

By: Representative Mayo

To: Transportation

HOUSE BILL NO. 389

1 AN ACT TO AMEND SECTION 63-2-1, MISSISSIPPI CODE OF 1972, TO
2 INCREASE FROM EIGHT TO TWELVE THE MAXIMUM AGE OF A CHILD WHO IS
3 REQUIRED TO WEAR A SAFETY BELT WHEN A PASSENGER IN THE FRONT SEAT
4 OR ANY OTHER SEAT OF A MOTOR VEHICLE; TO AMEND SECTIONS 63-2-7 AND
5 63-7-309, MISSISSIPPI CODE OF 1972, TO INCREASE THE FINES IMPOSED
6 FOR VIOLATION OF THE SEAT BELT LAW OR CHILD PASSENGER RESTRAINT
7 LAW BY A PERSON TRANSPORTING A CHILD UNDER TWELVE YEARS OF AGE IN
8 A PASSENGER MOTOR VEHICLE; AND FOR RELATED PURPOSES.

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

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

12 63-2-1. (1) When a passenger motor vehicle is operated in
13 forward motion on a public road, street or highway within this
14 state, every operator, every front-seat passenger and every child
15 who is at least four (4) years of age but under twelve (12) years
16 of age, regardless of the seat that such child occupies, shall
17 wear a properly fastened safety seat belt system, required to be
18 installed in the vehicle when manufactured pursuant to Federal
19 Motor Vehicle Safety Standard 208. Children under the age of four
20 (4) years shall be protected as required by Sections 63-7-301
21 through 63-7-313.

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

26 (3) This section shall not apply to:

27 (a) Vehicles which may be registered for "farm" use,
28 including "implements of husbandry" as defined in Section
29 63-21-5(d), and "farm tractors" as defined in Section 63-3-105(a);

30 (b) An operator or passenger possessing a written
31 verification from a licensed physician that he is unable to wear a
32 safety belt system for medical reasons;

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

36 (d) Buses.

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

39 63-2-7. (1) Except as otherwise provided under subsection
40 (3) of this section, a violation of this chapter shall be a
41 misdemeanor, punishable by a fine of Twenty-five Dollars (\$25.00)
42 upon conviction; however, only the operator of a vehicle may be
43 fined for a violation of this chapter by the operator, for a
44 violation of this chapter by a front seat passenger or for a
45 violation of this chapter by a child who is at least four (4)
46 years of age but under twelve (12) years of age, regardless of the
47 seat that the child occupies. Except as otherwise provided under
48 subsection (3) of this section, the maximum fine that may be
49 imposed against the operator of a vehicle for a violation of this
50 chapter by the operator or for a violation of this chapter by one
51 or more passengers shall be Twenty-five Dollars (\$25.00) in the
52 aggregate.

53 (2) Except as otherwise provided under subsection (3) of
54 this section, a violation of this chapter shall not be entered on
55 the driving record of any individual so convicted, nor shall any
56 state assessment provided for by Section 99-19-73, or any other
57 state law, be imposed or collected.

58 (3) For a violation of this chapter by a child who is at
59 least four (4) years of age but under twelve (12) years of age,
60 the operator of the motor vehicle shall be punished, upon
61 conviction, by a fine of Five Hundred Dollars (\$500.00).

62 **SECTION 3.** Section 63-7-309, Mississippi Code of 1972, is
63 amended as follows:

64 63-7-309. Any person convicted of violating the provisions
65 of Section 63-7-301 shall be fined Five Hundred Dollars (\$500.00)
66 for each offense.

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