

By: Senator(s) White

To: Judiciary, Division B

SENATE BILL NO. 2443

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, WEIGHT OR SEAT POSITION CRITERIA; TO AMEND SECTIONS 63-2-1
7 AND 63-2-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE
8 PROVISIONS OF THIS ACT AND TO INCREASE FROM EIGHT TO TEN THE
9 MAXIMUM AGE OF A CHILD WHO IS REQUIRED TO BE PROTECTED BY THE USE
10 OF A SAFETY SEAT BELT SYSTEM WHILE BEING TRANSPORTED IN A
11 PASSENGER MOTOR VEHICLE IF A CHILD RESTRAINT DEVICE OR BELT
12 POSITIONING BOOSTER SEAT SYSTEM IS NOT REQUIRED FOR THE CHILD; AND
13 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 that is
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 that is operated on a public roadway, street or
25 highway within this state shall provide for the protection of the
26 child by properly using, in a rear seat if available, a belt
27 positioning booster seat system meeting applicable federal motor
28 vehicle safety standards if the child is at least four (4) but
29 less than ten (10) years of age and measures less than four feet,
30 nine inches (4'9") in height and weighs less than eighty (80)
31 pounds. A child under ten (10) years of age who measures at least
32 four feet, nine inches (4'9") in height, weighs at least eighty

33 (80) pounds, or is riding in a seat equipped with a lap belt only
34 is exempt under this section, but is subject to Title 63, Chapter
35 2.

36 (2) The term "passenger motor vehicle" as used in Sections
37 63-7-301 through 63-7-311 has the same meaning as defined in
38 Section 63-2-1(2). Sections 63-7-301 through 63-7-311 do not
39 apply to the vehicles described in Section 63-2-1(3).

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

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

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

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

60 (3) This section shall not apply to:

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

64 (b) An operator or passenger possessing a written
65 verification from a licensed physician that the person is unable
66 to wear a safety belt system for medical reasons;

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

70 (d) Buses.

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

73 63-2-7. (1) A violation of this chapter shall be a
74 misdemeanor, punishable by a fine of Twenty-five Dollars (\$25.00)
75 upon conviction; however, only the operator of a vehicle may be
76 fined for a violation of this chapter by the operator * * * or any
77 passenger * * *. The maximum fine that may be imposed against the
78 operator of a vehicle for a violation of this chapter by the
79 operator or for a violation of this chapter by one or more
80 passengers shall be Twenty-five Dollars (\$25.00) in the aggregate.

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

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