

ORDINANCE NO. 2019 – 991

AN ORDINANCE AMENDING CHAPTER 24 (ARTICLES IX AND X) OF THE REVISED CODE OF ORDINANCES FOR THE VILLAGE OF COBDEN, ILLINOIS

WHEREAS, 625 ILCS 25 establishes the Child Passenger Protection Act; and

WHEREAS, the Village of Cobden now desires to amend Chapter 24 of the Village of Cobden Revised Code of Ordinances to incorporate the Child Passenger Protection Act.

THEREFORE, be it ordained by the President and Board of Trustees of the Village of Cobden, Union County, Illinois as follows:

SECTION 1. Article IX of Chapter 24 of the Revised Code of Ordinances of the Village of Cobden, Union County, Illinois, is amended to read as follows:

ARTICLE IX – CHILD PASSENGER PROTECTION ACT

24-9-1 DEFINITIONS. The terms "highway", "motor vehicle", "owner", "police officer", "recreational vehicle", "roadway" and "street" as used in this Act, unless the context otherwise requires, have the meaning ascribed to them in The Illinois Vehicle Code, as now or hereafter amended. For the purpose of this Act, "motor vehicle" does not include motorcycles. (625 ILCS 25/3) (from Ch. 95 1/2, par. 1103) (Source: P.A. 83-8.)

24-9-2 CHILD RESTRAINT SYSTEM REQUIRED. When any person is transporting a child in this State under the age of 8 years in a non-commercial motor vehicle of the first division, any truck or truck tractor that is equipped with seat safety belts, any other motor vehicle of the second division with a gross vehicle weight rating of 9,000 pounds or less, or a recreational vehicle on the roadways, streets or highways of this State, such person shall be responsible for providing for the protection of such child by properly securing him or her in an appropriate child restraint system. The parent or legal guardian of a child under the age of 8 years shall provide a child restraint system to any person who transports his or her child.

When any person is transporting a child in this State who is under the age of 2 years in a motor vehicle of the first division or motor vehicle of the second division weighing 9,000 pounds or less, he or she shall be responsible for properly securing the child in a rear-facing child restraint system, unless the child weighs 40 or more pounds or is 40 or more inches tall.

For purposes of this Section and Section 4b, "child restraint system" means any device which meets the standards of the United States Department of Transportation designed to restrain, seat or position children, which also includes a booster seat.

A child 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 of the motor vehicle is not equipped with a combination lap and shoulder belt. (625 ILCS 25/4) (from Ch. 95 1/2, par. 1104) (Source: P.A. 100-672, eff. 1-1-19.)

24-9-3 SEAT BELT REQUIRED.

(A) Every person, when transporting a child 8 years of age or older but under the age of 16, as provided in Section 4 of this Act, shall be responsible for properly securing that child in seat belts. (625 ILCS 25/4a) (from Ch. 95 1/2, par. 1104a) (Source: P.A. 92-171, eff. 1-1-02; 93-100, eff. 1-1-04.)

(B) Children 8 years of age or older but under the age of 19; seat belts. Every person under the age of 18 years, when transporting a child 8 years of age or older but under the age of 19 years, as provided in Section 4 of this Act, shall be responsible for securing that child in a properly adjusted and fastened seat safety belt or an appropriate child restraint system. This Section shall also apply to each driver over the age of 18 years who committed an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of the Illinois Vehicle Code in the 6 months prior to the driver's 18th birthday and was subsequently convicted of the violation, until such time as a period of 6 consecutive months has elapsed without an additional violation and subsequent conviction of an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of the Illinois Vehicle Code. (625 ILCS 25/4b) (Source: P.A. 96-607, eff. 8-24-09; 97-333, eff. 8-12-11.)

24-9-4 FAILURE TO SECURE – NEGLIGENCE. In no event shall a person's failure to secure a child under 8 years of age in an approved child restraint system constitute contributory negligence or be admissible as evidence in the trial of any civil action. (625 ILCS 25/5) (from Ch. 95 1/2, par. 1105) (Source: P.A. 93-100, eff. 1-1-04.)

24-9-5 PENALTY.

(A) A first violation of this Act is a petty offense punishable by a fine of \$75.

(B) Except as provided in subsection (d) of this Section, a person charged with a violation of Section 4 of this Act shall not be convicted if the person produces in court satisfactory evidence of possession of an approved child restraint system, as defined under this Act, and proof of completion of an instructional course on the installation of a child restraint system pursuant to Section 6a of this Act. The chief judge of each circuit may designate an officer of the court to review the documentation demonstrating that a person charged with a violation of Section 4 of this Act is in possession of an approved child restraint system and has completed an instructional course.

