

The Lowdown on Amendments to the Illinois Safety Belt and Child Restraint Rules.

Beginning on January 1, 2012, Illinois requires all passengers in a motor vehicle to wear safety belts. Previously, the Illinois Vehicle Code required only the driver, front seat passenger, and other riders under age 19 to wear a safety belt. The following are not required to wear safety belts:

1. A driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle, if the speed of the vehicle between stops does not exceed 15 miles per hour.
2. A driver or passenger possessing a written statement from a physician that such person is unable, for medical or physical reasons, to wear a seat safety belt.
3. A driver or passenger possessing an official certificate or license endorsement issued by the appropriate agency in another state or country indicating that the driver is unable for medical, physical, or other valid reasons to wear a seat safety belt.
4. A driver operating a motor vehicle in reverse.
5. A motor vehicle with a model year prior to 1965.
6. A motorcycle or motor driven cycle.
7. A moped.
8. A motor vehicle which is not required to be equipped with seat safety belts under federal law.
9. A motor vehicle operated by a rural letter carrier of the United States postal service while performing duties as a rural letter carrier.

(Effective January 1, 2012):

10. A driver or passenger of an authorized emergency vehicle.
11. A back seat passenger of a taxicab.

A violation of the safety belt law constitutes a petty offense and is subject to a fine not to exceed \$25.

The failure to wear a seat safety belt in violation of Vehicle Code shall not: be considered evidence of negligence, limit the liability of an insurer, and diminish any recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle.

Finally, a law enforcement officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because of a violation of this safety belt law. So, know your

rights, you can refuse such an inspection.

Child Passengers

Amendments to the Child Passenger Protection Act became effective on January 1 of this year. It requires children under the age of 8 to be secured in an appropriate child restraint system, more commonly called a safety seat, such as infant seats, convertible seats (rear-facing for infants and forward-facing for toddlers) and booster seats that are used with the vehicle lap shoulder belt system. Under the law, a parent or legal guardian of a child under the age of eight years is responsible for providing a child safety seat to anyone who transports his or her child. Children 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 is not equipped with a lap and shoulder belt system. Children who are 8 or older, but under the age of 16, must be secured in a properly adjusted safety belt in any position in the vehicle.

Violators of the Child Passenger Protection Act are subject to a \$75 fine for a first offense and are eligible for court supervision if they provide documented proof to the court from a child safety seat technician of a properly installed child restraint system and completion of an instructional course on installation of said restraint system. A subsequent violation is a petty offense with a \$200 fine and not eligible for court supervision.

A person's failure to secure a child under 8 years of age in an approved child restraint system shall not constitute contributory negligence or be admissible as evidence in the trial of any civil action.