

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  
5 changing 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  
8 safety belts, exceptions and penalty.

9 (a) Each driver and front seat passenger of a motor  
10 vehicle operated on a street or highway in this State shall  
11 wear a properly adjusted and fastened seat safety belt;  
12 except that, a child less than 6 years of age shall be  
13 protected as required pursuant to the Child Passenger  
14 Protection Act. Each driver under the age of 18 years and  
15 each of the driver's passengers under the age of 18 years of  
16 a motor vehicle operated on a street or highway in this State  
17 shall wear a properly adjusted and fastened seat safety belt.  
18 Each driver of a motor vehicle transporting a child 6 years  
19 of age or more, but less than 16 years of age, in the front  
20 seat of the motor vehicle shall secure the child in a  
21 properly adjusted and fastened seat safety belt.

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

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

28 2. A driver or passenger possessing a written  
29 statement from a physician that such person is unable,  
30 for medical or physical reasons, to wear a seat safety  
31 belt.

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

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

7           5. A motor vehicle with a model year prior to 1965.

8           6. A motorcycle or motor driven cycle.

9           7. A motorized pedalcycle.

10          8. A motor vehicle which is not required to be  
11 equipped with seat safety belts under federal law.

12          9. A motor vehicle operated by a rural letter  
13 carrier of the United States postal service while  
14 performing duties as a rural letter carrier.

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

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

22          (e) ~~(Blank) No motor vehicle, or driver or passenger of~~  
23 ~~such vehicle, shall be stopped or searched by any law~~  
24 ~~enforcement officer solely on the basis of a violation or~~  
25 ~~suspected violation of this Section.~~

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

29          (Source: P.A. 90-369, eff. 1-1-98.)

30          Section 10. The Code of Criminal Procedure of 1963 is  
31 amended by changing Section 108-1 as follows:

32          (725 ILCS 5/108-1) (from Ch. 38, par. 108-1)

1           Sec. 108-1. Search without warrant. (1) When a lawful  
2 arrest is effected a peace officer may reasonably search the  
3 person arrested and the area within such person's immediate  
4 presence for the purpose of:

- 5           (a) Protecting the officer from attack; or
- 6           (b) Preventing the person from escaping; or
- 7           (c) Discovering the fruits of the crime; or
- 8           (d) Discovering any instruments, articles, or things
- 9 which may have been used in the commission of, or which may
- 10 constitute evidence of, an offense.

11           (2) (Blank) ~~No motor vehicle, or driver or passenger of~~  
12 ~~such vehicle, shall be stopped or searched by any law~~  
13 ~~enforcement officer solely on the basis of a violation or~~  
14 ~~suspected violation of Section 12-603.1 of the Illinois~~  
15 ~~Vehicle Code.~~

16           (3) A law enforcement officer may not search or inspect  
17 a motor vehicle, its contents, the driver, or a passenger  
18 solely because of a violation of Section 12-603.1 of the  
19 Illinois Vehicle Code.

20 (Source: P.A. 85-291.)

21           Section 99. Effective date. This Act takes effect upon  
22 becoming law.