



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2143

Introduced 2/15/2013, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-603.1

from Ch. 95 1/2, par. 12-603.1

Amends the Illinois Vehicle Code. Provides that evidence of failure to comply with the seat belt requirements of the Illinois Vehicle Code may be admitted in litigation related to a motor vehicle accident for the purpose of mitigating damages in subsequent civil litigation. Provides that this mitigation will apply only to damages for pain and suffering and not to recovery of economic loss or medical payments. Maintains the prohibition on admission of evidence of failure to use child restraints as required under the Child Passenger Protection Act.

LRB098 09378 MLW 39519 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 Section 12-603.1 as follows:

6 (625 ILCS 5/12-603.1) (from Ch. 95 1/2, par. 12-603.1)

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

9 (a) Each driver and passenger of a motor vehicle operated
10 on a street or highway in this State shall wear a properly
11 adjusted and fastened seat safety belt. A child less than 8
12 years of age shall be protected as required pursuant to the
13 Child Passenger Protection Act. Each driver of a motor vehicle
14 transporting a child 8 years of age or more, but less than 16
15 years of age, shall secure the child in a properly adjusted and
16 fastened seat safety belt as required under the Child Passenger
17 Protection Act. Each driver of a motor vehicle transporting a
18 passenger who is unable, due to infirmity, illness, or age, to
19 properly adjust and fasten a seat safety belt and is not
20 exempted from wearing a seat safety belt under subsection (b)
21 shall secure the passenger in a properly adjusted and fastened
22 seat safety belt as required under this Section.

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

1 1. A driver or passenger frequently stopping and
2 leaving the vehicle or delivering property from the
3 vehicle, if the speed of the vehicle between stops does not
4 exceed 15 miles per hour.

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

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

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

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

15 6. A motorcycle or motor driven cycle.

16 7. A moped.

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

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

22 10. A driver or passenger of an authorized emergency
23 vehicle.

24 11. A back seat passenger of a taxicab.

25 (c) (Blank). ~~Failure to wear a seat safety belt in~~
26 ~~violation of this Section shall not be considered evidence of~~

1 ~~negligence, shall not limit the liability of an insurer, and~~
2 ~~shall not diminish any recovery for damages arising out of the~~
3 ~~ownership, maintenance, or operation of a motor vehicle.~~

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

6 (e) (Blank).

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

10 (g) Except as provided in Section 5 of the Child Passenger
11 Protection Act, evidence of failure to comply with the
12 requirements of this Section shall be admissible to mitigate
13 damages with respect to any person who was involved in a motor
14 vehicle accident and seeks in subsequent civil litigation to
15 recover damages for injuries resulting from the accident. The
16 mitigation shall be limited to awards for pain and suffering
17 and shall not be used for limiting recovery of economic loss
18 and medical payments.

19 (Source: P.A. 96-554, eff. 1-1-10; 96-991, eff. 1-1-11; 97-16,
20 eff. 1-1-12; 97-333, eff. 8-12-11.)