



# TRAFFIC ALERT



Jody P. Weis, Superintendent of Police

January 2008

Volume 14, Number 1

## NEW TRAFFIC LAWS UPDATE

According to the National Highway Traffic Safety Administration motor vehicle travel is the primary means of transportation in the United States, providing an unprecedented degree of mobility. Yet for all its advantages, deaths and injuries resulting from motor vehicle crashes are the leading cause of death for persons of every age from 3 through 33 years old. As a result of many public awareness safety campaigns and the enforcement of the driving laws by tens of thousands of dedicated police officers across the country, hundreds of lives are being saved nationwide. Officers are encouraged to increase enforcement of the seat belt/child restraint and the Driving Under the Influence law. Officers should be aware that a high percentage of the people in Illinois are still not buckling up.

This issue of the *Traffic Alert* addresses the requirements of the new laws that were enacted by the State of Illinois that Department members should know as we deal with drivers in the performance of our daily duties.

### **625 ILCS 25/4 "Child Seatbelts-Trucks"**

*Effective Date: 1 Jan. 2008*

Public Act: 95-0254

Senate Bill: 0071

Synopsis: Amends the Child Passenger Protection Act. Provides that any person transporting a child under the age of 8 years in any truck or truck tractor equipped with safety seat belts is responsible for securing the child in an appropriate child restraint system.

### **625 ILCS 5/11-401 "Leaving The Scene"**

*Effective Date: 1 Jan. 2008*

Public Act: 95-0347

Senate Bill: 1005

Synopsis: Amends the Illinois Vehicle Code. Provides that a person who leaves the scene of an accident resulting in a death or personal injury and fails to report such accident to the police is guilty of a Class 2 (rather than a Class 3) felony if the motor vehicle accident does not result in the death of any person and is guilty of a Class 1 felony if the accident results in the death of any person (rather than a Class 2 for which the person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years). Provides that the amendatory Act may be referred to as Judee's law.

### **625 ILCS 5/3-413 "No License Plate Covers"**

*Effective Date: 1 June 2008*

Public Act: 95-0029

Senate Bill: 1265

Synopsis: Amends the Illinois Vehicle Code. Prohibits clear (as well as tinted) plastic license plate covers.

## **625 ILCS 5/3-412,625 ILCS 5/12-503 "Tinted Windows"**

*Effective Date: 16 Aug. 2007*

Public Act: 95-0202

Senate Bill: 0536

Synopsis: Amends the Illinois Vehicle Code. Provides that the prohibition against tinted windshields and tinted side windows does not apply to vehicles owned and operated by persons afflicted with or suffering from a medical illness, ailment, or disease requiring that person to be shielded from the direct rays of the sun, including but not limited to systemic or discoid lupus erythematosus, disseminated superficial actinic porokeratosis, or albinism, or to vehicles used in transporting a person who lives at the same address as the registered owner and is afflicted with or suffers from such an illness, ailment, or disease, regardless of the date on which the tinted windows were installed or the tinting was applied. Provides that the owner of the vehicle is responsible for obtaining the certification from a physician indicating that the owner or another person being transported in the vehicle has a condition that qualifies for the exemption. Provides that the owner is responsible for submitting a copy of the certification to the Secretary of State. Provides that the Secretary of State shall issue distinctive registration plates or plate stickers for the exempted vehicles. Provides that the Secretary of State shall issue the plates immediately upon receiving a physician's certification that an applicant qualifies for the plates.

## **The Illinois Graduated Driver Licensing System**

*Effective Date: 1 Jan .2008*

### *Parental Consent:*

Drivers ages 16 and 17 must have parent/legal guardian consent in order to obtain a driver's license. The parent/legal guardian must provide written consent at the time of the minor's application at a Driver Services facility. The parent/legal guardian also must show proof that the applicant has had at least 50 hours of practice driving, including 10 hours at night, during the Permit Phase.

A parent/legal guardian may revoke consent for the minor to hold a driver's license at any time, for any reason until the driver turns 18 by contacting the Secretary of State's office. Driving privileges will not be reinstated until the parent/legal guardian who withdrew consent once again provides consent or until the driver turns 18, whichever occurs first. The teen driver must reapply for a driver's license and pay the appropriate fees in order for the license to be reinstated.

### *Permit Phase- Drivers Age 15*

- Parent/legal guardian consent required to obtain an instruction permit.
- Must be enrolled in an approved driver education course, and must pass vision and written tests.
- Nighttime driving restrictions-- Sunday-Thursday, 10 p.m.-6 a.m., Friday-Saturday, 11 p.m.-6 a.m.
- Permit must be held for a minimum of 9 months.
- Must practice driving a minimum of 50 hours, including 10 hours at night, supervised by a parent or adult age 21 or older with a valid driver's license.
- Must not acquire any driving convictions during the nine-month permit phase.
- Number of passengers is limited to one in the front seat and the number of safety belts in the back seat.
- All occupants under the age of 19 must wear safety belts.
- Cell phone use while driving is *prohibited for drivers under the age of 19*, except in the case of an emergency to contact a law enforcement agency, health care provider or emergency services agency.
- Permit is valid for up to 2 years.

### *Sanctions*

- To obtain court supervision for a traffic violation, a driver must appear in court with a parent/legal guardian and also must attend traffic safety school. Limit one court supervision for serious driving offenses.
- A moving violation conviction results in a nine-month waiting period before applying for a driver's license.
- Not eligible for any hardship permit.
- Anyone caught driving without a permit is ineligible to obtain a driver's license until age 18.

