



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB0229

Introduced 2/2/2005, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-107	from Ch. 95 1/2, par. 6-107
625 ILCS 5/12-603.1	from Ch. 95 1/2, par. 12-603.1
625 ILCS 25/4b	

Amends the Illinois Vehicle Code and the Child Passenger Protection Act. Provides that every person 18 (rather than 17) years of age or younger must wear a seat safety belt while riding as passenger in a vehicle operated by a driver under the age of 18.

LRB094 07775 DRH 37953 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 Sections 6-107, 12-603, and 12-603.1 as follows:

6 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

7 Sec. 6-107. Graduated license.

8 (a) The purpose of the Graduated Licensing Program is to
9 develop safe and mature driving habits in young, inexperienced
10 drivers and reduce or prevent motor vehicle accidents,
11 fatalities, and injuries by:

12 (1) providing for an increase in the time of practice
13 period before granting permission to obtain a driver's
14 license;

15 (2) strengthening driver licensing and testing
16 standards for persons under the age of 21 years;

17 (3) sanctioning driving privileges of drivers under
18 age 21 who have committed serious traffic violations or
19 other specified offenses; and

20 (4) setting stricter standards to promote the public's
21 health and safety.

22 (b) The application of any person under the age of 18
23 years, and not legally emancipated by marriage, for a drivers
24 license or permit to operate a motor vehicle issued under the
25 laws of this State, shall be accompanied by the written consent
26 of either parent of the applicant; otherwise by the guardian
27 having custody of the applicant, or in the event there is no
28 parent or guardian, then by another responsible adult.

29 No graduated driver's license shall be issued to any
30 applicant under 18 years of age, unless the applicant is at
31 least 16 years of age and has:

32 (1) Held a valid instruction permit for a minimum of 3

1 months.

2 (2) Passed an approved driver education course and
3 submits proof of having passed the course as may be
4 required.

5 (3) certification by the parent, legal guardian, or
6 responsible adult that the applicant has had a minimum of
7 25 hours of behind-the-wheel practice time and is
8 sufficiently prepared and able to safely operate a motor
9 vehicle.

10 (c) No graduated driver's license or permit shall be issued
11 to any applicant under 18 years of age who has committed the
12 offense of operating a motor vehicle without a valid license or
13 permit in violation of Section 6-101 of this Code and no
14 graduated driver's license or permit shall be issued to any
15 applicant under 18 years of age who has committed an offense
16 that would otherwise result in a mandatory revocation of a
17 license or permit as provided in Section 6-205 of this Code or
18 who has been either convicted of or adjudicated a delinquent
19 based upon a violation of the Cannabis Control Act or the
20 Illinois Controlled Substances Act, while that individual was
21 in actual physical control of a motor vehicle. For purposes of
22 this Section, any person placed on probation under Section 10
23 of the Cannabis Control Act or Section 410 of the Illinois
24 Controlled Substances Act shall not be considered convicted.
25 Any person found guilty of this offense, while in actual
26 physical control of a motor vehicle, shall have an entry made
27 in the court record by the judge that this offense did occur
28 while the person was in actual physical control of a motor
29 vehicle and order the clerk of the court to report the
30 violation to the Secretary of State as such.

31 (d) No graduated driver's license shall be issued for 6
32 months to any applicant under the age of 18 years who has been
33 convicted of any offense defined as a serious traffic violation
34 in this Code or a similar provision of a local ordinance.

35 (e) No graduated driver's license holder under the age of
36 18 years shall operate any motor vehicle, except a motor driven

1 cycle or motorcycle, with more than one passenger in the front
2 seat of the motor vehicle and no more passengers in the back
3 seats than the number of available seat safety belts as set
4 forth in Section 12-603 of this Code.

5 (f) No graduated driver's license holder under the age of
6 18 shall operate a motor vehicle unless each driver and front
7 or back seat passenger under the age of 19 ~~18~~ is wearing a
8 properly adjusted and fastened seat safety belt.

9 (g) If a graduated driver's license holder is under the age
10 of 18 when he or she receives the license, for the first 6
11 months he or she holds the license or until he or she reaches
12 the age of 18, whichever occurs sooner, the graduated license
13 holder may not operate a motor vehicle with more than one
14 passenger in the vehicle who is under the age of 20, unless any
15 additional passenger or passengers are siblings,
16 step-siblings, children, or stepchildren of the driver.

17 (Source: P.A. 93-101, eff. 1-1-04; 93-788, eff. 1-1-05.)

18 (625 ILCS 5/12-603.1) (from Ch. 95 1/2, par. 12-603.1)

19 Sec. 12-603.1. Driver and passenger required to use safety
20 belts, exceptions and penalty.

21 (a) Each driver and front seat passenger of a motor vehicle
22 operated on a street or highway in this State shall wear a
23 properly adjusted and fastened seat safety belt; except that, a
24 child less than 6 years of age shall be protected as required
25 pursuant to the Child Passenger Protection Act. Each driver
26 under the age of 18 years and each of the driver's passengers
27 under the age of 19 ~~18~~ years of a motor vehicle operated on a
28 street or highway in this State shall wear a properly adjusted
29 and fastened seat safety belt. Each driver of a motor vehicle
30 transporting a child 6 years of age or more, but less than 16
31 years of age, in the front seat of the motor vehicle shall
32 secure the child in a properly adjusted and fastened seat
33 safety belt.

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

35 1. A driver or passenger frequently stopping and

1 leaving the vehicle or delivering property from the
2 vehicle, if the speed of the vehicle between stops does not
3 exceed 15 miles per hour.

4 2. A driver or passenger possessing a written statement
5 from a physician that such person is unable, for medical or
6 physical reasons, to wear a seat safety belt.

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

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

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

14 6. A motorcycle or motor driven cycle.

15 7. A motorized pedalcycle.

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

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

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

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

28 (e) (Blank).

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

32 (Source: P.A. 93-99, eff. 7-3-03.)

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

1 (625 ILCS 25/4b)

2 Sec. 4b. Children 8 years of age or older but under the age
3 of 19 ~~18~~; seat belts. Every person under the age of 18 years,
4 when transporting a child 8 years of age or older but under the
5 age of 19 ~~18~~ years, as provided in Section 4 of this Act, shall
6 be responsible for securing that child in a properly adjusted
7 and fastened seat safety belt or an appropriate child restraint
8 system.

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