



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB2801

Introduced 2/15/2008, by Sen. Don Harmon

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/6z-34  
625 ILCS 5/11-1404

from Ch. 95 1/2, par. 11-1404

Amends the Illinois Vehicle Code and the State Finance Act. Provides that a person may not transport a child under 16 years of age as a passenger on a motorcycle, motor driven cycle, or motorized pedalcycle unless: the child is wearing protective headgear and the chin strap is properly fastened; or the person is the child's parent or legal guardian and the person is carrying a Child Passenger Permit. Provides that a parent or legal guardian of a child under 16 years of age may apply to the Secretary of State for a Child Passenger Permit to allow the child named in the Child Passenger Permit to be a passenger of that parent or legal guardian on a motorcycle, motor driven cycle, or motorized pedalcycle without wearing protective headgear. Contains provisions regarding: fees; issuance; validity; display; altered, counterfeit, or otherwise invalid permits; confiscation; penalties; and other matters.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT regarding motorcycles.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The State Finance Act is amended by changing  
5 Section 6z-34 as follows:

6 (30 ILCS 105/6z-34)

7 Sec. 6z-34. Secretary of State Special Services Fund. There  
8 is created in the State Treasury a special fund to be known as  
9 the Secretary of State Special Services Fund. Moneys deposited  
10 into the Fund may, subject to appropriation, be used by the  
11 Secretary of State for any or all of the following purposes:

12 (1) For general automation efforts within operations  
13 of the Office of Secretary of State.

14 (2) For technology applications in any form that will  
15 enhance the operational capabilities of the Office of  
16 Secretary of State.

17 (3) To provide funds for any type of library grants  
18 authorized and administered by the Secretary of State as  
19 State Librarian.

20 (4) To carry out the duties of the Office of Secretary  
21 of State under subsection (d) of Section 11-1404 of the  
22 Illinois Vehicle Code.

23 These funds are in addition to any other funds otherwise

1 authorized to the Office of Secretary of State for like or  
2 similar purposes.

3 On August 15, 1997, all fiscal year 1997 receipts that  
4 exceed the amount of \$15,000,000 shall be transferred from this  
5 Fund to the Statistical Services Revolving Fund; on August 15,  
6 1998 and each year thereafter through 2000, all receipts from  
7 the fiscal year ending on the previous June 30th that exceed  
8 the amount of \$17,000,000 shall be transferred from this Fund  
9 to the Statistical Services Revolving Fund; on August 15, 2001  
10 and each year thereafter through 2002, all receipts from the  
11 fiscal year ending on the previous June 30th that exceed the  
12 amount of \$19,000,000 shall be transferred from this Fund to  
13 the Statistical Services Revolving Fund; and on August 15, 2003  
14 and each year thereafter, all receipts from the fiscal year  
15 ending on the previous June 30th that exceed the amount of  
16 \$33,000,000 shall be transferred from this Fund to the  
17 Statistical Services Revolving Fund.

18 (Source: P.A. 92-32, eff. 7-1-01; 93-32, eff. 7-1-03.)

19 Section 10. The Illinois Vehicle Code is amended by  
20 changing Section 11-1404 as follows:

21 (625 ILCS 5/11-1404) (from Ch. 95 1/2, par. 11-1404)

22 Sec. 11-1404. Special equipment for persons riding  
23 motorcycles, motor driven cycles or motorized pedalcycles.

24 (a) The operator of a motorcycle, motor driven cycle or

1 motorized pedalcycle and every passenger thereon shall be  
2 protected by glasses, goggles or a transparent shield.

3 (b) For the purposes of this Section, glasses, goggles, and  
4 transparent shields are defined as follows:

5 "Glasses" means ordinary eye pieces such as spectacles or  
6 sunglasses worn before the eye, made of shatter-resistant  
7 material. Shatter-resistant material, as used in this Section,  
8 means material so manufactured, fabricated, or created that it  
9 substantially prevents shattering or flying when struck or  
10 broken.

11 "Goggles" means a device worn before the eyes, the  
12 predominant function of which is protecting the eyes without  
13 obstructing peripheral vision. Goggles shall provide  
14 protection from the front and sides, and may or may not form a  
15 complete seal with the face.

16 "Transparent shield" means a windshield attached to the  
17 front of a motorcycle that extends above the eyes when an  
18 operator is seated in the normal, upright riding position, made  
19 of shatter-resistant material, or a shatter-resistant  
20 protective face shield that covers the wearer's eyes and face  
21 at least to a point approximately to the tip of the nose.

22 (c) Contact lenses are not acceptable eye protection  
23 devices.

24 (d) Children under 16 years of age.

25 (1) A person may not transport a child under 16 years  
26 of age as a passenger on a motorcycle, motor driven cycle,

1 or motorized pedalcycle unless:

2 (A) the child is wearing protective headgear of a  
3 type that meets the standards established for  
4 motorcycle operation in 49 CFR 571.218 and the chin  
5 strap is properly fastened; or

6 (B) the person is the child's parent or legal  
7 guardian and the person is carrying a valid Child  
8 Passenger Permit that (i) is issued to that person in  
9 accordance with this subsection (d) and (ii) names the  
10 child who is the passenger.

11 (2) A parent or legal guardian of a child under 16  
12 years of age may apply to the Secretary of State, in a form  
13 and manner to be prescribed by the Secretary of State by  
14 rule, for a Child Passenger Permit to allow the child named  
15 in the Child Passenger Permit to be a passenger of that  
16 parent or legal guardian on a motorcycle, motor driven  
17 cycle, or motorized pedalcycle without wearing protective  
18 headgear. The fee for a Child Passenger Permit is \$100, of  
19 which \$90 shall be deposited into the Cycle Rider Safety  
20 Training Fund and \$10 shall be deposited into the Secretary  
21 of State Special Services Fund. A Child Passenger Permit  
22 issued by the Secretary of State shall be valid until the  
23 child's 16th birthday. Each Child Passenger Permit may be  
24 carried only by the parent or legal guardian to whom it was  
25 issued. Each Child Passenger Permit may name only one  
26 child. A Child Passenger Permit shall be displayed upon

1 request made by any law enforcement officer wearing a  
2 uniform or displaying a badge or other sign of authority.  
3 As used in this Section, "display" means the manual  
4 surrender of the Child Passenger Permit into the hands of  
5 the law enforcement officer making the request for the  
6 inspection thereof.

7 (3) A person may not knowingly alter or counterfeit a  
8 Child Passenger Permit. A person may not knowingly display  
9 a Child Passenger Permit that is issued to another person,  
10 a Child Passenger Permit that names a child other than the  
11 passenger being transported, or a Child Passenger Permit or  
12 purported Child Passenger Permit that is illegally  
13 altered, counterfeit, or otherwise invalid, and if a law  
14 enforcement officer issues a citation to a person for any  
15 of those reasons, the officer shall confiscate the evidence  
16 for presentation in court.

17 (4) Violation of paragraph (3) of this subsection (d)  
18 is a Class A misdemeanor. Violation of any other provision  
19 of this subsection (d) is a Class C misdemeanor.

20 (Source: P.A. 89-271, eff. 1-1-96.)