

Index

AGENTS AND PRODUCERS

- Generally, **3:1-3:8**
- Actual and apparent authority, **3:4**
- Authority and duty
 - generally, **3:3**
 - actual and apparent authority, **3:4**
 - breach of duty to procure insurance, effect of, **3:5**
 - estoppel, agency by, **3:4**
 - principal's ratification, authority created by, **3:4**
 - procuring insurance for insured, duty, **3:5**
- Breach of duty to procure insurance, effect of, **3:5**
- Estoppel, agency by, **3:4**
- Full coverage, agent's potential liability for failure to obtain, **3:7**
- Laws of agency, **3:2**
- Liability
 - generally, **3:6-3:8**
 - full coverage, agent's potential liability for failure to obtain, **3:7**
 - negligence, agent's liability, **3:6**
 - statute of limitations, **3:8**
- Negligence, agent's liability, **3:6**
- Principal's ratification, authority created by, **3:4**
- Procuring insurance for insured, duty, **3:5**
- Statute of limitations, suit against, **3:8**

ALLOCATION

- Generally, **10:1**
- Multiple Insurers, this index

ANTISTACKING AND OTHER INSURANCE CLAUSES

- Uninsured and Underinsured Motorist coverage, this index

ARBITRATION

- Uninsured and Underinsured Motorist Coverage, this index

ATTORNEYS

- Conflict of interest, attorney's duty to insured, **5:21**

ATTORNEYS FEES

- Guaranty fund, claims for fees have fifth priority upon liquidation of insurer,
12:29
- Illinois bad faith statute, **11:18**

BAD FAITH

- Generally, **11:1-11:10**

ILLINOIS PRACTICE SERIES AUTOMOBILE INSURANCE

BAD FAITH—Cont'd

- Arbitration of UM claims. Uninsured and Underinsured Motorist Coverage, this index
- Attorney fees, **11:18**
- Bona fide coverage issues, **11:17**
- Choice of law, **11:2**
- Consequential damages, breach of duty to defend, **11:6**
- Declaratory action, **11:16**
- Failure to settle, excess insurer's right to assert claim against primary, **11:4**
- First party benefits, **11:14**
- Garnishment proceedings, bad faith claims asserted in, **11:8**
- Illinois bad faith statute
 - generally, **11:11-11:22**
 - additional statutory amount, **11:20**
 - attorney fees, **11:18**
 - bona fide coverage issues, **11:17**
 - declaratory action, **11:16**
 - first party benefits, **11:14**
 - other claims and remedies, effect on, **11:21**
 - other costs, **11:19**
 - question of fact for court, **11:13**
 - third party claims, **11:15**
 - time to sue, **11:22**
 - vexatious and unreasonable, **11:12**
- Independent tort and statutory claims, **11:5**
- Interest, prejudgment and post-judgment, **11:9**
- Judgment exceeding policy limit, liability insurer's bad faith resulting in, **11:3**
- Punitive damages, **11:5**
- Question of fact for court, **11:13**
- Reverse and double-reverse bad faith, **11:10**
- Third party claims, **11:15**
- Time to sue, **11:22**
- Vexatious and unreasonable, **11:12**
- Who can sue, assignments, **11:7**

