

By: Representative Ward

To: Transportation

HOUSE BILL NO. 515

1 AN ACT TO AMEND SECTION 63-7-301, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE PERSONS TRANSPORTING A CHILD IN A PASSENGER MOTOR
3 VEHICLE TO PROVIDE PROTECTION FOR THE CHILD BY PROPERLY USING A
4 BELT POSITIONING BOOSTER SEAT SYSTEM MEETING APPLICABLE FEDERAL
5 MOTOR VEHICLE SAFETY STANDARDS IF THE CHILD MEETS CERTAIN AGE,
6 HEIGHT AND WEIGHT CRITERIA; TO AMEND SECTIONS 63-2-1 AND 63-2-7,
7 MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE PROVISIONS OF
8 THIS ACT; AND FOR RELATED PURPOSES.

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

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

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

18 (b) Every person transporting a child in a passenger
19 motor vehicle operated on a public roadway, street or highway
20 within this state, shall provide for the protection of the child
21 by properly using a belt positioning booster seat system meeting
22 applicable federal motor vehicle safety standards if the child is
23 at least four (4) years of age, but less than ten (10) years of
24 age, measures less than four (4) feet nine (9) inches in height
25 and weighs less than eighty (80) pounds.

26 (2) The term "passenger motor vehicle" as used in Sections
27 63-7-301 through 63-7-311 has the same meaning as defined in
28 Section 63-2-1(2). Sections 63-7-301 through 63-7-311 do not
29 apply to the vehicles described in Section 63-2-1(3).

30 (3) Failure to provide and use a child passenger restraint
31 device or system or a belt positioning booster seat system shall
32 not be considered contributory or comparative negligence.

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

35 63-2-1. (1) When a passenger motor vehicle is operated in
36 forward motion on a public road, street or highway within this
37 state, every operator, every front-seat passenger and every
38 child * * * under eight (8) years of age who is not required to be
39 protected by the use of a child passenger restraint device or
40 system or a belt positioning booster seat system under the
41 provisions of Sections 63-7-301 through 63-7-311, regardless of
42 the seat that the child occupies, shall wear a properly fastened
43 safety seat belt system, required to be installed in the vehicle
44 when manufactured pursuant to Federal Motor Vehicle Safety
45 Standard 208. * * *

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

50 (3) This section shall not apply to:

51 (a) Vehicles which may be registered for "farm" use,
52 including "implements of husbandry" as defined in Section
53 63-21-5(d), and "farm tractors" as defined in Section 63-3-105(a);

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

57 (c) A passenger car operated by a rural letter carrier
58 of the United States Postal Service or by a utility meter reader
59 while on duty; or

60 (d) Buses.

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

63 63-2-7. (1) A violation of this chapter shall be a
64 misdemeanor, punishable by a fine of Twenty-five Dollars (\$25.00)
65 upon conviction; however, only the operator of a vehicle may be
66 fined for a violation of this chapter by the operator, for a
67 violation of this chapter by a front seat passenger or for a
68 violation of this chapter by a child who is * * * under eight (8)
69 years of age and who is not required to be protected by the use of
70 a child passenger restraint device or system or a belt positioning
71 booster seat system under the provisions of Sections 63-7-301
72 through 63-7-311, regardless of the seat that the child occupies.
73 The maximum fine that may be imposed against the operator of a
74 vehicle for a violation of this chapter by the operator or for a
75 violation of this chapter by one or more passengers shall be
76 Twenty-five Dollars (\$25.00) in the aggregate.

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

81 **SECTION 4.** This act shall take effect and be in force from
82 and after July 1, 2007.