers, documents or memoranda so
22 destroyed or otherwise disposed of, and the Director may,
23 in his discretion, preserve copies of any such records,
24 papers, documents or memoranda by means of microfilming or
25 photographing the same.

26 (8) This Section shall apply to records, papers,

1 documents, and memoranda presently in the possession of the
2 Director as well as to records, papers, documents, and
3 memoranda hereafter coming into his possession.

4 (Source: P.A. 89-97, eff. 7-7-95.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".