

By: Representatives Martinson, Barnett

To: Transportation

HOUSE BILL NO. 735

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 TO INCREASE FROM EIGHT TO TEN THE MAXIMUM AGE OF A
9 CHILD WHO IS REQUIRED TO BE PROTECTED BY THE USE OF A SEAT BELT,
10 REGARDLESS OF THE SEAT THAT THE CHILD OCCUPIES, WHILE BEING
11 TRANSPORTED IN A PASSENGER MOTOR VEHICLE IF A CHILD PASSENGER
12 RESTRAINT DEVICE OR SYSTEM OR A BELT POSITIONING BOOSTER SEAT
13 SYSTEM IS NOT REQUIRED FOR THE CHILD; AND FOR RELATED PURPOSES.

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

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

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

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

31 (2) The term "passenger motor vehicle" as used in Sections
32 63-7-301 through 63-7-311 has the same meaning as defined in

33 Section 63-2-1(2). Sections 63-7-301 through 63-7-311 do not
34 apply to the vehicles described in Section 63-2-1(3).

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

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

40 63-2-1. (1) When a passenger motor vehicle is operated in
41 forward motion on a public road, street or highway within this
42 state, every operator, every front-seat passenger and every
43 child * * * under ten (10) years of age who is not required to be
44 protected by the use of a child passenger restraint device or
45 system or a belt positioning booster seat system under the
46 provisions of Sections 63-7-301 through 63-7-311, regardless of
47 the seat that the child occupies, shall wear a properly fastened
48 safety seat belt system, required to be installed in the vehicle
49 when manufactured pursuant to Federal Motor Vehicle Safety
50 Standard 208. * * *

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; or

65 (d) Buses.

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

68 63-2-7. (1) A violation of this chapter shall be a
69 misdemeanor, punishable by a fine of Twenty-five Dollars (\$25.00)
70 upon conviction; however, only the operator of a vehicle may be
71 fined for a violation of this chapter by the operator, for a
72 violation of this chapter by a front seat passenger or for a
73 violation of this chapter by a child who is * * * under ten (10)
74 years of age and who is not required to be protected by the use of
75 a child passenger restraint device or system or a belt positioning
76 booster seat system under the provisions of Sections 63-7-301
77 through 63-7-311, regardless of the seat that the child occupies.
78 The maximum fine that may be imposed against the operator of a
79 vehicle for a violation of this chapter by the operator or for a
80 violation of this chapter by one or more passengers shall be
81 Twenty-five Dollars (\$25.00) in the aggregate.

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

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