



ILLINOIS CHAMBER

Rail Report

February 21, 2023

Highlights from Today:

The House and Senate both returned to Springfield for this week's first day of session. Floor action was brief with nothing of note occurring in either chamber except agreed resolutions. Committee hearings were held throughout the afternoon.

Committee Action of Note:

[HB 47](#), **Cybersecurity Insurance** passed out of the House Insurance Committee 14-0-0. This bill provides that if the entry of an Order of Liquidation occurs on or after January 1, 2023, then the obligations shall not exceed \$500,000 or exceed without any deduction \$50,000 for any unearned

premium claim or refund under any one policy. Provides that in no event shall the Fund be obligated to pay an amount in excess of \$500,000 in the aggregate for all first-party and third-party claims under a policy or endorsement providing cybersecurity insurance coverage and arising out of or related to a single insured event, regardless of the number of claims made or number of claimants. Provides that the Illinois Insurance Guaranty Fund shall have the right to appoint or approve and to direct legal counsel and other service providers under any other insurance policies subject to the provisions, regardless of any limitations in the policy. Provides that the Fund may employ or retain such persons as are necessary to provide policy benefits and services. Provides that the Fund may, at its sole discretion and without assumption of any ongoing duty to do so, pay any cybersecurity insurance obligations covered by a policy of an insolvent company on behalf of a high net worth insured. Defines cybersecurity insurance.

[HB 1370](#), **Event Facility/Recycling** passed out of the Energy & Environment Committee by a vote of 26-0-0. This bill provides that the amendatory Act may be referred to as the Large Event Waste Law. Amends the Solid Waste Planning and Recycling Act. Provides that, on and after January 1, 2025, an owner or operator of an event facility that has a maximum legal capacity or occupancy of at least 3,000 persons and that receives funding from the State of Illinois shall participate in the recycling program established by the county in which the event facility is located and shall send recyclable materials to a recycling center.

[HB 1608](#), **CCR** passed out of the House Energy & Environment Committee 16-10-0. This bill provides that owners and operators of CCR surface impoundments at electric generating plants that are bordering Lake Michigan shall close the CCR surface impoundment by removal by off-site disposal, pursuant to specified provisions and requirements. In additional provisions, requires an owner or operator to remove from his or her site, for off-site disposal, all CCR generated by a facility that is not disposed of, treated, stored, or abandoned in a CCR surface impoundment, and remediate all soil and groundwater impacted by that CCR, in accordance with specified requirements. Requires owners or operators to submit specified plans and reports to the Environmental Protection Agency. Provides that an owner or operator shall post with the Agency a performance bond or other security for the purpose of ensuring removal and remediation in accordance with the provisions. Provides that the Agency may enter into such contracts and agreements as it deems necessary to carry out the purposes of the provisions. Provides that neither the State, nor the Director of the Agency, nor any State employee shall be liable for any damages or injuries arising out of or resulting from any action taken under the provisions. **The Chamber testified in opposition.**

[HB 2089](#) **Insurance** passed out of the House Insurance Committee by a vote of 15-0-0. This bill amends the Illinois Insurance Code. Changes fee amounts for failure of an industrial insured or surplus line producer to file a tax return or report. Removes provisions added by Public Act 94-677, which has been held unconstitutional. In provisions concerning coverage for medically necessary treatment of mental, emotional, nervous, or substance use disorders or conditions, removes language that provides that a request for expedited external review must be initiated within 24 hours following the adverse determination notification by the insurer, and failure to request an expedited external review within 24 hours shall preclude a covered person or a covered person's authorized representative from requesting an expedited external review. Makes other changes. Amends the Small Employer Health Insurance Rating Act. Provides that the provisions shall not apply to any health benefit plan for a small employer that is delivered, issued, renewed, or continued in the State on or after January 1, 2022, unless specified federal law is repealed. Amends the Health Maintenance Organization Act. Provides that health maintenance organizations shall be subject to specified provisions of the Illinois Insurance Code mandating coverage for certain services. Amends the Managed Care Reform and Patient Rights Act. Changes the definition of "health care plan" to include specified not-for-profit voluntary health services plans.

