

By: Representative Howell

To: Public Health and Human Services; Transportation

HOUSE BILL NO. 1626

1 AN ACT TO AMEND SECTION 41-59-3, MISSISSIPPI CODE OF 1972, TO
 2 DEFINE CERTAIN TERMS UNDER THE EMERGENCY MEDICAL SERVICES LAW; TO
 3 CREATE NEW SECTION 41-59-85, MISSISSIPPI CODE OF 1972, TO
 4 PRESCRIBE CERTAIN REQUIREMENTS REGARDING THE OPERATION OF
 5 AMBULANCES AND SPECIAL USE EMERGENCY MEDICAL SERVICE VEHICLES; TO
 6 AMEND SECTION 63-3-103, MISSISSIPPI CODE OF 1972, TO REVISE THE
 7 DEFINITION OF "AUTHORIZED EMERGENCY VEHICLE" UNDER THE LAWS
 8 APPLICABLE TO TRAFFIC REGULATION; TO AMEND SECTION 63-3-621,
 9 MISSISSIPPI CODE OF 1972, TO PROVIDE THE MINIMUM DISTANCES FROM
 10 AMBULANCES THAT OTHER VEHICLES MUST MAINTAIN IN CERTAIN
 11 SITUATIONS; TO AMEND SECTION 63-3-809, MISSISSIPPI CODE OF 1972,
 12 TO PROVIDE THAT IF A DRIVER FAILS TO YIELD TO AN EMERGENCY VEHICLE
 13 AND IS ISSUED A CITATION, THE CITATION IS PRESUMPTIVELY ADMISSIBLE
 14 EVIDENCE IN ANY ACTION AGAINST THE EMERGENCY VEHICLE FOR DAMAGES
 15 SUSTAINED IN A MOTOR VEHICLE ACCIDENT; TO AMEND SECTION 63-7-19,
 16 MISSISSIPPI CODE OF 1972, TO SPECIFY THE COLOR OF LIGHTS WITH
 17 WHICH AMBULANCES AND 911 EMERGENCY COMMUNICATIONS DISTRICT
 18 VEHICLES MAY BE MARKED; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 41-59-3, Mississippi Code of 1972, is
 21 amended as follows:

22 41-59-3. As used in this chapter, unless the context
 23 otherwise requires, the term:

24 (a) "Ambulance" shall mean any privately or publicly
 25 owned land or air vehicle that is especially designed,
 26 constructed, modified or equipped to be used, maintained and
 27 operated upon the streets, highways or airways of this state to
 28 assist persons who are sick, injured, wounded, or otherwise
 29 incapacitated or helpless;

30 (b) "Auto-injector" means a spring-loaded needle and
 31 syringe with a single dose of medicine that will automatically
 32 release and inject the medicine;

33 (c) "Permit" shall mean an authorization issued for an
 34 ambulance vehicle and/or a special use EMS vehicle as meeting the
 35 standards adopted pursuant to this chapter;

36 (d) "License" shall mean an authorization to any
37 person, firm, corporation, or governmental division or agency to
38 provide ambulance services in the State of Mississippi;

39 (e) "Emergency medical technician" shall mean an
40 individual who possesses a valid emergency medical technician's
41 certificate issued pursuant to the provisions of this chapter;

42 (f) "Certificate" shall mean official acknowledgment
43 that an individual has successfully completed the recommended
44 basic emergency medical technician training course referred to in
45 this chapter which entitles that individual to perform the
46 functions and duties of an emergency medical technician;

47 (g) "Board" shall mean the State Board of Health;

48 (h) "Department" means the Mississippi State Department
49 of Health, Division of Emergency Medical Services;

50 (i) "Executive officer" shall mean the Executive
51 Officer of the State Board of Health, or his designated
52 representative;

53 (j) "First Responder" means a person who uses a limited
54 amount of equipment to perform the initial assessment of and
55 intervention with sick, wounded or otherwise incapacitated
56 persons, who (i) is trained to assist other EMS personnel by
57 successfully completing, within the previous two (2) years, an
58 approved "First Responder: National Standard Curriculum" training
59 program, as developed and promulgated by the United States
60 Department of Transportation, (ii) is nationally registered as a
61 First Responder by the National Registry of Emergency Medical
62 Technicians; and (iii) is certified as a First Responder by the
63 Mississippi State Department of Health, Division of Emergency
64 Medical Services;

65 (k) "Invalid vehicle" shall mean any privately or
66 publicly owned land or air vehicle which is maintained, operated
67 and used only to transport persons routinely who are convalescent

68 or otherwise nonambulatory and do not require the service of an
69 emergency medical technician while in transit;

70 (l) "Special use EMS vehicle" means any privately or
71 publicly owned land, water or air emergency vehicle used to
72 support the provision of emergency medical services. These
73 vehicles shall not be used routinely to transport patients;

