



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4577

Introduced 02/04/04, by Chapin Rose

SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-101	from Ch. 95 1/2, par. 12-101
625 ILCS 25/4	from Ch. 95 1/2, par. 1104

Amends the Illinois Vehicle Code and the Child Passenger Protection Act. Provides that it is an affirmative defense to a citation for an equipment violation that the alleged violator has made lawful, adequate, and complete repair of any defective equipment. Provides that it is an affirmative defense to a citation for transporting a child in a defective or inadequate child restraint system that the alleged violator has replaced or has made lawful, adequate, and complete repair of the defective or inadequate child restraint system.

LRB093 20598 DRH 46419 b

1 AN ACT concerning vehicles.

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 12-101 as follows:

6 (625 ILCS 5/12-101) (from Ch. 95 1/2, par. 12-101)

7 Sec. 12-101. Scope and effect of equipment requirements.

8 (a) It is unlawful for any person to drive or move or for the
9 owner to cause or knowingly permit to be driven or moved on any
10 highway any vehicle or combination of vehicles which is in such
11 unsafe condition as to endanger any person or property, or
12 which does not contain those parts or is not at all times
13 equipped with such lamps and other equipment in proper
14 condition and adjustment as required in this Chapter 12, or
15 which is equipped in any manner in violation of this Code, or
16 for any person to do any act forbidden or fail to perform any
17 act required under this Chapter 12.

18 (a-1) It is an affirmative defense to a citation issued for
19 any violation of this Chapter that the alleged violator has
20 made lawful, adequate, and complete repair of any defective
21 equipment.

22 (b) The provisions of this Chapter 12 with respect to
23 equipment on vehicles shall not apply to implements of
24 husbandry, road machinery, road rollers, or farm tractors or to
25 farm-wagon type trailers having a fertilizer spreader
26 attachment permanently mounted thereon, having a gross weight
27 of not to exceed 36,000 pounds and used only for the
28 transportation of bulk fertilizer or to farm-wagon type tank
29 trailers of not to exceed 2,000 gallons capacity, used during
30 the liquid fertilizer season as field-storage "nurse tanks"
31 supplying the fertilizer to a field applicator and moved on
32 highways only for bringing the fertilizer from a local source

1 of supply to farm or field or from one farm or field to
2 another.

3 (Source: P.A. 82-523.)

4 Section 10. The Child Passenger Protection Act is amended
5 by changing Section 4 as follows:

6 (625 ILCS 25/4) (from Ch. 95 1/2, par. 1104)

7 Sec. 4. When any person is transporting a child in this
8 State under the age of 8 years in a non-commercial motor
9 vehicle of the first division, a motor vehicle of the second
10 division with a gross vehicle weight rating of 9,000 pounds or
11 less, or a recreational vehicle on the roadways, streets or
12 highways of this State, such person shall be responsible for
13 providing for the protection of such child by properly securing
14 him or her in an appropriate child restraint system. The parent
15 or legal guardian of a child under the age of 8 years shall
16 provide a child restraint system to any person who transports
17 his or her child. Any person who transports the child of
18 another shall not be in violation of this Section unless a
19 child restraint system was provided by the parent or legal
20 guardian but not used to transport the child.

21 For purposes of this Section and Section 4b, "child
22 restraint system" means any device which meets the standards of
23 the United States Department of Transportation designed to
24 restrain, seat or position children, which also includes a
25 booster seat.

26 A child weighing more than 40 pounds may be transported in
27 the back seat of a motor vehicle while wearing only a lap belt
28 if the back seat of the motor vehicle is not equipped with a
29 combination lap and shoulder belt.

30 It is an affirmative defense to a citation issued for a
31 violation of this Section, if the citation was based on a
32 defective or inadequate child restraint system, that the
33 alleged violator has replaced or made lawful, adequate, and
34 complete repair of the defective or inadequate child restraint

1 system.

2 (Source: P.A. 93-100, eff. 1-1-04.)