BANKRUPTCY

- Financial responsibility, petition for discharge filed in bankruptcy, **2:29**

BINDERS

- Policy formation, **5:1**

BODILY INJURY

- Policy definitions and interpretations, **7:4**

BONDS

- Financial Responsibility, this index
- Rental Vehicles, this index

BORROWED AUTO

- Policy definitions and interpretations, **7:5**

INDEX

BURDEN OF PROOF

Uninsured and underinsured motorist coverage, **8:51**

BUSINESS AUTOMOBILE COVERAGE

Generally, **9:1-9:5**

Customer's car, use for personal reasons, **9:5**

Frolic or detour, distinction, **9:3**

Liability insurance, automobile business exclusion, **6:16**

Mixed use, no coverage under personal policies, **9:4**

CANCELLATION OF POLICY

Insured, cancellation by, **5:28**

Insurer, cancellation by, **5:27**

CAR DEALERS

Generally, **1:9, 9:6-9:17**

Coverage limits on file with state, dealers bound by, **9:10**

Excess-escape clause, dealer's policy primary despite, **9:11**

Exclusions that conflict with mandatory coverage unenforceable, **9:17**

Garage liability policy, primary coverage requirement, **9:9**

Loaners, **9:15**

Permitted user, generally, **9:13**

Permitted user's policy

limits of at least \$100,000 is primary, **9:7**

limits under \$100,000 is primary is excess, **9:8**

Separately insured driver, primary coverage for, **9:16**

Test drivers

generally, **9:14**

excess, test driver's policy as, **9:12**

CHOICE OF LAW

Bad faith, **11:2**

Uninsured and underinsured motorist coverage, **8:90**

CLAIMS

First party claims, adjustment, **4:7**

Illinois Insurance Guaranty Fund, this index

UM claims procedures. Uninsured and Underinsured Motorist Coverage, this index

COLLISION DAMAGE WAIVER

Generally, **9:37, 9:38**

Renter's Financial Responsibility and Protection Act, **2:82**

COLLISION INSURANCE

Generally, **4:2**

COMPREHENSIVE COVERAGE

Generally, **4:3**

CONFLICT OF INTEREST

Generally, **5:19**

ILLINOIS PRACTICE SERIES AUTOMOBILE INSURANCE

CONFLICT OF INTEREST—Cont'd

- Attorney's duty to insured, **5:21**
- Between two or more insureds, **5:20**

CONSTRUCTION AND INTERPRETATION OF CONTRACTS

- Generally, **7:1**
- Ambiguity of language, **5:5**
- Arising out of ownership, maintenance or use of automobile, **7:2**
- Bodily injury, **7:4**
- Borrowed auto, **7:5**
- Causal relation or nexus, requirement of, **7:2**
- Definitions, this index
- Exclusion construed strictly against insurer, **5:8**
- Family member, **7:11**
- Hit-and-run, **7:15**
- Judicial definitions of terms, **5:6**
- Liability insurance, public policy arguments relating to, **5:10**
- Liberal construction in favor of insured, **5:7**
- Loading and unloading of vehicle, **7:3**
- Method of construction, **5:4**
- Newly acquired vehicle, **7:7**
- Non-owned vehicle and regular use, **7:8**
- Occupying an automobile, **7:14**
- Ownership, **7:9**
- Reasonable expectations, doctrine of, **5:9**
- Replacement vehicle, **7:6, 7:7**
- Resident relative, **7:11**
- Scheduled auto, **7:12**
- Situations where policy will not be honored, **5:11**
- Temporary substitute vehicle, **7:13**
- Uninsured and underinsured coverage, principles applicable to judicial construction, **8:6**
- "You" and "your," **7:10**

CONTRACT FORMATION

- Policy Formation, this index

COOPERATION

- Duty to cooperate, **5:17**
- Failure to cooperate
 - generally, **5:17**
 - loss of coverage, failure to give notice or cooperate with insurer, **5:13**
- UM coverage, cooperation with insurer, **8:83**

CRIMINAL ACT

- Liability policy exclusion. Liability Insurance, this index

DAMAGES

- Bad faith, punitive damages, **11:5**
- Breach of duty to defend, consequential damages, **11:6**

INDEX

DAMAGES—Cont'd

UM claims procedures, **8:89**

DEALERS

Car Dealers, this index

DECLARATORY ACTION

Illinois bad faith statute, **11:16**

DEFENSE OF INSURED

Duties of Insured and Insurer, this index

DEFINITIONS

Generally, **7:1**

Arising out of ownership, maintenance or use of automobile, **7:2**

Bodily injury, **7:4**

Borrowed auto, **7:5**

Family member, **7:11**

Hit-and-run, **7:15**

Judicial definitions of terms, **5:6**

Loading and unloading of vehicle, **7:3**

Newly acquired vehicle, **7:7**

Non-owned vehicle and regular use, **7:8**

Occupying an automobile, **7:14**

Ownership, **7:9**

Renter's Financial Responsibility and Protection Act, **2:80**

Replacement vehicle, **7:6, 7:7**

Resident relative, **7:11**

Scheduled auto, **7:12**

Temporary substitute vehicle, **7:13**

Uninsured and Underinsured Motorist Coverage, this index

"You" and "your," **7:10**

DISABILITY INSURANCE

UM and UIM set-offs, **8:67**

DRAM SHOPS

UM and UIM set-offs, dram shop insurance, **8:70**

DUTIES OF INSURED AND INSURER

Generally, **5:15-5:24**

Bad Faith, this index

Conflict of interest, **5:19-5:21**

Cooperation, **5:17, 5:18**

Defense of insured, insurer's duty

generally, **5:22**

breach of duty, consequential damages, **11:6**

no duty to defend or indemnify nonpermissive, unauthorized driver, **6:12**

waiver of defenses and reservation of rights, **5:23**

Insured, duties of, **5:15**

Notice, duty to provide, **5:16**

DUTIES OF INSURED AND INSURER—Cont'd

Settling in good faith, insurer's duty, **5:24**

ESCAPE CLAUSES

Multiple Insurers, this index

ESTOPPEL AND WAIVER

Agency by estoppel, **3:4**

Insurer, waiver or estoppel by, **5:32**

EVIDENCE

Illinois Safety and Family Financial Responsibility Law, matters not to be evidence in civil suits, **2:20**

UM arbitration, **8:96, 8:97**

EXCLUSIONS

Liability Insurance, this index

Strict construction against insurer, **5:8**

Uninsured and Underinsured Motorist Coverage, this index

EXPIRATION OF POLICY

Generally, **5:26**

FINANCIAL RESPONSIBILITY

Generally, **2:2-2:82**

Bankruptcy, petition for discharge, **2:29**

Bond

for-rent vehicles for-hire, owners of, below

Passengers, vehicles used for transportation of, below

Proof of financial responsibility for the future, below

Breach of agreement, suspension required upon, **2:32**

For-rent vehicles for-hire, owners of

generally, **2:72, 9:19**

alternate methods of giving proof, **2:73**

bond as proof

application for approval, **2:77**

cancellation or withdrawal, **2:78**

requirements, **2:74**

insurance policy as proof

application for approval, **2:77**

cancellation of policy, notices, **2:76**

cancellation or withdrawal, **2:78**

requirements, **2:75**

Illinois Safety and Family Financial Responsibility Law

generally, **1:5, 2:2-2:21**

accident, security following, **2:4**

accident information, **2:6**

administration of law, **2:2**

agreements for payment of damages, **2:14**

appeal of final decisions, **2:3**

court review, **2:3**

INDEX

FINANCIAL RESPONSIBILITY—Cont'd

Illinois Safety and Family Financial Responsibility Law—Cont'd

decreasing amount of security, authority of administrator and Secretary of State, **2:18**

