

## **TRANSPORTING CHILDREN UNDER THE AGE OF 8 YEARS OLD PER THE ILLINOIS CHILD PASSENGER PROTECTION ACT**

(updated 10-04-2019)

If the second division vehicle (includes school bus) has a Gross Vehicle Weight Rating (GVWR) of 9,000 pounds or less, the Illinois' Child Passenger Protection Act applies. The appropriate child restraint would be age and weight related to the specific child, per the child restraint manufacturer's guidelines. All passengers must be restrained in the vehicle. <sup>1</sup>

If the vehicle's GVWR is greater than 9,000 pounds, the Act does not apply. However, the National Highway Traffic Safety Administration (NHTSA) strongly encourages the use of child restraint systems when transporting any child prior to kindergarten in a school bus. It is also recognized that compartmentalization, the passive safety restraint system required in school buses under federal motor vehicle safety standard (FMVSS) 222, provides a higher level of safety to children over 40 pounds.<sup>2</sup> NHTSA's brochure regarding the 'Proper Use of Child Restraint Systems in School Buses' can be found here: <https://icsw.nhtsa.gov/people/injury/buses/busseatbelt/>

### **HOW TO DETERMINE A VEHICLE'S GVWR**

The GVWR is located on the federal certification label either on the driver's door jam or to the left of the driver's seating position on the wall, if there is no driver's door.

### **ILLINOIS CHILD PASSENGER PROTECTION ACT**

(625 ILCS 25/4) When any person is transporting a child in Illinois 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.

(Source: P.A. 100-672, eff. 1-1-19.)

## **SECOND DIVISION VEHICLE DEFINED**

(625 ILCS 5/1-217) Vehicle. Second Division: Those vehicles which are designed for carrying more than 10 persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses. (Source: P.A. 92-812, eff. 8-21-02.)

### Footnotes:

<sup>1</sup> Federal law requires passenger seat belts on school buses with a GVWR of 10,000 lbs or less. Section 12-603.1 of the Illinois Vehicle Code exempts *A motor vehicle which is not required to be equipped with seat safety belts under federal law* from requiring passengers to use safety belts in Illinois. Therefore, since NHTSA requires seat belts on vehicles with a GVWR of 10,000 lbs or less, the IVC requires they be utilized on school buses subject to the Act.

<sup>2</sup> National School Transportation Specifications and Procedures, Adopted May 2015