

By: Representative Carpenter

To: Judiciary B

HOUSE BILL NO. 1008

1 AN ACT TO AMEND SECTIONS 63-7-301 AND 63-7-305, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT FAILURE TO COMPLY WITH LAW REQUIRING
3 A CHILD PASSENGER RESTRAINT DEVICE OR SYSTEM FOR CERTAIN CHILD
4 PASSENGERS SHALL CONSTITUTE A PRIMARY TRAFFIC OFFENSE; AND FOR
5 RELATED PURPOSES.

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

7 **SECTION 1.** Section 63-7-301, Mississippi Code of 1972, is
8 amended as follows:

9 63-7-301. (1) (a) Every person transporting a child under
10 the age of four (4) years in a passenger motor vehicle, and
11 operated on a public roadway, street or highway within this state,
12 shall provide for the protection of the child by properly using a
13 child passenger restraint device or system meeting applicable
14 federal motor vehicle safety standards.

15 (b) Every person transporting a child in a passenger
16 motor vehicle operated on a public roadway, street or highway
17 within this state, shall provide for the protection of the child
18 by properly using a belt positioning booster seat system meeting
19 applicable federal motor vehicle safety standards if the child is



20 at least four (4) years of age, but less than seven (7) years of
21 age and measures less than four (4) feet nine (9) inches in height
22 or weighs less than sixty-five (65) pounds.

23 (c) If more than two (2) children who are required
24 under subsection (1) of this section to use a booster seat are
25 being transported in a vehicle at one time, and the vehicle only
26 has two (2) lap and shoulder belts in the rear seat, then only the
27 two (2) children sitting in the seats with the lap and shoulder
28 belts are required to use a belt positioning booster seat system
29 and safety belt, and any other children may be secured with a
30 safety seat lap belt only.

31 (2) The term "passenger motor vehicle" as used in Sections
32 63-7-301 through 63-7-311 has the same meaning as defined in
33 Section 63-2-1(2). Sections 63-7-301 through 63-7-311 do not
34 apply to the vehicles described in Section 63-2-1(3).

35 (3) Failure to provide and use a child passenger restraint
36 device or system or a belt positioning booster seat system shall
37 not be considered contributory or comparative negligence, however,
38 the failure shall constitute a primary moving violation upon
39 discovery and enforcement by any duly sworn law enforcement
40 officer.

41 **SECTION 2.** Section 63-7-305, Mississippi Code of 1972, is
42 amended as follows:

43 63-7-305. The provisions of Section 63-7-301 of this act may
44 be enforced as a primary traffic violation by any duly sworn law



45 enforcement officer of this state, or of any county or political
46 subdivision thereof, without the need for the commission of any
47 other legal violation as a prerequisite for the issuance of a
48 citation under this chapter.

49 **SECTION 3.** This act shall take effect and be in force from
50 and after July 1, 2024.

