

By: Senator(s) Burton

To: Judiciary, Division B

SENATE BILL NO. 2858

1 AN ACT TO CREATE THE "MOVE OVER" ACT; TO REQUIRE THE DRIVER  
2 OF AN APPROACHING VEHICLE TO YIELD THE RIGHT-OF-WAY TO A  
3 STATIONARY EMERGENCY VEHICLE THAT IS USING FLASHING LIGHTS; TO  
4 ENACT DEFINITIONS; TO PRESCRIBE PENALTIES; AND FOR RELATED  
5 PURPOSES.

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

7 **SECTION 1.** (1) Upon approaching an authorized emergency  
8 vehicle, recovery vehicle or highway maintenance vehicle that is  
9 both stationary and using flashing lights, the person driving the  
10 approaching vehicle, proceeding with due caution, shall:

11 (a) Yield the right-of-way by making a lane change into  
12 a lane not adjacent to that of the authorized emergency vehicle  
13 when on a highway having at least four (4) lanes with not less  
14 than two (2) lanes proceeding in the same direction as the  
15 approaching vehicle, if possible considering safety and traffic  
16 conditions; or

17 (b) If changing lanes would be impossible or unsafe,  
18 reduce the speed of the vehicle while maintaining a safe speed for  
19 road conditions and being prepared to stop.

20 (2) For the purposes of this section unless the context  
21 clearly otherwise requires:

22 (a) Highway maintenance vehicle means a vehicle used  
23 for the maintenance of highways and roadways in this state that  
24 is:

25 (i) Owned or operated by the Mississippi  
26 Department of Transportation, a county, a municipality, or other  
27 political subdivision of this state; or

28                   (ii) Owned or operated by a contractor under  
29 contract with the Mississippi Department of Transportation, a  
30 county, a municipality, or other political subdivision of this  
31 state.

32                   (b) Recovery vehicle means a truck that is specifically  
33 designed for towing a disabled vehicle or a combination of  
34 vehicles.

35                   (c) Authorized emergency vehicle means any emergency  
36 vehicle described in Section 63-7-19.

37           (3) A violation of this section shall be a misdemeanor  
38 punishable by a fine not to exceed Two Hundred Fifty Dollars  
39 (\$250.00); provided that, should there be property damage to the  
40 emergency vehicle or bodily harm to the emergency vehicle driver  
41 resulting from the violation, the fine shall not exceed One  
42 Thousand Dollars (\$1,000.00).

43           (4) This section shall not operate to relieve the driver of  
44 an authorized emergency vehicle, a recovery vehicle, or a highway  
45 maintenance vehicle from the duty to operate such vehicle with due  
46 regard for the safety of all persons using the highway.

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