

By: Senator(s) Tollison, Albritton, Chaney,
Dawkins, Frazier, Gollott, Gordon, Jackson
(15th), Jackson (32nd), King, Little,
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To: Judiciary, Division B

SENATE BILL NO. 2086
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 63-2-7, MISSISSIPPI CODE OF 1972, TO
2 DELETE THE PROVISIONS THAT PERMIT A FINE TO BE IMPOSED FOR A
3 VIOLATION OF THE MOTOR VEHICLE SEAT BELT LAW ONLY IF THE VIOLATOR
4 IS ALSO CHARGED AND CONVICTED OF SOME OTHER OFFENSE; TO INCREASE
5 THE AGGREGATE AMOUNT OF THE FINE THAT MAY BE IMPOSED FOR A
6 VIOLATION OF THE SEAT BELT LAW BY MORE THAN ONE MOTOR VEHICLE
7 OCCUPANT; TO AMEND SECTION 63-2-3, MISSISSIPPI CODE OF 1972, TO
8 DELETE THE PROVISION THAT FAILURE TO USE SEAT BELTS CANNOT
9 CONSTITUTE CONTRIBUTORY OR COMPARATIVE NEGLIGENCE; TO AMEND
10 SECTION 63-2-1, MISSISSIPPI CODE OF 1972, TO EXCLUDE MOTOR HOMES
11 FROM THE APPLICATION OF THE SAFETY SEAT BELT CHAPTER; TO PROVIDE
12 THAT THIS ACT SHALL BE KNOWN AS THE "HUNTER GRADY DAWKINS SEAT
13 BELT ACT"; AND FOR RELATED PURPOSES.

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

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

17 63-2-7. (1) A violation of this chapter shall be a
18 misdemeanor, punishable by a fine of Twenty-five Dollars (\$25.00)
19 upon conviction; however, only the operator of a vehicle may be
20 fined for a violation of this chapter by the operator or * * * by
21 any passenger. * * * The maximum fine that may be imposed against
22 the operator of a vehicle for a violation of this chapter by the
23 operator or for a violation of this chapter by one or more
24 passengers shall be Fifty Dollars (\$50.00) in the aggregate.

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

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

31 63-2-3. This chapter shall not be construed to create a
32 duty, standard of care, right or liability between the operator

33 and passenger of any passenger motor vehicle which is not
34 recognized under the laws of the State of Mississippi as such laws
35 exist on March 20, 1990, or as such laws may at any time
36 thereafter be constituted by statute or court decision. * * * The
37 violation shall not be entered on the driving record of any
38 individual.

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

41 63-2-1. (1) When a passenger motor vehicle is operated in
42 forward motion on a public road, street or highway within this
43 state, every operator, every front-seat passenger and every child
44 who is at least four (4) years of age but under eight (8) years of
45 age, regardless of the seat that such child occupies, shall wear a
46 properly fastened safety seat belt system, required to be
47 installed in the vehicle when manufactured pursuant to Federal
48 Motor Vehicle Safety Standard 208. Children under the age of four
49 (4) years shall be protected as required by Sections 63-7-301
50 through 63-7-311.

51 (2) "Passenger motor vehicle" for purposes of this chapter
52 means a motor vehicle designed to carry fifteen (15) or fewer
53 passengers, including the driver, but does not include
54 motorcycles, mopeds, all-terrain vehicles or trailers.

55 (3) This section shall not apply to:

56 (a) Vehicles which may be registered for "farm" use,
57 including "implements of husbandry" as defined in Section
58 63-21-5(d), and "farm tractors" as defined in Section 63-3-105(a);

59 (b) An operator or passenger possessing a written
60 verification from a licensed physician that he is unable to wear a
61 safety belt system for medical reasons;

62 (c) A passenger car operated by a rural letter carrier
63 of the United States Postal Service or by a utility meter reader
64 while on duty; * * *

65 (d) Buses; or

66 (e) Motor homes as defined in Section 63-3-103(g).

67 SECTION 4. This act shall be known as the "Hunter Grady
68 Dawkins Seat Belt Act."

69 SECTION 5. This act shall take effect and be in force from
70 and after July 1, 2006.