disposition of security, **2:19**

duration of suspension, **2:17**

evidence in civil suits, matters not to be, **2:20**

failure to deposit security, hearings and suspensions, **2:11**

judgment, payment upon, **2:15**

liability

non-liability, adjudication of, **2:13**

release from, **2:12**

missing report or missing information, request for, **2:5**

non-liability, adjudication of, **2:13**

nonresidents, licensing of, **2:21**

notice to persons whose names are certified, **2:6**

payment of damages

agreements for, **2:14**

judgment, payment upon, **2:15**

policy or bond, requirements as to, **2:9**

potential claims, administrator to itemize, **2:7**

reciprocity, **2:21**

release from liability, **2:12**

residents and nonresidents, **2:21**

Secretary of State

certification to, **2:6**

decreasing amount of security, **2:18**

security

accident, security following, **2:4**

decreasing amount, authority of administrator and Secretary of State, **2:18**

definition, **2:10**

disposition, **2:19**

exceptions to requirements, **2:8**

failure to deposit, hearings and suspensions, **2:11**

form and amount, **2:10**

policy or bond, requirements as to, **2:9**

termination of requirement, **2:16**

suspensions, **2:11, 2:17**

termination of security requirement, **2:16**

Immunity, mandatory insurance, **2:55**

Mandatory insurance

generally, **2:47-2:55**

false proof, penalty, **2:52**

immunity, **2:55**

insurance card, **2:48**

liability policy, required, **2:47**

religious organizations, exemption for, **2:54**

FINANCIAL RESPONSIBILITY—Cont'd

Mandatory insurance—Cont'd

uninsured vehicles

notice, **2:50**

suspension and reinstatement, **2:51**

verification of liability policy, **2:49, 2:53**

Medical transport vehicles, **2:57**

Missing report or missing information, request for, **2:5**

Nonpayment of judgment, suspension of driver's license, registration certificate, license plates and registration stickers

generally, **2:23**

breach of agreement, suspension required upon, **2:32**

court to report nonpayments, **2:26**

nonresident, action in respect to, **2:27**

suspension to continue until judgments paid and proof given, **2:28**

unlicensed driver, action in respect to, **2:25**

Nonresidents

certificate of insurance, **2:35**

licensing of, **2:21**

nonpayment of judgment, action in respect to nonresident, **2:27**

when proof not required, nonresidents and former residents, **2:36**

Passengers, vehicles used for transportation of

generally, **2:56-2:71**

alternate methods of giving proof, **2:58**

bond as proof

generally, **2:59**

action on bond, **2:61**

insurance policy as bond, below

replacement of bond, authority to require, **2:63**

requirements of bond, **2:60**

suspension of registration certificates, registration plates and registration sticker when bond or policy canceled or withdrawn, **2:69**

when bond on policy to expire, **2:68**

withdrawal by sureties from bond, notice, **2:62**

display of certificate, **2:71**

insurance policy as bond

generally, **2:64**

cancellation of policy, notice, **2:66**

proof required after cancellation, **2:67**

requirements of policy, **2:65**

suspension of registration certificates, registration plates and registration sticker when bond or policy canceled or withdrawn, **2:69**

issuance of license upon proof of financial responsibility, **2:70**

medical transport vehicles, **2:57**

suspension of registration certificates, registration plates and registration sticker when bond or policy canceled or withdrawn, **2:69**

Potential claims, administrator to itemize, **2:7**

INDEX

FINANCIAL RESPONSIBILITY—Cont'd

Proof of financial responsibility for the future

generally, **2:22-2:45**

alternate methods of giving proof, **2:33, 2:43**

Article III, 5/7-301, application of, **2:22**

bankruptcy, petition for discharge, **2:29**

bond

action on bond, **2:42**

lien, when bond shall constitute, **2:41**

proof, bond as, **2:40**

certificate of insurance, **2:34, 2:35**

installment payments, **2:31**

liability insurance

cancellation or termination of certified policy, notice of, **2:38**

defined, **2:37**

Nonpayment of judgment, above

Nonresidents, above

other policies, Act not to affect, **2:39**

payments

installment payments, **2:31**

sufficient to satisfy requirements, **2:30**

proof required

generally, **2:24**

alternate methods of giving, **2:33**

bond, above this subgroup

certificate of insurance, **2:34, 2:35**

false proof, penalty, **2:52**

nonresidents, **2:35, 2:36**

payments sufficient to satisfy requirements, **2:30**

suspension to continue until judgments paid and proof given, **2:28**

voluntarily made proof, **2:45**

when proof may be canceled or returned, **2:44**

suspension of driver's license, etc. Nonpayment of judgment, above

voluntarily made proof, **2:45**

when proof may be canceled or returned, **2:44**

Religious organizations, exemption for, **2:54**

Renter's Financial Responsibility and Protection Act

generally, **1:8, 2:79-2:82**

collision damage waiver disclosure notice and advertising requirements, **2:82**

definitions, **2:80**

legislative history, **2:79**

prohibited practices, **2:81**

Secretary of State

Illinois Safety and Family Financial Responsibility Law, above

passenger transport, suspension of registration certificates, registration plates

and registration sticker when bond or policy canceled or withdrawn, **2:69**

Security. Illinois Safety and Family Financial Responsibility Law, above

Self-insurers, **2:46**

ILLINOIS PRACTICE SERIES AUTOMOBILE INSURANCE

FINANCIAL RESPONSIBILITY—Cont'd

- Suspension
 - failure to deposit security, **2:11, 2:17**
- Nonpayment of judgment, above
- Uninsured vehicles. Mandatory insurance, above
- Unlicensed driver, action in respect to, **2:25**

FIRST PARTY COVERAGES

- Generally, **4:1-4:7**
- Adjustment of first party claims, **4:7**
- Collision insurance, **4:2**
- Comprehensive coverage, **4:3**
- Liability Insurance, this index
- Loss payable clause, **4:4**
- Medical payments coverage, **4:5**
- Property damage coverage, **4:6**

FORMATION OF POLICY

- Policy Formation, this index

FOR-RENT VEHICLES FOR-HIRE

- Financial Responsibility, this index

FRAUD AND MISREPRESENTATION

- Effect on terminating policy for insurer fraud, **5:12**
- UM arbitration award, challenge to, **8:105**

