

By: Senator(s) Tollison

To: Judiciary, Division B

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 63-3-809, MISSISSIPPI CODE
 11 OF 1972, TO PROVIDE THAT AN ISSUANCE OF A CITATION TO A DRIVER IS
 12 ADMISSIBLE IN A CIVIL SUIT FOR INJURIES SUSTAINED IN A MOTOR
 13 VEHICLE ACCIDENT; TO AMEND SECTION 63-7-19, MISSISSIPPI CODE OF
 14 1972, TO SPECIFY WHAT LIGHTS ARE TO BE PLACED ON SPECIAL USE
 15 EMERGENCY MEDICAL SERVICE VEHICLES; AND FOR RELATED PURPOSES.

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

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

19 41-59-3. As used in this chapter, unless the context
 20 otherwise requires, the term:

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

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

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

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

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

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

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

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

47 (i) "Executive officer" shall mean the Executive
48 Officer of the State Board of Health, or his designated
49 representative;

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

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

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

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

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

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

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

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

94 (i) Placing in serious jeopardy the health of the
95 individual or, with respect to a pregnant woman, the health of the
96 woman or her unborn child;

97 (ii) Serious impairment to bodily functions; or

98 (iii) Serious dysfunction of any bodily organ or
99 part.

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

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

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

113 (t) "Emergency mode" means an ambulance or special use
114 emergency medical service vehicle operating with emergency lights
115 or warning siren or 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) Every ambulance and special use EMS vehicle
120 shall be marked with red lights front and back and may also be
121 marked with white and amber lights in addition to red lights.

122 (2) Drivers of ambulances and special use emergency medical
123 service vehicles shall operate in the emergency mode with warning
124 lights and siren at all times while engaged in an emergency
125 medical call if the emergency vehicle is being operated in a
126 manner to take exception to the traffic laws and regulations as
127 provided in Section 63-3-205, Mississippi Code of 1972, so as to
128 warn drivers of nonemergency vehicles to yield the right-of-way to
129 the authorized emergency vehicle. Ambulances and special use
130 emergency medical service vehicles may use emergency warning

131 lights only, if engaged in an emergency medical call and stopped
132 or parked or operating the vehicle in accordance with all traffic
133 laws and regulations. No driver of any ambulance or special use
134 emergency medical service vehicle shall assume any special
135 privilege from traffic laws and regulations except when the
136 emergency vehicle is operated in the emergency mode while engaged
137 in an emergency medical call, with warning lights and siren
138 activated.

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

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

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

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

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

161 (e) "School bus" means every motor vehicle operated for the
162 transportation of children to or from any school, provided same is
163 plainly marked "School Bus" on the front and rear thereof and

164 meets the requirements of the State Board of Education as
165 authorized under Section 37-41-1.

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

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

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

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

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

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

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

195 63-3-809. (1) Upon the immediate approach of an authorized
196 emergency vehicle, when the driver is giving audible signal by

197 siren, exhaust whistle or bell, the driver of every other vehicle
198 shall yield the right-of-way and shall immediately drive to a
199 position parallel to, and as close as possible to, the right-hand
200 edge or curb of the highway clear of any intersection and shall
201 stop and remain in such position until the authorized emergency
202 vehicle has passed, except when otherwise directed by a police
203 officer.

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

207 (3) If a driver of another vehicle fails to yield the
208 right-of-way to an authorized emergency vehicle and is issued a
209 citation, the citation is presumptively admissible evidence in any
210 action for injuries or damages sustained in a motor vehicle
211 accident that is filed against the driver of the emergency vehicle
212 or the employer of the driver of the emergency vehicle, or both.

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

215 63-7-19. (1) Except as otherwise provided for unmarked
216 vehicles under Section 19-25-15 and Section 25-1-87, every police
217 vehicle shall be marked with blue lights. Every ambulance and
218 special use emergency medical service vehicle shall be marked with
219 red lights front and back and may also be marked with white and
220 amber lights in addition to red lights. Every emergency
221 management/civil defense vehicle, including emergency response
222 vehicles of the Department of Environmental Quality, shall be
223 marked with blinking, rotating or oscillating red lights.
224 Official vehicles of a 911 Emergency Communications District may
225 be marked with red and white lights. Every wrecker or other
226 vehicle used for emergency work, except vehicles authorized to use
227 blue or red lights, shall be marked with blinking, oscillating or
228 rotating amber colored lights to warn other vehicles to yield the
229 right-of-way, as provided in Section 63-3-809. Only police

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

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

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

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