



## 95TH GENERAL ASSEMBLY

### State of Illinois

### 2007 and 2008

### SB0427

Introduced 2/7/2007, by Sen. Deanna Demuzio

#### SYNOPSIS AS INTRODUCED:

625 ILCS 25/3	from Ch. 95 1/2, par. 1103
625 ILCS 25/4	from Ch. 95 1/2, par. 1104
625 ILCS 25/4a	from Ch. 95 1/2, par. 1104a
625 ILCS 25/4b	
625 ILCS 25/4c new	
625 ILCS 25/6	from Ch. 95 1/2, par. 1106

Amends the Child Passenger Protection Act. Provides that any person who drives a specified vehicle in which a child under the age of 8 years is a passenger is responsible for securing the child in an appropriate child restraint system, unless the child is 57 or more inches tall. Provides that any person over the age of 17 years who drives a specified vehicle in which a child under the age of 16 years is a passenger is responsible for securing the child in a seat belt or child restraint system. Provides that any person under the age of 18 years who drives a specified vehicle in which a child under the age of 19 years is a passenger shall secure the child in a seat belt or child restraint system. Provides that the parent or legal guardian of a child under the age of a eight years shall provide an appropriate child restraint system to any person who is going to drive a specified vehicle in which the child is going to be a passenger unless the child is 57 or more inches tall. Provides that a second or subsequent violation of the Act within 5 years of a previous violation is a Class C misdemeanor. Provides that a violation of the Act is an offense against traffic regulations governing the movement of vehicles.

LRB095 04949 DRH 25015 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 Child Passenger Protection Act is amended by  
5 changing Sections 3, 4, 4a, 4b, and 6 and by adding Section 4c  
6 as follows:

7 (625 ILCS 25/3) (from Ch. 95 1/2, par. 1103)

8 Sec. 3. Definitions. The terms "highway", "motor vehicle",  
9 "noncommercial", "owner", "police officer", "recreational  
10 vehicle", "roadway" and "street" as used in this Act, unless  
11 the context otherwise requires, have the meaning ascribed to  
12 them in The Illinois Vehicle Code, as now or hereafter amended.  
13 For purposes of this Act, "child restraint system" means any  
14 device which meets the standards of the United States  
15 Department of Transportation designed to restrain, seat or  
16 position children, which includes rear-facing infant seats,  
17 forward-facing toddler seats, and booster seats approved by the  
18 National Highway Transportation Agency. For purposes of this  
19 Act, "specified vehicle" means a noncommercial motor vehicle of  
20 the first division, a motor vehicle of the second division with  
21 a gross vehicle weight rating of 9,000 pounds or less, or a  
22 recreational vehicle. For the purpose of this Act, "specified  
23 motor vehicle" does not include motorcycles, or motor vehicles

1 manufactured prior to 1965, and motor vehicles which are not  
2 required to be equipped with seat safety belts under federal  
3 law.

4 (Source: P.A. 83-8.)

5 (625 ILCS 25/4) (from Ch. 95 1/2, par. 1104)

6 Sec. 4. Any person who drives a specified vehicle on a  
7 highway when a passenger in the vehicle is ~~When any person is~~  
8 ~~transporting a child in this State~~ under the age of 8 years ~~in~~  
9 ~~a non commercial motor vehicle of the first division, a motor~~  
10 ~~vehicle of the second division with a gross vehicle weight~~  
11 ~~rating of 9,000 pounds or less, or a recreational vehicle on~~  
12 ~~the roadways, streets or highways of this State, such person~~  
13 shall properly secure the child ~~be responsible for providing~~  
14 ~~for the protection of such child by properly securing him or~~  
15 ~~her~~ in an appropriate child restraint system, unless such child  
16 is 57 or more inches tall. ~~The parent or legal guardian of a~~  
17 ~~child under the age of 8 years shall provide a child restraint~~  
18 ~~system to any person who transports his or her child. Any~~  
19 ~~person who transports the child of another shall not be in~~  
20 ~~violation of this Section unless a child restraint system was~~  
21 ~~provided by the parent or legal guardian but not used to~~  
22 ~~transport the child.~~

23 ~~For purposes of this Section and Section 4b, "child~~  
24 ~~restraint system" means any device which meets the standards of~~  
25 ~~the United States Department of Transportation designed to~~

1 ~~restrain, seat or position children, which also includes a~~  
2 ~~booster seat.~~

3 ~~A child weighing more than 40 pounds may be transported in~~  
4 ~~the back seat of a motor vehicle while wearing only a lap belt~~  
5 ~~if the back seat of the motor vehicle is not equipped with a~~  
6 ~~combination lap and shoulder belt.~~

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

8 (625 ILCS 25/4a) (from Ch. 95 1/2, par. 1104a)

9 Sec. 4a. Any person over the age of 17 years who drives a  
10 specified vehicle on a highway when a passenger in the vehicle  
11 is a child under the age of 16 years shall properly secure the  
12 child in a seat belt, unless such child is required to be  
13 secured in a child restraint system pursuant to Section 4 of  
14 this Act. ~~Every person, when transporting a child 8 years of~~  
15 ~~age or older but under the age of 16, as provided in Section 4~~  
16 ~~of this Act, shall be responsible for properly securing that~~  
17 ~~child in seat belts.~~

18 (Source: P.A. 92-171, eff. 1-1-02; 93-100, eff. 1-1-04.)

19 (625 ILCS 25/4b)

20 Sec. 4b. Children ~~8 years of age or older but~~ under the age  
21 of 19; seat belts. Any person under the age of 18 years who  
22 drives a specified vehicle on a highway when a passenger in the  
23 vehicle is a child under the age of 19 years in a specified  
24 vehicle on a highway shall properly secure the child in a seat

1 belt, unless such child is required to be secured in a child  
2 restraint system pursuant to Section 4 of this Act. ~~Every~~  
3 ~~person under the age of 18 years, when transporting a child 8~~  
4 ~~years of age or older but under the age of 19 years, as~~  
5 ~~provided in Section 4 of this Act, shall be responsible for~~  
6 ~~securing that child in a properly adjusted and fastened seat~~  
7 ~~safety belt or an appropriate child restraint system.~~

8 (Source: P.A. 93-100, eff. 1-1-04; 94-241, eff. 1-1-06.)

9 (625 ILCS 25/4c new)

10 Sec. 4c. The parent or legal guardian of a child under the  
11 age of 8 years shall provide an appropriate child restraint  
12 system to any person who is going to drive a specified vehicle  
13 on a highway when his or her child is going to be a passenger in  
14 the vehicle, unless such child is 57 or more inches tall.

15 (625 ILCS 25/6) (from Ch. 95 1/2, par. 1106)

16 Sec. 6. Except as otherwise provided in this Section, a ~~A~~  
17 ~~violation of this Act is a petty offense punishable by a fine~~  
18 ~~of not more than \$50 waived upon proof of possession of an~~  
19 ~~approved child restraint system as defined under this Act. A~~  
20 ~~subsequent violation of this Act is a petty offense punishable~~  
21 ~~by a fine of not more than \$100.~~ A second or subsequent  
22 violation within 5 years of a previous violation is a Class C  
23 misdemeanor. For purposes of determining when the Secretary of  
24 State is authorized to suspend or revoke the driving privileges

1 of a person, the Secretary of State shall consider a conviction  
2 for violating this Act an offense against traffic regulations  
3 governing the movement of vehicles.

4 (Source: P.A. 92-173, eff. 1-1-02.)