GARAGE LIABILITY POLICIES

- Car dealers, primary coverage requirement, **9:9**
- Super escape clauses, **10:11**

GARNISHMENT PROCEEDINGS

- Bad faith claims asserted in, **11:8**

GUARANTY FUND

- Illinois Insurance Guaranty Fund, this index

HIT AND RUN

- Uninsured and Underinsured Motorist Coverage, this index

ILLINOIS INSURANCE GUARANTY FUND

- Generally, **12:1-12:33**
- Arbitration demand made after obtaining affidavit from uninsured driver timely, **12:21**
- Attorney fees, claims for, fifth priority upon liquidation of insurer, **12:29**
- Claims
 - attorney fees, claims for, fifth priority upon liquidation of insurer, **12:29**
 - contingent claims, **12:10**
 - covered claims, **12:8**
 - determination by liquidator, **12:23**
 - disposition, **12:7**
 - investigation, **12:7**

INDEX

ILLINOIS INSURANCE GUARANTY FUND—Cont'd

Claims—Cont'd

late claims, **12:9**

nonresident corporation not eligible to make claim, **12:28**

proof of filing deadline, claims made after, **12:9**

surplus line insurers, payment of claims against not guaranteed by fund, **12:33**

Co-defendant insured by fund, insurer may not recover against under contribution theory, **12:32**

Contingent claims, **12:10**

Creation of fund, **12:2**

Disposition of claims, **12:7**

Exhaustion of other insurance

generally, **12:13**

UM insurance, exhaustion not condition precedent, **12:19**

Immunity of fund, **12:26**

Insolvent insurer

amount recoverable from insolvent insurer set-off by amount recovered from UM carrier, **12:18**

non-duplication provision inapplicable where only insolvent insurer covers claim, **12:14**

notice to insured, **12:6**

Insured worth more than \$25 million not covered by fund, **12:30**

Investigation of claims, **12:7**

Judgments

finality of judgments against fund, **12:24**

not binding unless made on merits, **12:25**

Lien against insured's recovery from fund, UM carrier cannot claim, **12:20**

Loss arising out of and within coverage of policy, claimant must suffer, **12:11**

Members of guaranty fund and fees, **12:3**

Non-duplication provision inapplicable where only insolvent insurer covers claim, **12:14**

Nonresident corporation not eligible to make claim, **12:28**

Notice

insolvent insurer, notice to insured, **12:6**

late notice to insurer requires examination of whether notice was reasonable, **12:27**

Other collectible insurance, guaranty fund not, **12:12**

Other driver's UM coverage, set-off up to limits of, **12:17**

Proof of filing deadline, claims made after, **12:9**

Purpose of fund, **12:5**

Set-off

amount recoverable from insolvent insurer set-off by amount recovered from UM carrier, **12:18**

guaranty fund set-off is full amount of "other insurance" available to claimant, whether recovered or not, **12:15**

maximum UM coverage is set-off for failure to claim from UM insurer, **12:16**

other driver's UM coverage, set-off up to limits of, **12:17**

ILLINOIS PRACTICE SERIES AUTOMOBILE INSURANCE

ILLINOIS INSURANCE GUARANTY FUND—Cont'd

- Solvent insurer
 - no reimbursement by fund, **12:31**
 - potential claim against fund assets to be reduced by, **12:22**
- Special Deputy Receiver, Office of (OSD), **12:4**
- Surplus line insurers, payment of claims against not guaranteed by fund, **12:33**
- Uninsured motorist coverage
 - exhaustion of UM insurance not condition precedent to claiming from fund, **12:19**
 - lien against insured's recovery from fund, UM carrier cannot claim, **12:20**
 - maximum UM coverage is set-off for failure to claim from UM insurer, **12:16**

ILLINOIS SAFETY AND FAMILY FINANCIAL RESPONSIBILITY LAW

- Financial Responsibility, this index

IMMUNITY

- Guaranty fund, **12:26**
- Mandatory insurance, **2:55**

INSANITY

- Liability policy exclusion, **6:20**

INSURANCE

- Agents and Producers, this index
- Bad Faith, this index
- Cancellation of policy, **5:27, 5:28**
- Duties of Insured and Insurer, this index
- Expiration of policy, **5:26**
- Financial Responsibility, this index
- First Party Coverages, this index
- Interpretation of Vehicle Insurance Contracts, this index
- Liability Insurance, this index
- Multiple Insurers, this index
- Nonrenewal of policy, **5:30**
- Policy Formation, this index
- Statutory foundations, **1:2**
- Termination of Policy, this index
- Uninsured and Underinsured Motorist Coverage, this index

INTENTIONAL ACT

- Liability policy exclusion. Liability Insurance, this index

INTEREST ON MONEY

- Bad faith, prejudgment and post-judgment interest, **11:9**

INTERPRETATION

- Construction and Interpretation of Contracts, this index

INTOXICATION

- Rental vehicle, clauses voiding policy based on driver's intoxication unenforceable, **9:31**

