MISSISSIPPI CODE OF 1972

As Amended

SEC. 63-2-1. Requirement of use of safety seat belt system by operator and passengers in passenger motor vehicle; protection of children.

(1) Every operator and front-seat passenger of a passenger motor vehicle operated in forward motion on the highways of this state shall wear a properly fastened safety seat belt system, required to be installed in the vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard 208. Children under the age of two (2) years shall be protected as required by Sections 63-7-301 through 63-7-313.

(2) "Passenger motor vehicle" for purposes of this chapter means a motor vehicle designed to carry ten (10) or fewer passengers but does not include motorcycles, mopeds, all-terrain vehicles or trailers.

(3) This section shall not apply to:

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

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

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

SOURCES: Laws, 1990, ch. 436, Sec. 1, eff from and after passage (approved March 20, 1990).

Chapter Index | Table of Contents

F

Miss. Code Ann. § 63-7-301

MISSISSIPPI CODE of 1972

*** Current through the 2012 Regular Session ***

TITLE 63. MOTOR VEHICLES AND TRAFFIC REGULATIONS
CHAPTER 7. EQUIPMENT AND IDENTIFICATION
CHILD PASSENGER RESTRAINT DEVICES

Miss. Code Ann. § 63-7-301 (2013)

§ 63-7-301. Requirement of device or belt positioning booster seat system; failure to provide and use device or belt positioning booster seat system not deemed negligence

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

(b) Every person transporting a child in a passenger motor vehicle operated on a public roadway, street or highway within this state, shall provide for the protection of the child by properly using a belt positioning booster seat system meeting applicable federal motor vehicle safety standards if the child is at least four (4) years of age, but less than seven (7) years of age and measures less than four (4) feet nine (9) inches in height or weighs less than sixty-five (65) pounds.

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

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

(3) Failure to provide and use a child passenger restraint device or system or a belt positioning booster seat system shall not be considered contributory or comparative negligence.

HISTORY: SOURCES: Laws, 1983, ch. 400, § 1; Laws, 1994, ch. 325, § 1; Laws, 1998, ch. 501, § 3; Laws, 2008, ch. 520, § 1, eff from and after July 1, 2008.

In

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MISSISSIPPI LEGISLATURE

2006 Regular Session

To: Transportation

By: Representative Clark, Upshaw, Akins, Bailey, Baker (74th), Baker (8th), Barnett, Bondurant, Broomfield, Brown, Burnett, Calhoun, Carlton, Clarke, Coleman (65th), Flaggs, Fleming, Franks, Hamilton (6th), Lane, Malone, Martinson, Masterson, Mayhall, Mayo, Miles, Reeves, Robinson (63rd), Rotenberry, Stevens, Thomas, Whittington, Woods, Young

House Bill 409

(As Sent to Governor)

AN ACT TO AMEND SECTION 63-2-7, MISSISSIPPI CODE OF 1972, TO DELETE THE PROVISIONS THAT PERMIT A FINE TO BE IMPOSED FOR A VIOLATION OF THE MOTOR VEHICLE SEAT BELT LAW ONLY IF THE VIOLATOR IS ALSO CHARGED AND CONVICTED OF SOME OTHER OFFENSE; AND FOR RELATED PURPOSES.

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

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

63-2-7. (1) A violation of this chapter shall be a misdemeanor, punishable by a fine of Twenty-five Dollars ($25.00) upon conviction; however, only the operator of a vehicle may be fined for a violation of this chapter by the operator, for a violation of this chapter by a front seat passenger or for a violation of this chapter by a child who is at least four (4) years of age but under eight (8) years of age, regardless of the seat that the child occupies * * *. The maximum fine that may be imposed against the operator of a vehicle for a violation of this chapter by the operator or for a violation of this chapter by one or more passengers shall be Twenty-five Dollars ($25.00) in the aggregate.

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

SECTION 2. All federal money that the State of Mississippi receives as an incentive grant for the enactment of a primary seat belt law under Section 1 of House Bill No. 409, 2006 Regular Session, shall be expended for highway safety infrastructure improvements except as otherwise conditioned or restricted by federal law or federal rules and regulations governing the expenditure of such funds.

SECTION 3. This act shall take effect and be in force from and after May 27, 2006.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2006

By: Representatives Clark, Upshaw, Akins, Bailey, Baker (74th), Baker (8th), Barnett, Bondurant, Broomfield, Brown, Burnett, Calhoun, Carlton, Clarke, Coleman (65th), Flaggs, Fleming, Franks, Hamilton (6th), Lane, Malone, Martinson, Masterson, Mayhall, Mayo, Miles, Reeves, Robinson (63rd), Rotenberry, Stevens, Thomas, Whittington, Woods, Young

To: Transportation

HOUSE BILL NO. 409
(As Passed the House)

AN ACT TO AMEND SECTION 63-2-7, MISSISSIPPI CODE OF 1972, TO DELETE THE PROVISIONS THAT PERMIT A FINE TO BE IMPOSED FOR A VIOLATION OF THE MOTOR VEHICLE SEAT BELT LAW ONLY IF THE VIOLATOR IS ALSO CHARGED AND CONVICTED OF SOME OTHER OFFENSE; AND FOR RELATED PURPOSES.

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

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

63-2-7. (1) A violation of this chapter shall be a misdemeanor, punishable by a fine of Twenty-five Dollars ($25.00) upon conviction; however, only the operator of a vehicle may be fined for a violation of this chapter by the operator, for a violation of this chapter by a front seat passenger or for a violation of this chapter by a child who is at least four (4) years of age but under eight (8) years of age, regardless of the seat that the child occupies * * *. The maximum fine that may be imposed against the operator of a vehicle for a violation of this chapter by the operator or for a violation of this chapter by one or more passengers shall be Twenty-five Dollars ($25.00) in the aggregate.

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

SECTION 2. All federal money that the State of Mississippi receives as an incentive grant for the enactment of a primary seat belt law under Section 1 of House Bill No. 409, 2006 Regular Session, shall be expended for highway safety infrastructure

improvements except as otherwise conditioned or restricted by federal law or federal rules and regulations governing the expenditure of such funds.

SECTION 3. This act shall take effect and be in force from and after May 27, 2006.

ST: Seat belt law; violation to be a primary offense.

MISSISSIPPI CODE OF 1972

As Amended

SEC. 63-2-7. Offenses and penalties; recording of violations.

(1) A violation of this chapter shall be a misdemeanor, punishable by a fine of Twenty-five Dollars ($25.00) upon conviction; however, only the operator of a vehicle may be fined for a violation of this chapter by the operator or for a violation of this chapter by a front-seat passenger and no fine shall be imposed against the operator for a violation of this chapter by any person unless at the time the operator was charged with a violation of this chapter he also was charged with some other offense and he is convicted of both offenses. The maximum fine that may be imposed against the operator of a vehicle for a violation of this chapter by the operator or for a violation of this chapter by one or more front-seat passengers shall be Twenty-five Dollars ($25.00) in the aggregate.

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

SOURCES: Laws, 1990, ch. 436, Sec. 4; 1994, ch. 567, Sec. 1, eff from and after July 1, 1994

Chapter Index | Table of Contents