



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB2340

Introduced 1/28/2004, by J. Bradley Burzynski

SYNOPSIS AS INTRODUCED:

625 ILCS 25/2	from Ch. 95 1/2, par. 1102
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 25/5	from Ch. 95 1/2, par. 1105

Amends the Child Passenger Protection Act. Deletes language providing that the General Assembly finds that motor vehicle crashes are the leading cause of death of children of every age from 4 to 14. Provides that whenever a person is transporting a child under the age of 4 (rather than 8), the person is responsible for properly securing the child in a child restraint system. Provides that every person, when transporting a child 4 (rather than 8) years of age or older, but under the age of 16, is responsible for properly securing that child in either a child restraint system or seat belts. Provides that a person under the age of 18, when transporting a child 6 (rather than 8) years of age or older but under the age of 18, is responsible for securing the child in a seat belt. Deletes language providing that a child weighing more than 40 pounds may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt. Provides that a person's failure to properly secure a child under the age of 6 (rather than 8) years is not contributory negligence.

LRB093 20215 DRH 45967 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 Child Passenger Protection Act is amended by
5 changing Sections 2, 4, 4a, 4b, and 5 as follows:

6 (625 ILCS 25/2) (from Ch. 95 1/2, par. 1102)

7 Sec. 2. Legislative Finding - Purpose. The General Assembly
8 finds that a substantial number of passengers under the age of
9 6 & years riding in motor vehicles, which are most frequently
10 operated by a parent, annually die or sustain serious physical
11 injury as a direct result of not being placed in a ~~an~~
12 ~~appropriate~~ child passenger restraint system. ~~Motor vehicle~~
13 ~~crashes are the leading cause of death for children of every~~
14 ~~age from 4 to 14 years old.~~ The General Assembly further finds
15 that the safety of the motoring public is seriously threatened
16 as indicated by the significant number of traffic accidents
17 annually caused, directly or indirectly, by driver distraction
18 or other impairment of driving ability induced by the movement
19 or actions of unrestrained passengers under the age of 6 &
20 years.

21 It is the purpose of this Act to further protect the
22 health, safety and welfare of motor vehicle passengers under
23 the age of 6 & years and the motoring public through the proper
24 utilization of approved child restraint systems.

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

26 (625 ILCS 25/4) (from Ch. 95 1/2, par. 1104)

27 Sec. 4. When any person is transporting a child in this
28 State under the age of 4 & years in a non-commercial motor
29 vehicle of the first division, a motor vehicle of the second
30 division with a gross vehicle weight rating of 9,000 pounds or
31 less, or a recreational vehicle on the roadways, streets or

1 highways of this State, such person shall be responsible for
2 providing for the protection of such child by properly securing
3 him or her in a ~~an appropriate~~ child restraint system. The
4 parent or legal guardian of a child under the age of 4 ~~5~~ years
5 shall provide a child restraint system to any person who
6 transports his or her child. Any person who transports the
7 child of another shall not be in violation of this Section
8 unless a child restraint system was provided by the parent or
9 legal guardian but not used to transport the child.

10 For purposes of this Section and Section 4a ~~4b~~, "child
11 restraint system" means any device which meets the standards of
12 the United States Department of Transportation designed to
13 restrain, seat or position children, ~~which also includes a~~
14 ~~booster seat.~~

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

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

20 (625 ILCS 25/4a) (from Ch. 95 1/2, par. 1104a)

21 Sec. 4a. Every person, when transporting a child 4 ~~5~~ years
22 of age or older but under the age of 16, as provided in Section
23 4 of this Act, shall be responsible for ~~properly~~ securing that
24 child in either a child restraint system or seat belts.

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

26 (625 ILCS 25/4b)

27 Sec. 4b. Children 6 ~~5~~ years of age or older but under the
28 age of 18; seat belts. Every person under the age of 18 years,
29 when transporting a child 6 ~~5~~ years of age or older but under
30 the age of 18 years, as provided in Section 4 of this Act,
31 shall be responsible for securing that child in a properly
32 adjusted and fastened seat safety belt ~~or an appropriate child~~
33 ~~restraint system.~~

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

1 (625 ILCS 25/5) (from Ch. 95 1/2, par. 1105)

2 Sec. 5. In no event shall a person's failure to secure a
3 child under 6 ~~9~~ years of age in an approved child restraint
4 system or properly secure the child, if age 4 or 5, in a seat
5 belt constitute contributory negligence or be admissible as
6 evidence in the trial of any civil action.

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