



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2906

Introduced 2/6/2025, by Rep. Michelle Mussman

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 the failure to wear a seat safety belt or the misuse of a seat safety belt by a driver or passenger of a motor vehicle may be considered evidence of negligence and may diminish any recovery from damages, but shall not limit the liability of an insurer.

LRB104 09908 LNS 19978 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
5 changing 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
17 Passenger Protection Act. Each driver of a motor vehicle
18 transporting a passenger who is unable, due to infirmity,
19 illness, or age, to properly adjust and fasten a seat safety
20 belt and is not exempted from wearing a seat safety belt under
21 subsection (b) shall secure the passenger in a properly
22 adjusted and fastened seat safety belt as required under this
23 Section.

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

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

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

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

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

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

16 6. A motorcycle or motor driven cycle.

17 7. A moped.

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

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

23 10. A driver or passenger of an authorized emergency
24 vehicle, except this exception does not apply to vehicles
25 of the fire department; vehicles of the Office of the
26 State Fire Marshal; or ambulances, unless the delivery of

1 life-saving measures prohibits the use of a seat safety
2 belt.

3 11. A back seat passenger of a taxicab.

4 (c) Failure to wear a seat safety belt in violation of this
5 Section or the misuse of a seat safety belt by a driver or
6 passenger of a motor vehicle may ~~shall not~~ be considered
7 evidence of negligence, ~~shall not limit the liability of an~~
8 ~~insurer,~~ and may ~~shall not~~ diminish any recovery for damages
9 arising out of the ownership, maintenance, or operation of a
10 motor vehicle but shall not limit the liability of an insurer.

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

13 (e) (Blank).

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

17 (Source: P.A. 97-16, eff. 1-1-12; 97-333, eff. 8-12-11;
18 98-451, eff. 8-16-13.)