

By: Representative Upshaw

To: Judiciary A

HOUSE BILL NO. 367

1 AN ACT TO AMEND SECTION 63-2-3, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT FAILURE TO PROVIDE AND USE A SEAT BELT RESTRAINT
3 DEVICE OR SYSTEM MAY BE ADMISSIBLE IN EVIDENCE TO PROVE A FAILURE
4 TO MITIGATE DAMAGES; AND FOR RELATED PURPOSES.

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

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

8 63-2-3. This chapter shall not be construed to create a
9 duty, standard of care, right or liability between the operator
10 and passenger of any passenger motor vehicle which is not
11 recognized under the laws of the State of Mississippi as such laws
12 exist on the date of passage of this chapter or as such laws may
13 at any time thereafter be constituted by statute or court
14 decision. Failure to provide and use a seat belt restraint device
15 or system shall not be considered contributory or comparative
16 negligence, nor shall the violation be entered on the driving
17 record of any individual; however, failure to provide and use a
18 seat belt restraint device or system may be admissible in evidence
19 to prove a failure to mitigate damages.

20 **SECTION 2.** This act shall take effect and be in force from
21 and after July 1, 2005; and shall be applicable only to causes of
22 action that accrue on or after July 1, 2005.