INDEX

JOINT TORTFEASORS

UM and UIM set-offs, **8:71**

LIABILITY INSURANCE

Generally, **4:1, 6:1**

Auto dealer's insurer not required to indemnify permissive driver, **6:31**

Automobile business exclusion, **6:16**

Bad Faith, this index

Compensation, use of auto for, policy exclusion, **6:15**

Criminal act. Intentional/criminal act exclusion, below

Employee exclusion, workers' compensation and co-worker, **6:17**

Exclusions

generally, **6:15-6:31**

auto dealer's insurer not required to indemnify permissive driver, **6:31**

automobile business exclusion, **6:16**

compensation, use of auto for, **6:15**

employee exclusion, workers' compensation and co-worker, **6:17**

family or household exclusion, below

government employee exclusion, **6:30**

intentional/criminal act exclusion, below

intoxication exclusions, **6:28, 6:29**

named driver exclusion, **6:26**

prearranged race, **6:25**

property owned or transported by insured, **6:24**

reasonable belief exclusion, **6:27**

Family or household exclusion

generally, **6:21**

contribution claims, **6:23**

direct actions between family members and creation of UM claim, **6:22**

Government employee exclusion, **6:30**

Intentional/criminal act exclusion

generally, **6:18**

automobile liability policy, **6:19**

mental state/insanity/suicide, **6:20**

Intoxication exclusions, **6:28, 6:29**

Limits of liability

generally, **6:32**

each particular vehicle, applicability to, **6:34**

loss of consortium, **6:35**

minimum liability limits required by statute, **6:33**

priority of coverage, primary vs. excess, **6:36**

Loss of consortium, limits of liability, **6:35**

Mandatory insurance, **2:47, 2:49**

Minimum liability limits required by statute, **6:33**

Named driver exclusion, **6:26**

Omnibus clause

generally, **6:2-6:14**

no duty to defend or indemnify nonpermissive, unauthorized driver, **6:12**

LIABILITY INSURANCE—Cont'd

Omnibus clause—Cont'd

permission to drive

generally, **6:6-6:14**

express permission, **6:6**

express prohibition, **6:11**

implied permission, **6:7**

initial permission rule

generally, **6:8**

rental contracts, below

rental contracts, initial permittees and authorized drivers, **6:13**

subsequent drivers, **6:10**

no duty to defend or indemnify nonpermissive, unauthorized driver, **6:12**

rental contracts, below

termination or revocation of permission, **6:9**

theft, **6:11**

tortious conversion, **6:11**

persons insured, **6:3**

rental contracts

contract provisions in conflict with initial permittee rule, **6:14**

initial permittees and authorized drivers, **6:13**

step-down provisions, liability limit

generally, **6:4**

prohibited by legislature, **6:5**

subsequent drivers and initial permission rule, **6:10, 6:12**

Permission to drive. Omnibus clause, above

Prearranged race, exclusion for, **6:25**

Priority of coverage, primary vs. excess, **6:36**

Property owned or transported by insured, exclusion for, **6:24**

Public policy arguments relating to, **5:10**

Reasonable belief exclusion, **6:27**

Rental contracts

Omnibus clause, above

Rental Vehicles, this index

LOADING AND UNLOADING

Policy definitions and interpretations, **7:3**

LOSS OF CONSORTIUM

Limits of liability, **6:35**

LOSS PAYABLE CLAUSE

Generally, **4:4**

MANDATORY INSURANCE

Financial Responsibility, this index

MEDICAL PAYMENTS COVERAGE

Generally, **4:5**

UM and UIM set-offs, **8:65**

INDEX

MEDICAL TRANSPORT VEHICLES

Financial responsibility, **2:57**

MENTAL STATE

Liability policy exclusion, **6:20**

MULTIPLE INSURERS

Allocation of coverage

generally, **10:2-10:7**

conflicting excess clauses for non-owned rental vehicles, **10:7**

excess clauses

generally, **10:6**

conflicting excess clauses for non-owned rental vehicles, **10:7**

primary and excess insurers, no contribution between, **10:4**

primary and excess insurers, no contribution between, **10:4**

pro rata clauses, **10:5**

typical “other insurance” clauses, **10:3**

Automobile liability policies, super escape clauses, **10:10**

Escape clauses

generally, **10:8**

automobile liability policies, super escape clauses, **10:10**

car dealers, excess-escape clause, **9:11**

excess-escape clause, **9:11, 10:9**

garage liability policies, super escape clauses, **10:11**

rental policies, super escape clauses, **10:12**

super escape clauses

generally, **10:9**

automobile liability policies, **10:10**

beyond super escape clause, **10:13**

garage liability policies, **10:11**

rental policies, **10:12**

Excess clauses. Allocation of coverage, above

Garage liability policies, super escape clauses, **10:11**

Rental policies, super escape clauses, **10:12**

Super escape clauses. Escape clauses, above

Targeted tender rule, **10:14-10:16**

NEGLIGENCE

Agent’s liability, **3:6**

NEGLIGENT ENTRUSTMENT

Rental vehicles, **9:39**

NEWLY ACQUIRED VEHICLE

Policy definitions and interpretations, **7:7**

NONRENEWAL OF INSURANCE

Generally, **5:30**

NONRENEWAL OF POLICY

Generally, **5:30**

ILLINOIS PRACTICE SERIES AUTOMOBILE INSURANCE

NONRESIDENTS

- Financial Responsibility, this index
- Guaranty fund, nonresident corporation not eligible to make claim, **12:28**

NOTICE

- Generally, **5:14**
- Duty to provide, **5:16**
- Failure to give notice or cooperate with insurer, loss of coverage due to, **5:13**
- UM claims procedures. Uninsured and Underinsured Motorist Coverage, this index

OMNIBUS CLAUSE

- Liability Insurance, this index

OTHER INSURANCE

- Antistacking and other insurance clauses. Uninsured and Underinsured Motorist Coverage, this index
- Multiple Insurers, this index
- Rental Vehicles, this index

OWNERSHIP

- Policy definitions and interpretations, **7:9**

PASSENGER VEHICLES

- Generally, **1:7**
- Financial Responsibility, this index

PENSION BENEFITS

- UM and UIM set-offs, **8:68**

POLICY FORMATION

- Basic terms needed to enforce contract, **5:2**
- Binders, **5:1**
- Certificates of insurance, **5:1**
- Insurable interest requirement, **5:3**

