

By: Representative Upshaw

To: Judiciary B

HOUSE BILL NO. 1229

1 AN ACT TO AMEND SECTION 63-2-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE CERTAIN LAWS REGARDING MOTOR VEHICLES TO STATE THAT FAILURE
3 TO PROVIDE AND USE A SEAT BELT RESTRAINT DEVICE OR SYSTEM MAY BE
4 ADMISSIBLE IN EVIDENCE TO PROVE A FAILURE TO MITIGATE DAMAGES; AND
5 FOR RELATED PURPOSES.

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

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

9 63-2-3. This chapter shall not be construed to create a
10 duty, standard of care, right or liability between the operator
11 and passenger of any passenger motor vehicle which is not
12 recognized under the laws of the State of Mississippi as such laws
13 exist on the date of passage of this chapter or as such laws may
14 at any time thereafter be constituted by statute or court
15 decision. Failure to provide and use a seat belt restraint device
16 or system may be admissible in evidence to prove a failure to
17 mitigate damages. However, failure to provide and use a seat belt
18 restraint device or system shall not be considered contributory or



19 comparative negligence, nor shall the violation be entered on the
20 driving record of any individual.

21 **SECTION 2.** This act shall take effect and be in force from
22 and after July 1, 2013; and shall be applicable only to causes of
23 action that accrue on or after July 1, 2013.

