



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0168

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

| | |
|---------------------|--------------------------------|
| 625 ILCS 5/12-603.1 | from Ch. 95 1/2, par. 12-603.1 |
| 625 ILCS 25/4a | from Ch. 95 1/2, par. 1104a |
| 625 ILCS 25/4b | |

Amends the Illinois Vehicle Code. Allows a driver operating a motor vehicle transporting children to secure 2 children in one seat belt when there are more children of the appropriate age in the vehicle than available seat belts. Amends the Child Passenger Protection Act. Allows a person transporting children in a motor vehicle to secure 2 children in one seat belt when there are more children of the appropriate age in the vehicle than available seat belts.

LRB099 03688 RJF 23699 b

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 motor vehicle with a model year prior to 1965.

15 6. A motorcycle or motor driven cycle.

16 7. A moped.

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

19 9. A motor vehicle operated by a rural letter carrier
20 of the United States postal service while performing duties
21 as a rural letter carrier.

22 10. A driver or passenger of an authorized emergency
23 vehicle, except this exception does not apply to vehicles
24 of the fire department; vehicles of the Office of the State
25 Fire Marshal; or ambulances, unless the delivery of
26 life-saving measures prohibits the use of a seat safety

1 belt.

2 11. A back seat passenger of a taxicab.

3 12. A driver operating a motor vehicle in which there
4 are more children, 8 years of age or more but less than 16
5 years of age, than available seat belts and the driver, out
6 of necessity, secures 2 children in one seat belt.

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.)

20 Section 10. The Child Passenger Protection Act is amended
21 by changing Sections 4a and 4b as follows:

22 (625 ILCS 25/4a) (from Ch. 95 1/2, par. 1104a)

23 Sec. 4a. Every person, when transporting a child 8 years of
24 age or older but under the age of 16, as provided in Section 4

1 of this Act, shall be responsible for properly securing that
2 child in seat belts. If there are more children, 8 years of age
3 or older but under the age of 16, than seat belts in the motor
4 vehicle, the person transporting the children may out of
5 necessity secure 2 children in one seat belt.

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

7 (625 ILCS 25/4b)

8 Sec. 4b. Children 8 years of age or older but under the age
9 of 19; seat belts. Every person under the age of 18 years, when
10 transporting a child 8 years of age or older but under the age
11 of 19 years, as provided in Section 4 of this Act, shall be
12 responsible for securing that child in a properly adjusted and
13 fastened seat safety belt or an appropriate child restraint
14 system. If there are more children, 8 years of age or older but
15 under the age of 19, than seat belts in the motor vehicle, the
16 person transporting the children may out of necessity secure 2
17 children in one seat belt. This Section shall also apply to
18 each driver over the age of 18 years who committed an offense
19 against traffic regulations governing the movement of vehicles
20 or any violation of Section 6-107 or Section 12-603.1 of the
21 Illinois Vehicle Code in the 6 months prior to the driver's
22 18th birthday and was subsequently convicted of the violation,
23 until such time as a period of 6 consecutive months has elapsed
24 without an additional violation and subsequent conviction of an
25 offense against traffic regulations governing the movement of

1 vehicles or any violation of Section 6-107 or Section 12-603.1
2 of the Illinois Vehicle Code.

3 (Source: P.A. 96-607, eff. 8-24-09; 97-333, eff. 8-12-11.)