

# HB4238



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB4238**

by Rep. Margo McDermed

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-603.1

from Ch. 95 1/2, par. 12-603.1

Amends the Illinois Vehicle Code. Provides that a driver or passenger of a motor vehicle with a model year prior to 1965 who is under 18 years of age shall be required to wear a properly adjusted and fastened seat safety belt when the motor vehicle is operating upon a street or highway in this State, unless the motor vehicle is used in connection with a parade or other similar activity.

LRB100 16807 AXK 31948 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 12-603.1 as follows:

6 (625 ILCS 5/12-603.1) (from Ch. 95 1/2, par. 12-603.1)

7 Sec. 12-603.1. Driver and passenger required to use safety  
8 belts, exceptions and penalty.

9 (a) Each driver and passenger of a motor vehicle operated  
10 on a street or highway in this State shall wear a properly  
11 adjusted and fastened seat safety belt. A child less than 8  
12 years of age shall be protected as required pursuant to the  
13 Child Passenger Protection Act. Each driver of a motor vehicle  
14 transporting a child 8 years of age or more, but less than 16  
15 years of age, shall secure the child in a properly adjusted and  
16 fastened seat safety belt as required under the Child Passenger  
17 Protection Act. Each driver of a motor vehicle transporting a  
18 passenger who is unable, due to infirmity, illness, or age, to  
19 properly adjust and fasten a seat safety belt and is not  
20 exempted from wearing a seat safety belt under subsection (b)  
21 shall secure the passenger in a properly adjusted and fastened  
22 seat safety belt as required under this Section.

23 (b) Paragraph (a) shall not apply to any of the following:

1           1. A driver or passenger frequently stopping and  
2 leaving the vehicle or delivering property from the  
3 vehicle, if the speed of the vehicle between stops does not  
4 exceed 15 miles per hour.

5           2. A driver or passenger possessing a written statement  
6 from a physician that such person is unable, for medical or  
7 physical reasons, to wear a seat safety belt.

8           3. A driver or passenger possessing an official  
9 certificate or license endorsement issued by the  
10 appropriate agency in another state or country indicating  
11 that the driver is unable for medical, physical, or other  
12 valid reasons to wear a seat safety belt.

13           4. A driver operating a motor vehicle in reverse.

14           5. A driver or passenger of a motor vehicle with a  
15 model year prior to 1965 if the driver or passenger is 18  
16 years of age or older or if the motor vehicle is used in  
17 connection with a parade or other similar activity.

18           6. A motorcycle or motor driven cycle.

19           7. A moped.

20           8. Except as provided in paragraph 5 of this subsection  
21 (b), a ~~A~~ motor vehicle which is not required to be equipped  
22 with seat safety belts under federal law.

23           9. A motor vehicle operated by a rural letter carrier  
24 of the United States postal service while performing duties  
25 as a rural letter carrier.

26           10. A driver or passenger of an authorized emergency

1           vehicle, except this exception does not apply to vehicles  
2           of the fire department; vehicles of the Office of the State  
3           Fire Marshal; or ambulances, unless the delivery of  
4           life-saving measures prohibits the use of a seat safety  
5           belt.

6           11. A back seat passenger of a taxicab.

7           (c) Failure to wear a seat safety belt in violation of this  
8           Section shall not be considered evidence of negligence, shall  
9           not limit the liability of an insurer, and shall not diminish  
10          any recovery for damages arising out of the ownership,  
11          maintenance, or operation of a motor vehicle.

12          (d) A violation of this Section shall be a petty offense  
13          and subject to a fine not to exceed \$25.

14          (e) (Blank).

15          (f) A law enforcement officer may not search or inspect a  
16          motor vehicle, its contents, the driver, or a passenger solely  
17          because of a violation of this Section.

18          (Source: P.A. 97-16, eff. 1-1-12; 97-333, eff. 8-12-11; 98-451,  
19          eff. 8-16-13.)