



Sen. Ira I. Silverstein

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09500SB0991sam001

LRB095 05847 DRH 34186 a

1 AMENDMENT TO SENATE BILL 991

2 AMENDMENT NO. _____. Amend Senate Bill 991 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Section 11-40-2a as follows:

6 (65 ILCS 5/11-40-2a) (from Ch. 24, par. 11-40-2a)

7 Sec. 11-40-2a. Except as otherwise provided in this
8 Section, the corporate authorities of any city of 1,000,000 or
9 more inhabitants may, subject to the provisions of the ~~"The~~
10 Illinois Vehicle Code, " ~~, as now and hereafter amended~~
11 regulate, license and prescribe safety requirements for motor
12 vehicles used to transport for hire students to or from a
13 school where students are in attendance except (a) those
14 belonging to or used by a common carrier or public utility
15 operating under the jurisdiction of the Illinois Commerce
16 Commission, and (b) those under the jurisdiction of the State

1 Board of Education or owned by the Chicago Transit Authority.
2 ~~However, no such municipality, including any home rule unit,~~
3 ~~may require that school buses be equipped with seat safety~~
4 ~~belts while transporting students who reside and attend schools~~
5 ~~situated outside of the corporate limits of the municipality,~~
6 ~~and it is declared to be the law of this State, pursuant to~~
7 ~~paragraph (g) of Section 6 of Article VII of the Illinois~~
8 ~~Constitution, that this amendatory Act of 1986 is a limitation~~
9 ~~on and denial of the powers of a home rule unit to impose such a~~
10 ~~requirement.~~ In this Section "school" means any public, private
11 or parochial elementary or secondary school or nursery.

12 (Source: P.A. 84-1374.)

13 Section 10. The Illinois Vehicle Code is amended by
14 changing Section 12-807 as follows:

15 (625 ILCS 5/12-807) (from Ch. 95 1/2, par. 12-807)

16 Sec. 12-807. Seat safety belts ~~belt for driver~~.

17 (a) Each school bus shall be equipped with a retractable
18 lap belt assembly for the driver's seat. No school bus shall be
19 operated unless the driver has properly restrained himself with
20 the lap belt assembly.

21 (b) Beginning July 1, 2008, each school bus that is
22 purchased new shall be equipped with seat safety belts for each
23 passenger.

24 (c) The State Board of Education shall adopt rules to

1 ensure that school districts require all passengers on those
2 buses to wear seat safety belts.

3 (d) Except for willful or wanton misconduct, a school bus
4 driver may not be held personally liable for the failure of
5 passengers to wear seat safety belts.

6 (e) Pursuant to subsections (h) and (i) of Section 6 of
7 Article VII of the Illinois Constitution, the exercise by a
8 home rule unit of any power that is inconsistent with this
9 Section is specifically denied and preempted, and the
10 regulation of seat safety belts on school buses is declared to
11 be the subject of exclusive State jurisdiction.

12 (Source: P.A. 78-1244.)

13 Section 90. The State Mandates Act is amended by adding
14 Section 8.31 as follows:

15 (30 ILCS 805/8.31 new)

16 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
17 of this Act, no reimbursement by the State is required for the
18 implementation of any mandate created by this amendatory Act of
19 the 95th General Assembly."