

By: Senator(s) Davis, Brown, Burton, Butler, Chassaniol, Clarke, Dawkins, Doxey, Frazier, Gollott, Harden, Jackson (11th), Jordan, King, Lee (47th), Nunnelee, Ross, Tollison, Walls, White, Williamson, Albritton, Horhn, Jackson (32nd) To: Judiciary, Division B

SENATE BILL NO. 2057
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 63-3-809, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE MOTOR VEHICLE OPERATORS TO PERFORM CERTAIN TRAFFIC
3 SAFETY MANEUVERS WHEN APPROACHING A STATIONARY AUTHORIZED
4 EMERGENCY VEHICLE, A RECOVERY VEHICLE OR A HIGHWAY MAINTENANCE
5 VEHICLE; TO PRESCRIBE PENALTIES FOR VIOLATIONS OF THIS ACT; AND
6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 63-3-809, Mississippi Code of 1972, is
9 amended as follows:

10 63-3-809. (1) Upon the immediate approach of an authorized
11 emergency vehicle, when the driver is giving audible signal by
12 siren, exhaust whistle, or bell, the driver of every other vehicle
13 shall yield the right-of-way and shall immediately drive to a
14 position parallel to, and as close as possible to, the right-hand
15 edge or curb of the roadway clear of any intersection and shall
16 stop and remain in such position until the authorized emergency
17 vehicle has passed, except when otherwise directed by a law
18 enforcement officer.

19 (2) Upon approaching a stationary authorized emergency
20 vehicle, when such vehicle is giving a signal by use of flashing,
21 blinking, oscillating or rotating lights, as authorized under
22 Section 63-7-19, a person who drives an approaching vehicle shall:

23 (a) Proceeding with due caution, yield the right-of-way
24 by making a lane change into a lane not adjacent to that of the
25 authorized emergency vehicle, if possible with due regard to
26 safety and traffic conditions, if on a roadway having at least
27 four (4) lanes with not less than two (2) lanes proceeding in the
28 same direction as the approaching vehicle; or



29 (b) Proceeding with due caution, reduce the speed of
30 the vehicle, maintaining a safe speed for road conditions and
31 being prepared to stop, if changing lanes would be impossible or
32 unsafe.

33 (3) Upon approaching a stationary recovery vehicle or a
34 highway maintenance vehicle, when such vehicle is giving a signal
35 by use of authorized flashing lights, a person who drives an
36 approaching vehicle shall:

37 (a) Proceeding with due caution, yield the right-of-way
38 by making a lane change into a lane not adjacent to the stationary
39 recovery vehicle or the highway maintenance vehicle, if possible
40 with due regard to safety and traffic conditions, if on a roadway
41 having at least four (4) lanes with not less than two (2) lanes
42 proceeding in the same direction as the approaching vehicle; or

43 (b) Proceeding with due caution, reduce the speed of
44 the vehicle, maintaining a safe speed for road conditions and
45 being prepared to stop, if changing lanes would be impossible or
46 unsafe.

47 (4) For purposes of this section, unless the context
48 otherwise clearly requires:

49 (a) "Highway maintenance vehicle" means a vehicle used
50 for the maintenance of highways and roadways in this state and is:

51 (i) Owned or operated by the Department of
52 Transportation, a county, a municipality or other political
53 subdivision of this state; or

54 (ii) Owned or operated by a contractor under
55 contract with the Department of Transportation, a county, a
56 municipality or other political subdivision of this state;

57 (b) "Recovery vehicle" means a truck that is
58 specifically designed for towing a disabled vehicle or a
59 combination of vehicles.

60 (5) A violation of this section is a misdemeanor punishable
61 by a fine:



62 (a) Of not more than Two Hundred Fifty Dollars
63 (\$250.00); or

64 (b) Of not more than One Thousand Dollars (\$1,000.00)
65 if violation of this section results in:

66 (i) Property damage to the emergency vehicle,
67 highway maintenance vehicle or recovery vehicle; or

68 (ii) Bodily injury to the driver or a passenger of
69 any such vehicle.

70 (6) This section shall not operate to relieve the driver of
71 an authorized emergency vehicle, a recovery vehicle or a highway
72 maintenance vehicle from the duty to drive with due regard for the
73 safety of all persons using the roadway.

74 **SECTION 2.** This act shall take effect and be in force from
75 and after July 1, 2007.