74 (m) "Trauma care system" or "trauma system" means a
75 formally organized arrangement of health care resources that has
76 been designated by the department by which major trauma victims
77 are triaged, transported to and treated at trauma care facilities;

78 (n) "Trauma care facility" or "trauma center" means a
79 hospital located in the State of Mississippi or a Level I trauma
80 care facility or center located in a state contiguous to the State
81 of Mississippi that has been designated by the department to
82 perform specified trauma care services within a trauma care system
83 pursuant to standards adopted by the department. Participation in
84 this designation by each hospital is voluntary;

85 (o) "Trauma registry" means a collection of data on
86 patients who receive hospital care for certain types of injuries.
87 Such data are primarily designed to ensure quality trauma care and
88 outcomes in individual institutions and trauma systems, but have
89 the secondary purpose of providing useful data for the
90 surveillance of injury morbidity and mortality.

91 (p) "Emergency medical condition" means a medical
92 condition manifesting itself by acute symptoms of sufficient
93 severity including severe pain, psychiatric disturbances and/or
94 symptoms of substance abuse, such that a prudent layperson who
95 possesses an average knowledge of health and medicine could
96 reasonably expect the absence of immediate medical attention to
97 result in placing the health of the individual (or, with respect
98 to a pregnant woman, the health of the woman or her unborn child)
99 in serious jeopardy, serious impairment to bodily functions, or
100 serious dysfunction of any bodily organ or part.

101 (q) "Emergency medical call" means a situation that is
102 presumptively classified at time of dispatch to have a high index
103 of probability that an emergency medical condition or other
104 situation exists that requires medical intervention as soon as
105 possible to reduce the seriousness of the situation, or when the
106 exact circumstances are unknown, but the nature of the request is
107 suggestive of a true emergency where a patient may be at risk.

108 (r) "Emergency response" means responding immediately
109 at the basic life support or advanced life support level of
110 service to an emergency medical call. An immediate response is
111 one in which the ambulance supplier begins as quickly as possible
112 to take the steps necessary to respond to the call.

113 (s) "Emergency mode" means an ambulance or special use
114 EMS vehicle operating with emergency lights and warning siren (or
115 warning siren and air horn) while engaged in an emergency medical
116 call.

117 **SECTION 2.** The following shall be codified as Section
118 41-59-85, Mississippi Code of 1972:

119 41-59-85. (1) The driver of any vehicle other than an
120 official emergency vehicle shall not follow any moving ambulance
121 that is engaged in an emergency medical call closer than 500 feet,
122 or park the vehicle within two hundred (200) feet where the
123 ambulance has stopped and a patient is either being loaded or
124 unloaded.

125 (2) Every ambulance and special use EMS vehicle shall be
126 marked with red lights front and back and also may be marked with
127 white and amber lights in addition to red lights.

128 (3) Drivers of ambulances and special use EMS vehicles shall
129 operate in the emergency mode with warning lights and siren at all
130 times while engaged in an emergency medical call and operating the
131 emergency vehicle in a manner to take exceptions to the traffic
132 laws and regulations as provided in Section 63-3-1 et seq., so as
133 to warn other drivers of nonemergency vehicles to yield the

134 right-of-way of the authorized emergency vehicle. Ambulances and
135 special use EMS vehicles may use emergency warning lights only if
136 they are engaged in an emergency medical call and they are stopped
137 or parked, or if they are moving and operating the vehicle in a
138 manner so as to abide by all traffic laws and regulations as
139 provided in Section 63-3-1 et seq. No driver or any ambulance or
140 special use EMS vehicle shall assume any special privilege from
141 traffic laws and regulations except when the emergency vehicle is
142 operated in the emergency mode, with warning lights and siren,
143 while engaged in an emergency medical call.

144 **SECTION 3.** Section 63-3-103, Mississippi Code of 1972, is
145 amended as follows:

146 63-3-103. (a) "Vehicle" means every device in, upon or by
147 which any person or property is or may be transported or drawn
148 upon a highway, except devices used exclusively upon stationary
149 rails or tracks.

150 (b) "Motor vehicle" means every vehicle which is
151 self-propelled and every vehicle which is propelled by electric
152 power obtained from overhead trolley wires, but not operated upon
153 rails. The term "motor vehicle" shall not include electric
154 personal assistive mobility devices.

155 (c) "Motorcycle" means every motor vehicle having a saddle
156 for the use of the rider and designed to travel on not more than
157 three (3) wheels in contact with the ground but excluding a
158 tractor.

159 (d) "Authorized emergency vehicle" means every vehicle of
160 the fire department (fire patrol), every police vehicle, every 911
161 Emergency Communications District vehicle, every such ambulance
162 and special use EMS vehicle as defined in Section 41-59-3, and
163 every emergency vehicle of municipal departments or public service
164 corporations as is designated or authorized by the commission or
165 the chief of police of an incorporated city.

166 (e) "School bus" means every motor vehicle operated for the
167 transportation of children to or from any school, provided same is
168 plainly marked "School Bus" on the front and rear thereof and
169 meets the requirements of the State Board of Education as
170 authorized under Section 37-41-1.

