

By: Senator(s) Hyde-Smith

To: Judiciary, Division B

SENATE BILL NO. 2902

1 AN ACT TO AMEND SECTION 63-2-7, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE AN ENHANCED PENALTY FOR FAILURE OF AN OPERATOR OR
3 PASSENGER TO WEAR A SEATBELT IF CHILD OF CERTAIN AGE IS A
4 PASSENGER; AND FOR RELATED PURPOSES.

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

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

8 63-2-7. (1) (a) A violation of this chapter shall be a
9 misdemeanor, punishable by a fine of Twenty-five Dollars (\$25.00)
10 upon conviction; however, only the operator of a vehicle may be
11 fined for a violation of this chapter by the operator or for a
12 violation of this chapter by a passenger.

13 (b) No fine shall be imposed against the operator for a
14 violation of this chapter by the operator or by a front-seat
15 passenger, unless at the time the operator was charged with a
16 violation of this chapter, a child aged eight (8) years or younger
17 was a passenger in the vehicle or the operator also was charged
18 with some other offense not in this chapter and he is convicted of
19 both offenses.

20 (c) * * * An operator may be fined for a violation of
21 this chapter by a child who is at least four (4) years of age but
22 under eight (8) years of age, regardless of the seat that the
23 child occupies and regardless of whether the operator was charged
24 and convicted of some other offense at the time the operator was
25 charged with said violation of this chapter.

26 (d) Except as provided in subsection (3) of this
27 section, the maximum fine that may be imposed against the operator
28 of a vehicle for a violation of this chapter by the operator or

29 for a violation of this chapter by one or more passengers shall be
30 Twenty-five Dollars (\$25.00) in the aggregate.

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

35 (3) Any person convicted of an offense under this section,
36 when a child aged eight (8) years or younger was a passenger in
37 the vehicle at the time of the violation, shall be sentenced to a
38 fine of not less than One Hundred Dollars (\$100.00).

39 **SECTION 2.** This act shall take effect and be in force from
40 and after July 1, 2005.