HOUSE BILL NO. 1129

AN ACT TO AMEND SECTION 63-2-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A OWNER OR OPERATOR OF A MOTOR VEHICLE ASKS A PASSENGER TO WEAR HIS SEAT BELT RESTRAINT DEVICE OR SYSTEM AND THE PASSENGER REFUSES TO DO SO AND SUBSEQUENTLY IS INJURED IN AN ACCIDENT AS A RESULT OF NOT HAVING WORN THE SEAT BELT RESTRAINT DEVICE OR SYSTEM AND SUES THE OWNER OR OPERATOR OF THE MOTOR VEHICLE FOR DAMAGES, THE JURY MAY BE INFORMED THAT THE OWNER OR OPERATOR OF THE MOTOR VEHICLE REQUESTED THE PASSENGER TO WEAR HIS SEAT BELT RESTRAINT DEVICE OR SYSTEM AND THE INJURED PASSENGER REFUSED TO DO SO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-2-3, Mississippi Code of 1972, is amended as follows:

63-2-3. This chapter shall not be construed to create a duty, standard of care, right or liability between the operator and passenger of any passenger motor vehicle which is not recognized under the laws of the State of Mississippi as such laws exist on the date of passage of this chapter or as such laws may at any time thereafter be constituted by statute or court decision. Failure to provide and use a seat belt restraint device or system shall not be considered contributory or comparative negligence, nor shall the violation be entered on the driving record of any individual.

However, if an owner or operator of a motor vehicle asks a passenger to wear his seat belt restraint device or system and the passenger refuses to do so, and is subsequently injured in an accident as a result of not having worn the seat belt restraint device or system and sues the owner or operator of the motor vehicle for damages, the jury may be informed that the owner or operator of the motor vehicle asked the passenger to wear his seat belt restraint device or system and the passenger refused to do so.
belt restraint device or system and the injured passenger refused to do so.

SECTION 2. This act shall take effect and be in force from and after July 1, 2003.