

1 AN ACT in relation to vehicles.

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 adding
5 Section 11-1403.4 and changing Section 12-603.1 as follows:

6 (625 ILCS 5/11-1403.4 new)

7 Sec. 11-1403.4. Helmets; damages. Damages caused by a
8 person's failure to wear a protective helmet while riding on
9 a motorcycle, motor-driven cycle, or motorized pedalcycle
10 shall not be recoverable in any civil action.

11 (625 ILCS 5/12-603.1) (from Ch. 95 1/2, par. 12-603.1)

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

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

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

- 29 1. A driver or passenger frequently stopping and
30 leaving the vehicle or delivering property from the

1 vehicle, if the speed of the vehicle between stops does
2 not exceed 15 miles per hour.

3 2. A driver or passenger possessing a written
4 statement from a physician that such person is unable,
5 for medical or physical reasons, to wear a seat safety
6 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
17 equipped with seat safety belts under federal law.

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

21 (c) Blank. ~~Failure--to--wear--a--seat--safety--belt--in~~
22 ~~violation-of-this-Section-shall-not-be-considered-evidence-of~~
23 ~~negligence,--shall-not-limit-the-liability-of-an-insurer,--and~~
24 ~~shall--not--diminish--any-recovery-for-damages-arising-out-of~~
25 ~~the-ownership,--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) No motor vehicle, or driver or passenger of such
29 vehicle, shall be stopped or searched by any law enforcement
30 officer solely on the basis of a violation or suspected
31 violation of this Section.

32 (Source: P.A. 90-369, eff. 1-1-98.)

33 Section 10. The Child Passenger Protection Act is

1 amended by changing Section 5 as follows:

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

3 Sec. 5. Any damages caused by ~~In--no-event-shall~~ a
4 person's failure to secure a child under 6 years of age in an
5 approved child restraint system or properly secure such
6 child, if age 4 or 5, in a seat belt shall not be recoverable
7 in any civil action brought by or on behalf of such child's
8 parent or any person or entity standing in loco parentis to
9 such child ~~constitute---contributory---negligence--or--be~~
10 ~~admissible-as-evidence-in-the-trial-of-any-civil-action.~~

11 (Source: P.A. 86-1241.)