



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB4413**

by Rep. Elizabeth Coulson

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-40-2a

from Ch. 24, par. 11-40-2a

625 ILCS 5/12-807

from Ch. 95 1/2, par. 12-807

30 ILCS 805/8.32 new

Amends the Illinois Vehicle Code. Provides that, beginning July 1, 2009, each school bus that is purchased new shall be equipped with seat safety belts for each passenger. Provides that the State Board of Education shall adopt rules to ensure that school districts require all passengers on those buses to wear seat safety belts. Provides that, except for willful or wanton misconduct, a school bus driver may not be held personally liable for the failure of passengers to wear seat safety belts. Denies home rule powers. Makes a corresponding change in the Illinois Municipal Code. Amends the State Mandates Act to require implementation without reimbursement by the State. Effective immediately.

LRB095 17145 LCT 43202 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 Municipal Code is amended by  
5 changing Section 11-40-2a as follows:

6 (65 ILCS 5/11-40-2a) (from Ch. 24, par. 11-40-2a)

7 Sec. 11-40-2a. Except as otherwise provided in this  
8 Section, the corporate authorities of any city of 1,000,000 or  
9 more inhabitants may, subject to the provisions of the ~~"The~~  
10 Illinois Vehicle Code, ", ~~as now and hereafter amended~~  
11 regulate, license and prescribe safety requirements for motor  
12 vehicles used to transport for hire students to or from a  
13 school where students are in attendance except (a) those  
14 belonging to or used by a common carrier or public utility  
15 operating under the jurisdiction of the Illinois Commerce  
16 Commission, and (b) those under the jurisdiction of the State  
17 Board of Education or owned by the Chicago Transit Authority.  
18 ~~However, no such municipality, including any home rule unit,~~  
19 ~~may require that school buses be equipped with seat safety~~  
20 ~~belts while transporting students who reside and attend schools~~  
21 ~~situated outside of the corporate limits of the municipality,~~  
22 ~~and it is declared to be the law of this State, pursuant to~~  
23 ~~paragraph (g) of Section 6 of Article VII of the Illinois~~

1 ~~Constitution, that this amendatory Act of 1986 is a limitation~~  
2 ~~on and denial of the powers of a home rule unit to impose such a~~  
3 ~~requirement.~~ In this Section "school" means any public, private  
4 or parochial elementary or secondary school or nursery.

5 (Source: P.A. 84-1374.)

6 Section 10. The Illinois Vehicle Code is amended by  
7 changing Section 12-807 as follows:

8 (625 ILCS 5/12-807) (from Ch. 95 1/2, par. 12-807)

9 Sec. 12-807. Seat safety belts ~~belt for driver~~.

10 (a) Each school bus shall be equipped with a retractable  
11 lap belt assembly for the driver's seat. No school bus shall be  
12 operated unless the driver has properly restrained himself with  
13 the lap belt assembly.

14 (b) Beginning July 1, 2009, each school bus that is  
15 purchased new shall be equipped with seat safety belts for each  
16 passenger.

17 (c) The State Board of Education shall adopt rules to  
18 ensure that school districts require all passengers on those  
19 buses to wear seat safety belts.

20 (d) Except for willful or wanton misconduct, a school bus  
21 driver may not be held personally liable for the failure of  
22 passengers to wear seat safety belts.

23 (e) Pursuant to subsections (h) and (i) of Section 6 of  
24 Article VII of the Illinois Constitution, the exercise by a

1 home rule unit of any power that is inconsistent with this  
2 Section is specifically denied and preempted, and the  
3 regulation of seat safety belts on school buses is declared to  
4 be the subject of exclusive State jurisdiction.

5 (Source: P.A. 78-1244.)

6 Section 90. The State Mandates Act is amended by adding  
7 Section 8.32 as follows:

8 (30 ILCS 805/8.32 new)

9 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8  
10 of this Act, no reimbursement by the State is required for the  
11 implementation of any mandate created by this amendatory Act of  
12 the 95th General Assembly.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.