(C) A second or subsequent violation of this Act is a petty offense punishable by a fine of \$200.

(D) Subsection (b) of this Section shall not apply in the case of a second or subsequent violation of this Act. (625 ILCS 25/6) (from Ch. 95 1/2, par. 1106) (Source: P.A. 96-914, eff. 1-1-11.)

24-9-6 CHILD PASSENGER SAFETY INSTRUCTIONAL COURSE.

(A) As used in this Section, "technician" means a person who has successfully completed the U.S. Department of Transportation National Highway Traffic Safety Administration's (NHTSA) standardized National Child Passenger Safety Certification Training Program and who maintains a current child passenger safety technician or technician instructor certification through the current certifying body for the National Child Passenger Safety Training Program as designated by the NHTSA.

(B) A person in violation of Section 4 of this Act may schedule a child safety instructional course with a technician. The instructional course shall include instruction on

the proper installation of a child restraint system. The instructional course shall also include an inspection of the child restraint system. At the time of scheduling, the technician shall notify the person that the instructional course must be completed prior to the mandatory court appearance date on the person's citation for a violation of Section 4 of this Act.

(C) Prior to beginning the instructional course, the person must present a copy of the citation of a violation of Section 4 of this Act to the technician.

(D) The technician shall be observant for any citations with the notation "no safety seat" in the notes field and discuss with the person, for the purpose of determining the person's need for a child restraint system, the person's reasons for not transporting the child in a child restraint system.

(E) Upon completion of the instructional course to the satisfaction of the technician conducting the course, the technician shall issue a letter to the person for presentation in court. The letter shall:

- (1) be printed on a form or in a manner required by the Illinois Department of Transportation;
- (2) indicate that the person has voluntarily participated in the instructional course and received instruction from a technician regarding the proper use of the person's child restraint system; and
- (3) include (i) the date the instructional course was completed, (ii) the citation number presented to the technician under this Section, (iii) the county in which the citation was issued, and (iv) the technician's signature and technician number. (625 ILCS 25/6a)

24-9-7 ARRESTS – PROSECUTIONS. The State Police shall patrol the public highways and make arrests for a violation of this Act. Police officers shall make arrests for violations of this Act occurring upon the highway within the limits of a county, city, village, or unincorporated town or park district.

The State's Attorney of the county in which the violation of this Act occurs shall prosecute all violations except when the violation occurs within the corporate limits of a municipality, the municipal attorney may prosecute if written permission to do so is obtained from the State's Attorney.

The provisions of this Act shall not apply to a child passenger with a physical disability of such a nature as to prevent appropriate restraint in a seat, provided that the disability is duly certified by a physician who shall state the nature of the disability, as well as the reason the restraint is inappropriate. No physician shall be liable, and no cause of action may be brought for personal injuries resulting from the exercise of good faith judgment in making certifications under this provision. (625 ILCS 25/7) (from Ch. 95 1/2, par. 1107) (Source: P.A. 88-685, eff. 1-24-95.)

ARTICLE X – PENALTY

24-10-1 PENALTY. Any person, firm or corporation violating any provision of this Chapter shall, upon conviction, be fined as provided in **Section 1-1-20** of this Code.

24-10-2 ARRESTS. Any person arrested for a violation of any provisions of this Chapter shall be released upon proper bail being furnished as required by state statute.

24-9-3 PRIMA FACIE PROOF. The fact that a vehicle that is illegally operated or parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time of such violation. (#2017-955, 2/20/2017)

SECTION 2. That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this ordinance.

SECTION 3. That all ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form, as provided by the Illinois Compiled Statutes, Chapter 65; Section 5/1-2-4.

PASSED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF COBDEN, UNION COUNTY, ILLINOIS, ON THIS 6TH DAY OF MAY, 2019.


KAREN M. WINZENBURGER, VILLAGE CLERK

| NAME | AYE | NAY | ABSTAIN | ABSENT | CONFLICT |
|---------------------|-----|-----|---------|--------|----------|
| Jean A. Britt | | | | ✓ | |
| Patrick C. Brumleve | ✓ | | | | |
| Todd Dietterle | ✓ | | | | |
| Larry Hackethal | ✓ | | | | |
| Austin Sellars | ✓ | | | | |
| David Stewart | ✓ | | | | |

APPROVED BY THE VILLAGE PRESIDENT OF THE VILLAGE OF COBDEN, UNION COUNTY, ILLINOIS, THIS 6TH DAY OF MAY, 2019.


PAUL Z. TOMAZZOLI, VILLAGE PRESIDENT

ATTEST:


KAREN M. WINZENBURGER, VILLAGE CLERK