

# Consumer Cancellation and Nonrenewal Hearings

**IMPORTANT: The Director cannot reverse the cancellation/nonrenewal of your policy unless the facts presented at the hearing show that the company violated one or more sections of the Illinois laws listed in [215 ILCS 5/143.23](#), EVEN IF there were other problems with the way that the company handled your claims or the cancellation/nonrenewal decision.**

## #1 REQUESTING A HEARING

My insurance company sent me a Notice of Cancellation or Notice of Nonrenewal

- How do I request a Hearing?**
- **Online:** On the Illinois Department of Insurance website, look under the drop down menu "Consumers", and click on "Consumer Hearings." Follow the directions to submit an online request and select the form for the type of insurance that you carry. Make sure you click "Yes" toward the bottom of the form where it asks "Do you want to request a hearing?"
  - **Postal Mail:** The Department's website has a form that you can print out and mail to us here. You can also write a letter explaining your complaint and requesting a hearing. Requests for hearing should be mailed to the following address:

Illinois Department of Insurance  
Attn: LEGAL  
320 W Washington St, 4th Floor  
Springfield, IL 62767-0001

**Who Can Request a Hearing?**

- Only the named insured (or authorized representative) may request the hearing.

When Should I Request A Hearing?

The Department must **receive** your request at least **20 days** before the effective date of cancellation or nonrenewal, or else you will not be eligible for a hearing.

I Requested a Hearing. What Happens Next?

**When Will the Hearing Be Scheduled?**

- Usually around **30-60 days** from the date of the Notice of Hearing is mailed after you request a hearing.

**What If I Cannot Attend on the Scheduled Date, or If I Decide I No Longer Want the Hearing?**

- Contact the Hearing Officer listed in the Notice of Hearing to reschedule or to withdraw your request for a hearing.
- If you are running late on the day of the hearing, call the Department to inform the Hearing Officer

Will I Have Insurance During This Process?

Illinois law requires the company to continue your insurance coverage throughout the hearing process even if a decision is not reached until after the effective date of cancellation/nonrenewal.

Please note that the insurance company is entitled to continue billing you for premiums to provide you insurance during this process. If you do not pay the premiums, then the company will not have to extend your coverage beyond the effective date of cancellation or nonrenewal even while the hearing decision is still pending.

## #2 THE HEARING

How Do I Prepare For The Hearing?

**Notice of Hearing**

- The Department will send you a Notice of Hearing that gives details about where, when, and how the hearing will proceed, and whom to contact about it. It is **important** that you read the Notice of Hearing.
- **The Director cannot legally reverse the cancellation/nonrenewal unless the facts show that the company violated one or more of those statutes.**

**Do I Need to Get an Attorney?**

- You are not required to have an attorney, but you can bring one if you want. Insurance companies sometimes send an attorney and sometimes just send a company representative.

What Should I Bring to the Hearing?

- Bring three hardcopies of any documents or other evidence that can help you explain your side. This includes **communications with your insurance company.**
- You can also bring witnesses who can support your case.

**What Will the Hearing Officer Already Have?**

- They will already have a copy of your Request for Hearing and the company's Notice of Nonrenewal or Cancellation, as well as any other communications you or the company have with the Hearing Officer directly about this hearing.
- **However, the Hearing Officer will not have any other communications you or the company have with the Department's Consumer Complaints unit, or any communications you have directly with your company.** If you want the Hearing Officer to consider those communications at the hearing, **you must bring copies of them yourself.**

What Happens At the Hearing?

**What Happens After the Hearing?**

- The Hearing Officer will consider the evidence and testimony and make recommendations to the Director within 5 business days. **The Director ultimately makes the decision about your case.**

**DAY OF THE HEARING**

- **You present your case first.** Give a brief statement of: (1) which insurance law(s) you believe the company violated when it cancelled/nonrenewed your policy; and (2) what happened that made you believe the company violated such law(s). If you have witnesses, you may ask them questions that are relevant to your case. You may also present any relevant evidence that you brought with you. When you are finished, the company representative will be able to ask questions of you and your witnesses about anything you have presented.
- Next, the company will present its case in a similar fashion. You may ask questions after the company has presented its case.

**What Happens if I Don't Show Up?**

- If you do not notify the Hearing Officer in advance that you need to reschedule, the hearing will proceed without you. This means that the Director will make a decision about your case based only on the insurance company's evidence without your having the chance to tell your side of the story.

## #3 FINAL DECISION

When Will There Be a Final Decision?

- The Director shall issue a written order **within 20 days** of the conclusion of the hearing.

**Will I Be Charged for any Costs of the Hearing?**

- Generally, there are no costs for the hearing. However, the Department is allowed to charge the losing party for the costs of the hearing, up to \$100, once the Director issues a final decision.

What Are the Possible Outcomes of the Final Decision?

**What the Director Can Do in the Final Decision**

- If the Director finds that the company violated an applicable Illinois law when it cancelled/nonrenewed your policy, your insurance company will be ordered to **reinstate the policy.**
- If the Director finds that the cancellation/nonrenewal did not violate an applicable law, then the insurance company will be able to end your coverage as early as **30 days** after the date of the Director's decision. This will give you some time to find replacement coverage.

**What the Director Can't Do**

- Besides assessing costs, the Director cannot legally do anything but order the company to reinstate your policy, or affirm that the company did not violate the laws covered by the hearing. For example, the Director cannot order the company to remove a claim from your record.

What If the Final Decision Does Not Fully Resolve My Complaint?

**Can I Appeal the Final Decision?**

- Yes. You can request a rehearing or to reopen the hearing if the Department receives your request **within 10 calendar days** of the date the Final Decision was **put in the mail** to you. See 50 Ill. Adm. Code 2402.280. Be sure to explain why your request should be granted. The Director will issue an order either granting or rejecting your request.
- If you are unable to resolve your dispute through a rehearing or reopening of the hearing, you can appeal to a circuit court under the Administrative Review Law. 735 ILCS 5/3-101 *et seq.* Failure to request a rehearing or to reopen the hearing with the Department may affect your ability to appeal to the circuit court. You must file your appeal with the circuit court within 35 days of the date the Director's last order was mailed to you.

**What If I Need Something Besides Just My Policy Being Reinstated?**

- During the hearing process, the Department's Consumer Complaints unit will separately review your complaint. They will inform both you and the company whether they believe there have been any violations of Illinois insurance laws, even the laws that the hearing process does not address. The Consumer Complaints unit does not consult with the Hearing Officer about their opinions, and their opinions do not constrain the Director's Final Decision on the hearing.
- If neither the hearing process nor the Consumer Complaints unit is able to resolve all of your concerns, you might still have other legal avenues for relief against the insurance company or other involved persons in a judicial court. However, the Department is not involved in such judicial proceedings and cannot advise you about them.