

JURISDICTION:
General Reference:

MISSISSIPPI
Mississippi Code Annotated

Required Use of Safety Belts¹:

Requirements:

When a passenger motor vehicle² is in forward motion, (1) the driver, (2) every front seat passenger and (3) every child, regardless of seating position, ≥ 4 but < 8 years old shall wear a seat belt. §63-2-1(1)

Secondary Enforcement. No fine shall be imposed against an operator for a violation of this requirement by themselves or a front seat passenger > 8 yrs old, unless the driver has been charged with and convicted of some other of violation of the law not related to the mandatory use of safety seat belts. **Exception:** However, the requirement that another offense be charged does not apply if the safety belt law violation involved a child ≥ 4 but < 8 years old. §63-2-7(1)

Sanctions for Failure to Use or
Require the Use of Safety Belts:

Misdemeanor: A fine of **\$25**. No additional assessments provided for under law shall be imposed against a violator Note: A violation of this requirement is not to be entered on an offender's driving record. §§63-2-3 & 63-2-7

Effect on Civil Liability:

Failure to use a seat belt shall not be considered contributory or comparative negligence. §63-2-3

Required Use of Child Safety Restraint Systems¹:

Requirements:

A driver, when transporting a child < 4 years old in a private passenger motor vehicle², shall secure such child in a Federally approved child passenger restraint device or system. §63-7-301(1) For children ≥ 4 but < 8 years old, see Required Use of Safety Belts above.

Sanctions for Failure to Require
the Use of Child Restraint Systems:

Misdemeanor: A fine of not more than **\$25**. §§63-7-309 & 63-9-11(1) In addition, the offender is required to pay a State assessment **\$23**. §99-19-73(1)

Effect on Civil Liability:

Failure to comply with this requirement shall not be considered contributory or comparative negligence. §63-7-301(3)

Required Use of Motorcycle Protective Headgear:

Requirements:

No person shall operate or ride on a motorcycle or motor scooter unless they are wearing a crash helmet that has been approved by the

Required Use of Motorcycle Protective Headgear:
(continued)

Requirements: (continued)

American Association of Motor Vehicle Administrators. §63-7-64

Sanctions for Failure to Use:

Misdemeanor: 1st offense-Imprisonment for not more than **10 days** and/or

¹**Exemptions.** The requirement either to wear a seat belt or to use a child passenger restraint device does not apply in the following circumstances: (1) To persons operating farm vehicles, implements of husbandry or farm tractors; (2) to persons who because of medical reasons cannot use a "seat belt system;" (3) to "passenger cars" that are operated by either rural letter carriers of the U.S. Postal Service or utility meter readers while on official duty; and, (4) buses. §§63-2-1(3) & 63-7-301(2)

²A "passenger motor vehicle" means a motor vehicle that is designed to carry ≤ 15 or fewer persons including the driver but does not include motorcycles, mopeds, all-terrain vehicles or trailers. §§63-2-1(2) & 63-7-301(2) The law further provides that the requirements to either wear safety belts or to use child restraint systems only applies to vehicles "manufactured pursuant to Federal Motor Vehicle Safety Standard 208" (49 CFR 571.208) Note: This Federal standard applies to passenger motor vehicles manufactured after January 1, 1973.

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a fine of not more than **\$100** 2nd offense (within 1 year)-Imprisonment for not more than **20 days** and/or a fine of not more than **\$200** 3rd and subsequent offense (within 1 year)-Imprisonment for not more than **6 months days** and/or a fine of not more than **\$500** §§63-7-64 & 63-9-11 All offenders are subject to a State assessment of **\$23**. §99-19-73(1)

Required Use of Motorcycle Eye Protection Device:

Requirements:

Note: This requirement is indirectly covered by the requirement to use a crash helmet.

Sanctions for Failure to Use:

Required Use of Bicycle Protective Headgear:

Requirements:

None

Sanctions for Failure to Use:

Required Use of Bicycle Eye Protection Device:

Requirements:

None

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements:

None³

Sanctions for a Violation:

Exemptions:

³Even though there is no statutory authority prohibiting this activity, such a prohibition may have been indirectly established for children <8 years old via the provisions of the Safety Belt Use and Child Safety Restraint Systems laws.