171 (f) "Recreational vehicle" means a vehicular type unit
172 primarily designed as temporary living quarters for recreational,
173 camping or travel use, which either has its own motive power or is
174 mounted on or drawn by another vehicle and includes travel
175 trailers, fifth wheel trailers, camping trailers, truck campers
176 and motor homes.

177 (g) "Motor home" means a motor vehicle that is designed and
178 constructed primarily to provide temporary living quarters for
179 recreational, camping or travel use.

180 (h) "Electric assistive mobility device" means a
181 self-balancing two-tandem wheeled device, designed to transport
182 only one (1) person, with an electric propulsion system that
183 limits the maximum speed of the device to fifteen (15) miles per
184 hour.

185 **SECTION 4.** Section 63-3-621, Mississippi Code of 1972, is
186 amended as follows:

187 63-3-621. The driver of any vehicle other than one on
188 official business shall not follow any fire apparatus traveling in
189 response to a fire alarm closer than 500 feet or drive into or
190 park such vehicle within the block where fire apparatus has
191 stopped in answer to a fire alarm. The driver of any vehicle
192 other than an official emergency vehicle shall not follow any
193 moving ambulance that is engaged in an emergency medical call
194 closer than five hundred (500) feet, or park the vehicle within
195 two hundred (200) feet where the ambulance has stopped to pick up
196 or deliver a patient or otherwise render care at the scene of an
197 ambulance call.

198 **SECTION 5.** Section 63-3-809, Mississippi Code of 1972, is
199 amended as follows:

200 63-3-809. (1) Upon the immediate approach of an authorized
201 emergency vehicle, when the driver is giving audible signal by
202 siren, exhaust whistle, or bell, the driver of every other vehicle
203 shall yield the right-of-way and shall immediately drive to a
204 position parallel to, and as close as possible to, the right-hand
205 edge or curb of the highway clear of any intersection and shall
206 stop and remain in such position until the authorized emergency
207 vehicle has passed, except when otherwise directed by a police
208 officer.

209 (2) This section shall not operate to relieve the driver of
210 an authorized emergency vehicle from the duty to drive with due
211 regard for the safety of all persons using the highway.

212 (3) If a driver of any other vehicle fails to yield the
213 right-of-way to the authorized emergency vehicle and is issued a
214 citation, the citation is presumptively admissible evidence in any
215 action against the driver of an emergency vehicle and/or his or
216 her employer for injuries or damages sustained in a motor vehicle
217 accident.

218 **SECTION 6.** Section 63-7-19, Mississippi Code of 1972, is
219 amended as follows:

220 63-7-19. (1) Except as otherwise provided for unmarked
221 vehicles under Section 19-25-15 and Section 25-1-87, every police
222 vehicle shall be marked with blue lights. Every ambulance and
223 special use EMS vehicle as defined in Section 41-59-3 shall be
224 marked with red lights front and back and also may be marked with
225 white and amber lights in addition to red lights. Every emergency
226 management/civil defense vehicle, including emergency response
227 vehicles of the Department of Environmental Quality, shall be
228 marked with blinking, rotating or oscillating red lights.
229 Official vehicles of a 911 Emergency Communications District may
230 be marked with red and white lights. Every wrecker or other

231 vehicle used for emergency work, except vehicles authorized to use
232 blue or red lights, shall be marked with blinking, oscillating or
233 rotating amber colored lights to warn other vehicles to yield the
234 right-of-way, as provided in Section 63-3-809. Only police
235 vehicles used for emergency work may be marked with blinking,
236 oscillating or rotating blue lights to warn other vehicles to
237 yield the right-of-way. Only law enforcement vehicles, fire
238 vehicles, private or department-owned vehicles used by firemen of
239 volunteer fire departments which receive funds pursuant to Section
240 83-1-39 when responding to calls, emergency management/civil
241 defense vehicles, emergency response vehicles of the Department of
242 Environmental Quality, ambulances used for emergency work, and 911
243 Emergency Communications District vehicles may be marked with
244 blinking, oscillating or rotating red lights to warn other
245 vehicles to yield the right-of-way. This section shall not apply
246 to school buses carrying lighting devices in accordance with
247 Section 63-7-23.

248 (2) Any vehicle referred to in subsection (1) of this
249 section also shall be authorized to use alternating flashing
250 headlights when responding to any emergency.

251 (3) Any vehicle operated by a United States rural mail
252 carrier for the purpose of delivering United States mail may be
253 marked with two (2) amber colored lights on front top of the
254 vehicle and two (2) red colored lights on rear top of the vehicle
255 so as to warn approaching travelers to decrease their speed
256 because of danger of colliding with the mail carrier as he stops
257 and starts along the edge of the road, street or highway.

258 **SECTION 7.** This act shall take effect and be in force from
259 and after July 1, 2004.