PRODUCERS

- Agents and Producers, this index

PROPERTY DAMAGE

- Coverage, **4:6**
- Rental Vehicles, this index

PUNITIVE DAMAGES

- Bad faith, **11:5**

RELEASE FROM LIABILITY

- Illinois Safety and Family Financial Responsibility Law, **2:12**

RELIGIOUS ORGANIZATIONS

- Financial responsibility, exemption for, **2:54**

RENEWAL

- Nonrenewal of policy, **5:30**

INDEX

RENTAL CONTRACTS

Omnibus clause. Liability Insurance, this index

RENTAL VEHICLES

Generally, **9:1, 9:18-9:40**

Additional drivers, **9:34**

Apportionment of rental car coverage and personal coverage lacking “other insurance” clauses, **9:25**

Authorized drivers, **9:34**

Bond

other insurance under Insurance Code, bond not, **9:23**

personal automobile liability coverage and coverage afforded by bond, **9:24**

Conflicting excess clauses for non-owned rental vehicles, **10:7**

Contractually shifting priority of insurance coverage, **9:27**

Driver’s age, clauses voiding policy based on may be unenforceable, **9:32**

Driver’s intoxication, clauses voiding policy based on unenforceable, **9:31**

Excess clauses, conflicting, for non-owned rental vehicles, **10:7**

Financial Responsibility and Protection Act, Renter’s. Financial Responsibility, this index

Leaving keys in vehicle, common law negligence, **9:40**

License to sell insurance, rental companies must have, **9:20**

Negligent entrustment, **9:39**

Other insurance clauses

bond is not “other insurance” under Insurance Code, **9:23**

coordinating coverage by use of, **9:22**

personal policy primary when no valid “other insurance” clause and customer elects to rely on own insurance, **9:26**

rental car coverage and personal coverage lacking “other insurance” clauses apportioned equally, **9:25**

Personal automobile liability coverage and coverage afforded by bond, **9:24**

Personal policy primary when no valid “other insurance” clause and customer elects to rely on own insurance, **9:26**

Primary owner coverage in rental car context, reconciling, **9:21**

Priority of insurance coverage, contractually shifting, **9:27**

Property damage

generally, **9:36-9:40**

collision damage waiver (CDW), **9:37, 9:38**

direct tort liability of rental car company

leaving keys in vehicle, common law negligence, **9:40**

negligent entrustment, **9:39**

leaving keys in vehicle, common law negligence, **9:40**

liability, **9:36**

negligent entrustment, **9:39**

Reimbursement requirement clauses unenforceable, **9:30**

Renter’s Financial Responsibility and Protection Act. Financial Responsibility, this index

Self-insured rental liability coverage, nature of, **9:35**

Specific drivers, limiting coverage permitted, **9:33**

Substitute vehicle, coverage for, **9:29**

RENTAL VEHICLES—Cont'd

Unenforceable clauses

driver's age, voiding policy based on, **9:32**

driver's intoxication, voiding policy based on, **9:31**

reimbursement requirement clauses, **9:30**

Uninsured or underinsured motorist coverage, duty to offer, **9:28**

Use of rental vehicles

generally, **9:18-9:35**

coverage issues, generally, **9:18**

Financial Responsibility Act, satisfaction by owners of for-rent vehicles, **9:19**

RENTER'S FINANCIAL RESPONSIBILITY AND PROTECTION ACT

Financial Responsibility, this index

REPLACEMENT VEHICLE

Policy definitions and interpretations, **7:6, 7:7**

SAFETY AND FAMILY FINANCIAL RESPONSIBILITY LAW

Financial Responsibility, this index

SECRETARY OF STATE

Illinois Safety and Family Financial Responsibility Law. Financial Responsibility, this index

SECURITY

Financial Responsibility, this index

SELF-INSURERS

Financial responsibility, **2:46**

Rental liability coverage, **9:35**

UM coverage, self-insurers exempted from statute, **8:27**

SETOFFS

Illinois Insurance Guaranty Fund, this index

Uninsured and Underinsured Motorist Coverage, this index

SETTLEMENT

Excess insurer's right to assert claim against primary for failure to settle, **11:4**

Insurer's duty to settle in good faith, **5:24**

Uninsured and Underinsured Motorist Coverage, this index

STATUTE OF LIMITATIONS

Agent or producer, suit against, **3:8**

SUBROGATION

Uninsured motorist coverage, **8:12, 8:87**

SUICIDE

Liability policy exclusion, **6:20**

SUPER ESCAPE CLAUSES

Multiple Insurers, this index

INDEX

TARGETED TENDER RULE

- generally, **10:14**
- Implication within automobile insurance context, **10:14**
- Not permitted under policy, one party insured by coincidence, **10:16**
- Permitted under policy, **10:15**

TERMINATION OF POLICY

- Automatic termination clauses, **5:31**
- Failure to give notice or cooperate with insurer, loss of coverage due to, **5:13**
- Fraud and misrepresentation, effect on terminating policy for insurer fraud, **5:12**
- Transfer of insured vehicle, termination due to, **5:29**
- Types of termination, **5:25**
- Waiver or estoppel by insurer, **5:31**

UMBRELLA POLICIES

- Uninsured and Underinsured Motorist Coverage, this index

UNINSURED AND UNDERINSURED MOTORIST COVERAGE

- Generally, **1:6, 8:1-8:114**
- Accident, defined, **8:53**
- Additional UM coverage
 - generally, **1:6, 8:15**
 - equaling liability coverage, **8:16**
 - mandatory provision of coverage, **8:29, 8:30**
 - rejection of additional coverage to be in writing, **8:17**
- Antistacking and other insurance clauses
 - generally, **8:72-8:79**
 - ambiguity where antistacking clause conflicts with declaration of coverages, **8:77**
 - assertion of other insurance clause, improper, **8:76**
 - concept of stacking, **8:72**
 - declaration of coverages, ambiguity where antistacking clause conflicts with, **8:77**
 - enforceability of both provisions, **8:74**
 - larger UM coverage policy, stacking on top of smaller policy permissible, **8:78**
 - stacking allowed but other insurance provision unenforceable, **8:75**
 - statutory allowance for antistacking provisions, **8:73**
 - underinsured motorist coverage
 - stacking on top of liability coverage of same policy impermissible, **8:79**
 - statutory authorization of antistacking provisions, **8:22**
 - uninsured and hit and run motorist coverage statute, **8:9**
- Any other person who is legally entitled to recover, defined, **8:40**
- Applicability, **8:4**
- Arbitration
 - AAA arbitration, statutory provisions, **8:9**
 - generally, **8:90-8:114**
 - award
 - generally, **8:99**

