

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 adding Section 155.37 as follows:

6 (215 ILCS 5/155.37 new)

7 Sec. 155.37. Holocaust victims.

8 (a) This Section may be cited as the Holocaust Victims  
9 Insurance Law.

10 (b) It is the General Assembly's intent that the  
11 potential and actual insurance claims of Holocaust victims  
12 and their heirs and beneficiaries be expeditiously identified  
13 and properly paid and that Holocaust victims and their  
14 families receive appropriate assistance in the filing and  
15 payment of their rightful claims.

16 (c) For the purpose of this Section:

17 "Holocaust victim" means any person who lost his or her  
18 life or property as a result of discriminatory laws,  
19 policies, or actions targeted against discrete groups of  
20 persons between 1920 and 1945, inclusive, in Nazi Germany,  
21 areas occupied by Nazi Germany, or countries allied with Nazi  
22 Germany.

23 "Insurance policy" means, but is not limited to, life  
24 insurance, property insurance, or education policies.

25 "Legal relationship" means the relationship of a parent,  
26 subsidiary, or affiliated company with an insurer doing  
27 business in this State.

28 "Proceeds" means the face or other payout value of  
29 policies and annuities plus reasonable interest to date of  
30 payments without diminution for wartime or immediate postwar  
31 currency devaluation.

1       (d) The Department shall establish a toll-free telephone  
2 number, with assistance available in appropriate languages,  
3 to assist any person seeking to recover proceeds from an  
4 insurance policy issued to a Holocaust victim.

5       (e) An insurer doing business in this State, in receipt  
6 of a claim from a Holocaust victim or from a beneficiary,  
7 descendant, or heir of a Holocaust victim, shall do all of  
8 the following:

9           (1) Diligently and expeditiously investigate all of  
10 those claims.

11           (2) Allow the claimants to meet a reasonable, not  
12 unduly restrictive, standard of proof to substantiate a  
13 claim, pursuant to standards established by the  
14 Department.

15           (3) Permit claims irrespective of any statute of  
16 limitations or notice requirements imposed by any  
17 insurance policy issued, provided the claim is submitted  
18 within 10 years after the effective date of this  
19 amendatory Act of the 92nd General Assembly.

20       (f) Notwithstanding any law or agreement among the  
21 parties to an insurance policy to the contrary, any action  
22 brought by Holocaust victims or by a beneficiary, heir, or a  
23 descendant of a Holocaust victim seeking proceeds of an  
24 insurance policy issued or in effect between 1920 and 1945,  
25 inclusive, shall not be dismissed for failure to comply with  
26 the applicable statute of limitations or laches provided the  
27 action is commenced within 10 years after the effective date  
28 of this amendatory Act of the 92nd General Assembly.

29       (g) An insurer doing business in this State has an  
30 affirmative duty to ascertain to the extent possible and  
31 report to the Department within 90 days after the effective  
32 date of this amendatory Act of the 92nd General Assembly and  
33 annually thereafter all efforts made and results of those  
34 efforts to ascertain:

1           (1) any legal relationship with an international  
2 insurer that issued an insurance policy to a Holocaust  
3 victim between 1920 and 1945, inclusive;

4           (2) the number and total value of those policies;

5           (3) any claim filed by a Holocaust victim, his or  
6 her beneficiary, heir, or descendant that has been paid,  
7 denied payment, or is pending;

8           (4) attempts made by the insurer to locate the  
9 beneficiaries of any such policies for which no claim of  
10 benefits has been made; and

11           (5) an explanation of any denial or pending payment  
12 of a claim to a Holocaust victim, his or her beneficiary,  
13 heir, or descendant.

14           (h) The Department shall report to the General Assembly  
15 one year after the effective date of this amendatory Act of  
16 the 92nd General Assembly and annually thereafter:

17           (1) the number of insurers doing business in this  
18 State that have a legal relationship with an  
19 international insurer that could have issued a policy to  
20 a Holocaust victim between 1920 and 1945, inclusive;

21           (2) a list of all claims paid, denied, or pending  
22 to a Holocaust victim, his or her beneficiary, heir, or  
23 descendant; and

24           (3) a summary of the length of time for the  
25 processing and disposition of a claim by the insurer.

26           (i) In addition to any other penalty provided under this  
27 Code, any insurer or person who violates the provisions of  
28 this Section is subject to an administrative penalty of  
29 \$1,000 per day for each day the violation continues.

30           (j) An action to recover damages caused by a violation  
31 of this Section must be commenced within 5 years after the  
32 cause of action has accrued. A person who sustains damages by  
33 reason of a violation of this Section shall recover threefold  
34 the actual damages sustained thereby, as well as costs not

1 exceeding \$50,000, and reasonable attorneys' fees. At or  
2 before the commencement of any civil action by a party,  
3 notice of the action shall be served upon the Department.

4 (k) The Department, by rule, shall provide for the  
5 implementation of the provisions of this Section by  
6 establishing procedures and related forms for facilitating,  
7 monitoring, and verifying compliance with this Section and  
8 for the establishment of a restitution program for Holocaust  
9 victims, survivors, and their heirs and beneficiaries.

10 (l) If any provision of this Section or the application  
11 of it to any person or circumstance is held invalid, the  
12 invalidity shall not affect other provisions or applications  
13 of this Section that can be given effect without the invalid  
14 provision or application, and to this end the provisions of  
15 this Section are declared severable.