

By: Senator(s) Tollison

To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3007

1 AN ACT TO AMEND SECTION 41-59-3, MISSISSIPPI CODE OF 1972, TO
2 ENACT DEFINITIONS CONCERNING EMERGENCY OPERATION OF EMERGENCY
3 RESPONSE VEHICLES SUCH AS AMBULANCES; TO CREATE NEW SECTION
4 41-59-85, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR EMERGENCY
5 OPERATION OF AMBULANCES AND SPECIAL USE EMERGENCY MEDICAL SERVICE
6 VEHICLES; TO AMEND SECTION 63-3-103, MISSISSIPPI CODE OF 1972, TO
7 REVISE THE DEFINITION OF AUTHORIZED EMERGENCY VEHICLE; TO AMEND
8 SECTION 63-3-621, MISSISSIPPI CODE OF 1972, TO PROVIDE THE
9 DISTANCE TO BE MAINTAINED FROM AN AMBULANCE BY THE DRIVERS OF
10 NONEMERGENCY VEHICLES; TO AMEND SECTION 63-7-19, MISSISSIPPI CODE
11 OF 1972, TO SPECIFY WHAT LIGHTS ARE TO BE PLACED ON SPECIAL USE
12 EMERGENCY MEDICAL SERVICE VEHICLES; AND FOR RELATED PURPOSES.

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

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

16 41-59-3. As used in this chapter, unless the context
17 otherwise requires, the term:

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

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

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

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

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

36 (f) "Certificate" shall mean official acknowledgment
37 that an individual has successfully completed the recommended
38 basic emergency medical technician training course referred to in
39 this chapter which entitles that individual to perform the
40 functions and duties of an emergency medical technician;

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

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

44 (i) "Executive officer" shall mean the Executive
45 Officer of the State Board of Health, or his designated
46 representative;

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

59 (k) "Invalid vehicle" shall mean any privately or
60 publicly owned land or air vehicle which is maintained, operated
61 and used only to transport persons routinely who are convalescent
62 or otherwise nonambulatory and do not require the service of an
63 emergency medical technician while in transit;

64 (l) "Special use EMS vehicle" means any privately or
65 publicly owned land, water or air emergency vehicle used to

66 support the provision of emergency medical services. These
67 vehicles shall not be used routinely to transport patients;

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

72 (n) "Trauma care facility" or "trauma center" means a
73 hospital located in the State of Mississippi or a Level I trauma
74 care facility or center located in a state contiguous to the State
75 of Mississippi that has been designated by the department to
76 perform specified trauma care services within a trauma care system
77 pursuant to standards adopted by the department. Participation in
78 this designation by each hospital is voluntary;

79 (o) "Trauma registry" means a collection of data on
80 patients who receive hospital care for certain types of injuries.
81 Such data are primarily designed to ensure quality trauma care and
82 outcomes in individual institutions and trauma systems, but have
83 the secondary purpose of providing useful data for the
84 surveillance of injury morbidity and mortality;

85 (p) "Emergency medical condition" means a medical
86 condition manifested by acute symptoms of sufficient severity,
87 such as severe pain, psychiatric disturbances or apparent
88 substance abuse, that would cause a prudent layperson possessing
89 an average knowledge of health and medicine to reasonably expect
90 the absence of immediate medical attention to result in:

91 (i) Placing in serious jeopardy the health of the
92 individual or, with respect to a pregnant woman, the health of the
93 woman or her unborn child;

94 (ii) Serious impairment to bodily functions; or

95 (iii) Serious dysfunction of any bodily organ or
96 part.

97 (q) "Emergency medical call" means a situation that is
98 presumptively classified at the time of dispatch to have a high

99 index of probability that an emergency medical condition or other
100 situation exists that requires medical intervention as soon as
101 possible to reduce the seriousness of the situation, or when the
102 exact circumstances are unknown but the nature of the request is
103 suggestive of a true emergency in which a patient may be at risk;

104 (r) "Emergency response" means responding immediately
105 at the basic life support or advanced life support level of
106 service to an emergency medical call;

107 (s) "Immediate response" means a response in which the
108 ambulance supplier begins as quickly as possible to take the steps
109 necessary to respond to the call;

110 (t) "Emergency mode" means an ambulance or special use
111 emergency medical service vehicle operating with emergency lights
112 or warning siren or air horn while engaged in an emergency medical
113 call.

114 **SECTION 2.** The following shall be codified as Section
115 41-59-85, Mississippi Code of 1972:

116 41-59-85. (1) Every ambulance and special use EMS vehicle
117 shall be marked with red lights front and back and may also be
118 marked with white and amber lights in addition to red lights.