UNINSURED AND UNDERINSURED MOTORIST COVERAGE—Cont'd

Arbitration—Cont'd

award—Cont'd

binding awards, **8:107**

challenge of award, below this subgroup

fees of arbitrator, award must provide for, **8:103**

judgment on award, **8:110**

payment amount, award must state, **8:101**

setoffs, award must provide for, **8:102**

writing and signature requirements, **8:100**

bad faith

generally, **8:111**

failure to investigate, evaluate or negotiate claim, bad faith remedies, **8:112**

subsequent bad faith claim, binding arbitration agreement does not bar,
8:114

undisputed portion of claim, failure to pay or arbitrate, **8:113**

binding awards, **8:107**

challenge of award

generally, **8:104**

exceeding authority by arbitrator, **8:106**

fraud or bias, **8:105**

challenge to award, **8:104**

covered claims only, **8:92**

demand for, **8:81, 8:91**

escape hatch

insurer challenges to insured use of, **8:109**

ruled unenforceable, **8:108**

evidence

compelling evidence, **8:96**

rules of evidence, **8:97**

exceeding authority by arbitrator, challenge of award, **8:106**

failure to investigate, evaluate or negotiate claim, bad faith remedies, **8:112**

fees of arbitrator, award must provide for, **8:103**

forum, **8:94**

fraud or bias, challenge of award, **8:105**

issues at arbitration, **8:93**

judgment on award, **8:110**

liability and damages only issues, **8:93**

payment amount, award must state, **8:101**

rules, **8:9, 8:95**

setoffs

award must provide for, **8:102**

evidence of must be presented, **8:64**

undisputed portion of claim, failure to pay or arbitrate, **8:113**

Uniform Arbitration Act, **8:98**

Arising out of, defined, **8:55**

Bonded vehicles exempted from statute, **8:28**

Bourbon decision, **8:50, 8:54**

INDEX

UNINSURED AND UNDERINSURED MOTORIST COVERAGE—Cont'd

- Burden of proof, **8:51**
- Choice of law, **8:90**
- Circumventing or diluting statutory mandate, **8:5**
- Claims procedures
 - generally, **8:80-8:90**
 - arbitration, demand for, **8:81**
 - choice of law, **8:90**
 - cooperation with insurer, **8:83**
 - damages, **8:89**
 - manner of notice, **8:82**
 - notice
 - claim, notice of, **8:80**
 - manner of notice, **8:82**
 - proof of uninsured status of tortfeasor, **8:84**
 - settlement with tortfeasor, **8:85, 8:86**
 - subrogation of rights of uninsured motorist carrier, **8:87**
 - timeliness, **8:80**
 - underinsured motorist coverage
 - exhaustion of liability coverage, **8:88**
 - settlement with tortfeasor, **8:86**
- Commercial general liability policy with policy endorsement for auto liability coverage, **8:34**
- Contact requirement
 - generally, **8:47**
 - Bourbon decision, **8:50, 8:54**
 - indirect contact is sufficient, **8:48**
 - policy requirement vs. statutory requirement, **8:49**
- Cooperation with insurer, **8:83**
- Damages, claims procedures, **8:89**
- Definitions
 - generally, **8:36-8:56**
 - accident, **8:53**
 - any other person who is legally entitled to recover, **8:40**
 - arising out of, **8:55**
 - burden of proof, **8:51**
 - contact requirement, above
 - denial of coverage by liability insurer, **8:43**
 - exclusion under liability coverage, **8:44**
 - hit and run vehicle or motorist, **8:46**
 - insolvency of liability insurer, **8:45**
 - legally entitled to recover, **8:56**
 - named insured, **8:37**
 - no insurance, **8:42**
 - occupant of insured vehicle, **8:39**
 - persons insured, **8:36**
 - resident relative, **8:38**
 - underinsured coverage, **8:21**

UNINSURED AND UNDERINSURED MOTORIST COVERAGE—Cont'd

Definitions—Cont'd

underinsured motor vehicle, **8:52**

uninsured motor vehicle, **8:41**

Denial of coverage by liability insurer, defined, **8:43**

Disability insurance coverage, setoffs, **8:67**

Dram shop insurance, setoffs, **8:70**

Excess and umbrella policies

mandatory provision of coverage, **8:35**

underinsured motorist coverage, **8:22**

Exclusions from coverage

generally, **8:57-8:61**

family member exclusions, **8:57**

insured occupying vehicle furnished or available for regular use, **8:61**

liability coverage, exclusion from, defined, **8:44**

non-owned vehicle exclusion, **8:60**

settlement without consent exclusion, **8:58**

specific named driver, **8:57**

territorial limitation, **8:59**

Family member exclusions, **8:57**

Government vehicles exempted from statute, **8:26**

History and intent, **8:3, 8:18**

Hit and run

definitions, hit and run vehicle or motorist, **8:46**

Statutory provisions, uninsured and hit and run coverage, below

Insolvency of liability insurer, defined, **8:45**

Invalid policy provisions, **8:7**

Joint tortfeasors, setoffs, **8:71**

Judicial construction, applicable principles, **8:6**

Judicial enforcement. Mandatory provision of coverage, below

Legally entitled to recover, defined, **8:56**

Liability coverage

set-offs, **8:69**

UM coverage to equal, **8:16**

Mandatory provision of coverage

generally, **8:25-8:35**

additional UM coverage, **8:29, 8:30**

bonded vehicles exempted from statute, **8:28**

circumventing or diluting statutory mandate, **8:5**

commercial general liability policy with policy endorsement for auto liability coverage, **8:34**

