

By: Representative Maples

To: Transportation

HOUSE BILL NO. 1129

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

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

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

14 63-2-3. This chapter shall not be construed to create a
15 duty, standard of care, right or liability between the operator
16 and passenger of any passenger motor vehicle which is not
17 recognized under the laws of the State of Mississippi as such laws
18 exist on the date of passage of this chapter or as such laws may
19 at any time thereafter be constituted by statute or court
20 decision. Failure to provide and use a seat belt restraint device
21 or system shall not be considered contributory or comparative
22 negligence, nor shall the violation be entered on the driving
23 record of any individual.

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



31 belt restraint device or system and the injured passenger refused
32 to do so.

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

