

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

OPINIONS
DIVISION

January 25, 2019

Tommy Horne
County Attorney, Lauderdale County
Post Office Box 1252
Meridian, Mississippi 39302-1252

Re: Clarification of Section 63-2-7 of the Mississippi Code

Dear Mr. Horne:

Attorney General Hood is in receipt of your request for an official opinion, and it has been assigned to me for research and reply.

Background

You state that the law seems unclear regarding the number of citations which may be issued under Section 63-2-7(1) of the Mississippi Code, and that clarification of the issue would "greatly enhance efficiency in law enforcement and judicial economy in our Justice Courts."

Question Presented

Under Section 63-2-7(1), may a law enforcement officer write a separate citation for each violation of Section 63-2-1?

Applicable Law and Analysis

Section 63-2-1, *et seq.* of the Mississippi Code addresses the mandatory use of safety belts. Section 63-2-1(1) reads, in relevant part:

When a passenger motor vehicle is operated in forward motion on a public road, street or highway within this state, every operator and every passenger 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.

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Section 63-2-7 sets forth the penalty for violations of Section 63-2-1 and reads, in relevant part:

(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 and any passengers. 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.

When statutes are ambiguous, courts look to the rules of statutory construction for guidance. *Tunica County v. Hampton Co. Nat. Sur., LLC*, 27 So.3d 1128 (Miss. 2009). If possible, courts avoid interpreting statutes in such a way as to cause absurd results. *Quitman County v. Turner*, 196 Miss. 746 (Miss. 1944).

Under Section 63-2-7, only the vehicle operator may be fined for a seatbelt violation of the operator and/or any passengers. The maximum fine that may be imposed against the operator for his own violation or for a violation by a passenger is twenty-five dollars (\$25.00) "in the aggregate." Therefore, whether the operator, one passenger or multiple passengers violate Section 63-2-1, a citation will only be issued to the operator, and the total amount of the fine will not exceed \$25.00. A logical reading of the statute leads us to conclude that when one or more seatbelt violations occur in a vehicle, the law enforcement officer should issue one citation to the operator of the vehicle.

Please let us know if this office can be of further assistance.

Sincerely,

JIM HOOD, ATTORNEY GENERAL

By:



Elizabeth S. Bolin
Special Assistant Attorney General