excess and umbrella policies, **8:35**

government vehicles exempted from statute, **8:26**

judicial enforcement

additional UM coverage, statutory requirement that insurers offer, **8:30**

underinsured coverage, statutory requirement that insurers offer, **8:32, 8:33**

self-insurers exempted from statute, **8:27**

statutory provisions, **8:9**

INDEX

UNINSURED AND UNDERINSURED MOTORIST COVERAGE—Cont'd

- Mandatory provision of coverage—Cont'd
 - underinsured coverage, below
 - uninsured motorist coverage
 - generally, **8:25**
 - additional UM coverage, **8:29, 8:30**
 - bonded vehicles exempted from statute, **8:28**
 - government vehicles exempted from statute, **8:26**
 - self-insurers exempted from statute, **8:27**
- Medical payments coverage, setoffs, **8:65**
- Named insured, defined, **8:37**
- No insurance, defined, **8:42**
- Non-listed cars exclusion, **8:9**
- Non-owned vehicle exclusion, **8:60**
- Occupant of insured vehicle, defined, **8:39**
- Other insurance. Antistacking and other insurance clauses, above this subgroup
- Pension benefits, setoffs, **8:68**
- Persons insured, defined, **8:36**
- Prevalence of uninsured, hit and run, and underinsured motorists, **8:1**
- Proof of insurance, motorist's failure to file (paragraph six), **8:13**
- Proof of uninsured status of tortfeasor, **8:84**
- Property damage, **8:10**
- Rejection of additional coverage to be in writing, **8:17**
- Rental vehicles, duty to offer, **9:28**
- Resident relative, defined, **8:38**
- Role of auto insurance, recognition by Illinois courts, **8:2**
- Self-insurers exempted from statute, **8:27**
- Setoffs, UM and UIM
 - generally, **8:62-8:71**
 - arbitration, evidence of set-off must be presented, **8:64**
 - disability insurance coverage, **8:67**
 - double recovery, set-off only permissible to prevent, **8:63**
 - dram shop insurance, **8:70**
 - joint tortfeasors, **8:71**
 - liability coverage, **8:69**
 - limits of liability provisions, **8:62**
 - medical payments coverage, **8:65**
 - pension benefits, **8:68**
 - workers' compensation coverage, **8:66**
- Settlement
 - exclusion, settlement without consent, **8:58**
 - tortfeasor, settlement with, **8:85, 8:86**
- Specific named driver, exclusions from coverage, **8:57**
- Stacking. Antistacking and other insurance clauses, above this subgroup
- Statutory provisions, uninsured and hit and run coverage
 - generally, **8:8**
 - antistacking (paragraph one), **8:9**
 - arbitration (paragraph one), **8:9**

UNINSURED AND UNDERINSURED MOTORIST COVERAGE—Cont'd

- Statutory provisions, uninsured and hit and run coverage—Cont'd
 - coverage mandates (paragraph one), **8:9**
 - insolvent insurers (paragraph three), **8:11**
 - non-listed cars, exclusion of (paragraph one), **8:9**
 - proof of insurance, motorist's failure to file (paragraph six), **8:13**
 - property damage (paragraph two), **8:10**
 - subrogation (paragraph four), **8:12**
 - suit against uninsured motorist, insurer request (paragraph seven), **8:14**
- Subrogation of rights of uninsured motorist carrier, **8:87**
- Suit against uninsured motorist, insurer request, **8:14**
- Territorial limitation, **8:59**
- Timeliness of claim, **8:80**
- Umbrella policies. Excess and umbrella policies, above
- Underinsured coverage
 - generally, **8:18-8:24**
 - antistacking provisions, authorization of, **8:22**
 - Cloninger decision, **8:32**
 - definitions, **8:21, 8:52**
 - excess and umbrella policies, exclusion from mandatory coverage, **8:23**
 - exhaustion of liability coverage, **8:24**
 - Hathaway decision, **8:19**
 - history and intent, **8:18**
 - judicial remedy, reformation of contract to include coverage, **8:33**
 - mandated coverage
 - generally, **8:21, 8:31**
 - judicial enforcement of statutory requirement, **8:32**
 - reformation of contract to include coverage, **8:33**
 - Setoffs, above
 - stacking UIM coverage on top of liability coverage of same policy impermissible, **8:79**
 - statutory provisions
 - generally, **8:20**
 - antistacking provisions, authorization of, **8:22**
 - coverage mandate, **8:21**
 - definitions, **8:21**
 - excess and umbrella policies, exclusion from mandatory coverage, **8:23**
 - exhaustion of liability coverage, **8:24**
 - judicial enforcement of statutory requirement, **8:32**
- Underinsured motor vehicle, defined, **8:52**
- Undisputed portion of claim, failure to pay or arbitrate, **8:113**
- Uninsured motor vehicle, defined, **8:41**
- Workers' compensation coverage, setoffs, **8:66**

VEHICLE CODE

- Generally, **1:1, 2:1**
- All companies, provisions applicable to, **1:4**
- Comprehensive statutory scheme, **1:10**

INDEX

VEHICLE CODE—Cont'd

Financial Responsibility, this index

Insurance, this index

Purpose, **1:3**

Statutory foundations of vehicle insurance in Illinois, **1:2**

WORKERS' COMPENSATION

UM and UIM set-offs, **8:66**