

By: Representative Robinson (63rd)

To: Transportation

HOUSE BILL NO. 1042

1 AN ACT TO AMEND SECTION 63-7-301, MISSISSIPPI CODE OF 1972,  
2 TO PROHIBIT A PERSON FROM SMOKING WHILE TRANSPORTING A CHILD UNDER  
3 THE AGE OF FOUR IN A PASSENGER MOTOR VEHICLE; AND FOR RELATED  
4 PURPOSES.

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

6 **SECTION 1.** Section 63-7-301, Mississippi Code of 1972, is  
7 amended as follows:

8 63-7-301. (1) (a) Every person transporting a child under  
9 the age of four (4) years in a passenger motor vehicle, and  
10 operated on a public roadway, street or highway within this state,  
11 shall provide for the protection of the child by properly using a  
12 child passenger restraint device or system meeting applicable  
13 federal motor vehicle safety standards.

14 (b) A person transporting a child under the age of four  
15 (4) years as provided in paragraph (a) of this subsection, is  
16 prohibited from smoking in the passenger motor vehicle while that  
17 child is present.

18 (2) The term "passenger motor vehicle" as used in Sections  
19 63-7-301 through 63-7-311 has the same meaning as defined in  
20 Section 63-2-1(2). Sections 63-7-301 through 63-7-311 do not  
21 apply to the vehicles described in Section 63-2-1(3).

22 (3) Failure to provide and use a child passenger restraint  
23 device or system shall not be considered contributory or  
24 comparative negligence.

25 **SECTION 2.** This act shall take effect and be in force from  
26 and after July 1, 2005.