### *Initial Licensing Phase-Drivers Ages 16-17*

- Parent/legal guardian must certify that a minimum of 50 hours of practice driving, including 10 hours at night, has been completed.
- Parent/legal guardian must accompany teen to provide written consent to obtain a driver's license, or complete and notarize an Affidavit/Consent for Minor to Drive form.
- Must have completed a state approved driver education course.
- Nighttime driving restrictions—Sunday- Thursday, 10 p.m. -6 a.m.: Friday –Saturday, 11p.m. -6 a.m.
- Must maintain a conviction-free driving record for six months prior to turning 18 before moving to the Full Licensing Phase. A traffic conviction during the Initial Licensing Phase may extend restrictions beyond age 18.
- All occupants under age 19 must wear safety belts.
- For the first 12 months of licensing, or until the driver turns 18, whichever occurs first, the number of passengers is limited to one person under age 20, unless the passenger is a sibling, child, or stepchild of the driver. After this period, the number of passengers is limited to one in the front seat and the number of safety belts in the back seat.
- Cell phone use while driving is *prohibited for drivers under age 19*, except in the case of an emergency to contact a law enforcement agency, health care provider or emergency services agency.

### *Sanctions*

- To obtain court supervision for a traffic violation, a driver must appear in court with a parent/legal guardian and also must attend traffic safety school. Limit one court supervision for serious driving offenses.

A moving violation conviction before age 18 generates a Secretary of State warning letter to the parent and teenager.

- A moving violation conviction that occurs within the first year of licensing will result in a six-month extension of the passenger limitation, which allows only one unrelated passenger under age 20.
- Two moving violation convictions occurring within a 24-month period results in a minimum one-month driver's license suspension. Suspension length is determined by the seriousness of the offenses and the driver's prior driving history. An additional driver's license suspension will result for each subsequent moving violation following the initial suspension.
- Suspended drivers must attend a remedial education course, may be retested and must pay a \$70 reinstatement fee.

### *Full Licensing Phase- Drivers Ages 18-20*

- No age related restrictions apply except in cases where a driver fails to move from the Initial Licensing Phase to the Full Licensing Phase.
- Cell phone use while driving is prohibited for drivers under age 19, except in the case of an emergency to contact a law enforcement agency, health care provider or emergency services agency.

### *Sanctions*

- Limit one court supervision for serious driving offenses.

- Two moving violation convictions occurring within a 24-month period results in a minimum one-month driver's license suspension. Suspension length is determined by the seriousness of the offenses and the driver's prior driving history. An additional driver's license suspension will result for each subsequent moving violation following the initial suspension.
- Suspended drivers are required to pay a \$70 reinstatement fee.

### **625 ILCS 5/2-120, 625 ILCS 5/11-1002.5, 730 ILCS 5/5-6-1 "School Crosswalk"**

*Effective Date: 1 Jan. 2008*

Public Act: 95-0303

Senate Bill: 0441

Synopsis: Amends the Illinois Vehicle Code and the Unified Code of Corrections. Creates the offense of failure to stop for or yield the right-of way to a pedestrian in a crosswalk in a school zone. Provides that a first violation is a petty offense with a minimum fine of \$150. Provides that a second or subsequent violation is a petty offense with a minimum fine of \$300. Provides for the assessment of additional fees. Provides that certain provisions allowing for the impositions of court supervision do not apply to the new offense.

### **625 ILCS 5/11-503, 720 ILCS 5/9-3 "Reckless Vehicle At School"**

*Effective Date: 1 June 2008*

Public Act: 95-0467

Senate Bill: 0508

Synopsis: Amend the Criminal Code of 1961 and the Illinois Vehicle Code. Replaces the changes with regard to the offense of reckless driving. Provides that a person who commits the offense is guilty of a Class 4 felony, if the violation causes bodily harm to a child or a crossing guard while the crossing guard is performing his or her official duties. Provides that a person commits that offense of aggravated reckless driving, and is a Class 3 felony, if he or she commits the offense of reckless driving and as a result causes great bodily harm or permanent disability or disfigurement to a child or a school crossing guard while the school crossing guard is performing his or her official duties.

### **625 ILCS 5/12-821 New, "How's My Driving School Bus"**

*Effective Date: 1 Jan. 2008*

Public Act: 95-0176

House Bill: 3624

Synopsis: Amends the Illinois Vehicle Code. Provides that each school bus shall display at the rear of the bus a visible and readable sign, indicating the telephone number of the owner of the school bus, and indicating that the number is to be called to report erratic driving by the school bus driver. Provides that the owner of each school bus shall establish procedures for accepting these calls and for taking complaints. Provides that the procedures shall include, but not limited to: an internal investigation of the events that led to each complaint; and a report to the complaining party of the results of the investigation and the action taken, if any.

### **625 ILCS 5/11-1301.3 "Disability Parking"**

*Effective Date: 1 June 2008*

Public Act: 95-0430

Senate Bill: 1318

Synopsis: Amends the Illinois Vehicle Code. Provides that disability license plates and parking decals and devices are not transferable from person to person. Provides that it is a violation of Code to park in a space reserved for persons with disabilities if the authorized holder of a disability license plate or parking decal or device does not enter or exit the vehicle at the time the special parking privileges are being used. Provides that a person who violates the provision a second time shall be fined \$750 and may have his or her driving privileges revoked or suspended for a period of time to be determined by the Secretary of State. Provides that a person who violates the provision a third or subsequent time shall be fined \$1,000 and may have his or her driving privileges, and the disability license plates or parking decal or device, revoked or suspended. Provides that 50% of the fine collected shall be distributed to the law enforcement agency or agencies that issued the citation or made the arrest. Provides that, if an officer of the Secretary of State Department of Police made the arrest, 50% of the fine shall be deposited into the Secretary of State Police Services Fund.