119 (2) Drivers of ambulances and special use emergency medical
120 service vehicles shall operate in the emergency mode with warning
121 lights and siren at all times while engaged in an emergency
122 medical call if the emergency vehicle is being operated in a
123 manner to take exception to the traffic laws and regulations as
124 provided in Section 63-3-205, Mississippi Code of 1972, so as to
125 warn drivers of nonemergency vehicles to yield the right-of-way to
126 the authorized emergency vehicle. Ambulances and special use
127 emergency medical service vehicles may use emergency warning
128 lights only, if engaged in an emergency medical call and stopped
129 or parked or operating the vehicle in accordance with all traffic
130 laws and regulations. No driver of any ambulance or special use
131 emergency medical service vehicle shall assume any special

132 privilege from traffic laws and regulations except when the
133 emergency vehicle is operated in the emergency mode while engaged
134 in an emergency medical call, with warning lights and siren
135 activated.

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

138 63-3-103 (a) "Vehicle" means every device in, upon or by
139 which any person or property is or may be transported or drawn
140 upon a highway, except devices used exclusively upon stationary
141 rails or tracks.

142 (b) "Motor vehicle" means every vehicle which is
143 self-propelled and every vehicle which is propelled by electric
144 power obtained from overhead trolley wires, but not operated upon
145 rails. The term "motor vehicle" shall not include electric
146 personal assistive mobility devices.

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

151 (d) "Authorized emergency vehicle" means every vehicle of
152 the fire department (fire patrol), every police vehicle, every 911
153 Emergency Communications District vehicle, every * * * ambulance,
154 every special use EMS vehicle as defined in Section 41-59-3, and
155 every emergency vehicle of municipal departments or public service
156 corporations as is designated or authorized by the commission or
157 the chief of police of an incorporated city.

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

163 (f) "Recreational vehicle" means a vehicular type unit
164 primarily designed as temporary living quarters for recreational,

165 camping or travel use, which either has its own motive power or is
166 mounted on or drawn by another vehicle and includes travel
167 trailers, fifth wheel trailers, camping trailers, truck campers
168 and motor homes.

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

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

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

179 63-3-621. (1) The driver of any vehicle other than an
180 official emergency vehicle shall not follow any fire apparatus
181 traveling in response to a fire alarm closer than five hundred
182 (500) feet or drive into or park such vehicle within the block
183 where fire apparatus has stopped in answer to a fire alarm.

184 (2) The driver of any vehicle other than an official
185 emergency vehicle shall not follow any moving ambulance that is
186 engaged in an emergency medical call closer than five hundred
187 (500) feet or park within two hundred (200) feet of where the
188 ambulance has stopped to pick up or deliver a patient or otherwise
189 render care at the scene of an ambulance call.

190 **SECTION 5.** Section 63-7-19, Mississippi Code of 1972, is
191 amended as follows:

192 63-7-19. (1) Except as otherwise provided for unmarked
193 vehicles under Section 19-25-15 and Section 25-1-87, every police
194 vehicle shall be marked with blue lights. Every ambulance and
195 special use emergency medical service vehicle shall be marked with
196 red lights front and back and may also be marked with white and
197 amber lights in addition to red lights. Every emergency

198 management/civil defense vehicle, including emergency response
199 vehicles of the Department of Environmental Quality, shall be
200 marked with blinking, rotating or oscillating red lights.
201 Official vehicles of a 911 Emergency Communications District may
202 be marked with red and white lights. Every wrecker or other
203 vehicle used for emergency work, except vehicles authorized to use
204 blue or red lights, shall be marked with blinking, oscillating or
205 rotating amber colored lights to warn other vehicles to yield the
206 right-of-way, as provided in Section 63-3-809. Only police
207 vehicles used for emergency work may be marked with blinking,
208 oscillating or rotating blue lights to warn other vehicles to
209 yield the right-of-way. Only law enforcement vehicles, fire
210 vehicles, private or department-owned vehicles used by firemen of
211 volunteer fire departments which receive funds pursuant to Section
212 83-1-39 when responding to calls, emergency management/civil
213 defense vehicles, emergency response vehicles of the Department of
214 Environmental Quality, ambulances used for emergency work and 911
215 Emergency Communications District vehicles may be marked with
216 blinking, oscillating or rotating red lights to warn other
217 vehicles to yield the right-of-way. This section shall not apply
218 to school buses carrying lighting devices in accordance with
219 Section 63-7-23.

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

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

230 **SECTION 6.** This act shall take effect and be in force from
231 and after July 1, 2004.