

By: Senator(s) Frazier, Chaney, Dawkins,
Williamson

To: Judiciary, Division B

SENATE BILL NO. 2398

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; AND FOR RELATED
10 PURPOSES.

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

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

14 63-2-7. (1) A violation of this chapter shall be a
15 misdemeanor, punishable by a fine of Twenty-five Dollars (\$25.00)
16 upon conviction; however, only the operator of a vehicle may be
17 fined for a violation of this chapter by the operator, for a
18 violation of this chapter by * * * any passenger or * * * for a
19 violation of this chapter by a child who is at least four (4)
20 years of age but under eight (8) years of age, regardless of the
21 seat that the child occupies * * *. The maximum fine that may be
22 imposed against the operator of a vehicle for a violation of this
23 chapter by the operator or for a violation of this chapter by one
24 or more passengers shall be Fifty Dollars (\$50.00) in the
25 aggregate.

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

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

32 63-2-3. This chapter shall not be construed to create a
33 duty, standard of care, right or liability between the operator
34 and passenger of any passenger motor vehicle which is not
35 recognized under the laws of the State of Mississippi as such laws
36 exist on March 20, 1990, or as such laws may at any time
37 thereafter be constituted by statute or court decision. * * * The
38 violation shall not be entered on the driving record of any
39 individual.

40 **SECTION 3.** This act shall take effect and be in force from
41 and after July 1, 2004.