

By: Senator(s) Mettetal, Dawkins, Frazier

To: Judiciary, Division B

SENATE BILL NO. 2343  
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 63-2-7, MISSISSIPPI CODE OF 1972, TO  
2 CREATE VIOLATION OF SEAT BELT REQUIREMENTS AS A PRIMARY OFFENSE;  
3 TO AMEND SECTION 63-2-3, MISSISSIPPI CODE OF 1972, TO DELETE THE  
4 PROVISION THAT FAILURE TO USE SEAT BELTS CANNOT CONSTITUTE  
5 CONTRIBUTORY OR COMPARATIVE NEGLIGENCE; AND FOR RELATED PURPOSES.

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

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

9 63-2-7. (1) A violation of this chapter shall be a  
10 misdemeanor, punishable by a fine of Twenty-five Dollars (\$25.00)  
11 upon conviction; however, only the operator of a vehicle may be  
12 fined for a violation of this chapter by the operator or for a  
13 violation of this chapter by a passenger. \* \* \* An operator may  
14 be fined for a violation of this chapter by a child who is at  
15 least four (4) years of age but under eight (8) years of  
16 age \* \* \*. The maximum fine that may be imposed against the  
17 operator of a vehicle for a violation of this chapter by the  
18 operator or for a violation of this chapter by one or more  
19 passengers shall be Twenty-five Dollars (\$25.00) in the aggregate.

20 (2) A violation of this chapter shall not be entered on the  
21 driving record of any individual so convicted, nor shall any state  
22 assessment provided for by Section 99-19-73, or any other state  
23 law, be imposed or collected.

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

26 63-2-3. This chapter shall not be construed to create a  
27 duty, standard of care, right or liability between the operator  
28 and passenger of any passenger motor vehicle which is not

29 recognized under the laws of the State of Mississippi as such laws  
30 existed on March 20, 1990, or as such laws may at any time  
31 thereafter be constituted by statute or court decision. A  
32 violation for failure to provide and use a seat belt restraint  
33 device or system shall not be \* \* \* entered on the driving record  
34 of any individual.

35 **SECTION 3.** This act shall take effect and be in force from  
36 and after July 1, 2005.