[HB 2192](#), **Park Districts/Solar Energy** passed out of the Energy & Environment Committee 27-0-0. This bill provides that a park district may enter into a lease, contract, or other agreement related to the acquisition of solar energy, including the installation, maintenance, and service of solar panels, equipment, or similar technology related to solar energy, for a period not to exceed 2.5 times the term of years provided for in other provisions authorizing a lease for equipment and machinery (currently, up to 8 years) when authorized by the affirmative vote of two-thirds of the governing board of the park district.

[SB 273](#), **Mobile Inspection** passed out of the Senate Transportation Committee 18-0-0. This bill provides that the Department of Transportation shall issue a permit to the proprietor of a company seeking to perform mobile safety inspections to operate an official mobile safety testing company. Provides that a permittee may test the permittee's own second division vehicles and issue certificates of safety and conduct emission inspections of the permittee's own second division vehicles. Adds language governing fees, bonding, and oversight of official mobile safety testing companies.

[SB 1251](#), **Ambulance Sirens** passed out of the Senate Transportation Committee 18-0-0. This bill provides that the operator of the ambulance or rescue vehicle shall have documented, specified, training in the operation of an ambulance or rescue vehicle prior to operating that vehicle. In municipality

with a population of 1,000,000 or under, requires the siren and lamp or lamps on an ambulance or a rescue vehicle to be in operation at all times when pedestrians and other drivers are present (instead of when it is reasonably necessary to warn pedestrians and other drivers of the approach thereof) during a trip or journey when the ambulance or rescue vehicle is either responding to a bona fide emergency call or specifically directed by a licensed physician to disregard traffic laws in operating the ambulance during and for the purpose of the specific trip or journey that is involved. Provides an ambulance or rescue vehicle shall be operated in complete conformance with other motor vehicle laws and regulations when the speed of the ambulance or rescue vehicle exceeds 25 miles per hour (instead of 40 miles per hour).

[SB 1494](#), **Department of Insurance** passed out of the Senate Insurance Committee. This bill amends the Domestic Stock Company Division Article of the Illinois Insurance Code. In provisions concerning plan of division approval, provides that any decision by the Director of Insurance on whether or not to hold a public hearing on either a plan of division or an amended plan of division may be made independently by the Director. Provides that if a dividing company amends its plan of division at any time before the plan of division becomes effective, then the dividing company shall file the amended plan of division for approval by the Director. Provides that if a hearing is conducted on the amended plan of division after the Director has approved a previous plan of division, then the hearing shall not be considered a rehearing. Provides that the fee assessed for filing a plan of division shall not apply to the filing of an amended plan of division. In provisions concerning certificates of division, provides that if the dividing company files an amended plan of division with the Director after a certificate of division has been filed for a previous plan, then the dividing company shall file a certificate of stay with the recorder. Provides that the certificate of stay shall identify the certificate of division being stayed and the date on which the amended plan of division was filed with the Director.

[SB 1526](#), **IDOT Mobile App** passed out of the Senate Transportation Committee by a vote of 18-0-0. This bill requires the Department to develop a mobile application that provides motorists with updated traffic conditions.

[SB 1653](#), **Hazard Bar** passed out of the Senate Transportation Committee 12-6-0 with a commitment to bring the bill back to committee with an amendment changing the bill to a pilot program. This bill, as introduced, requires the Department of Transportation, local authorities, or any responsible entity to erect and maintain hazard bars for all viaducts and underpasses with a clearance of less than 15 feet. Provides that the hazard bar shall hang at the same clearance level as the viaduct or underpass and at least 500 feet in front of the viaduct or underpass to alert motorists.

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