

By: Senator(s) Hill, Stone, Jackson (11th)

To: Judiciary, Division B

SENATE BILL NO. 2305  
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 63-3-809, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE AN APPROACHING DRIVER TO SLOW DOWN AND MOVE INTO THE  
3 LEFT LANE TO ALLOW A RURAL MAIL CARRIER TO ENTER THE ROADWAY IN  
4 SAFETY AND TO CONFORM THE PENALTIES; AND FOR RELATED PURPOSES.

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

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

8 63-3-809. (1) Upon the immediate approach of an authorized  
9 emergency vehicle, when the driver is giving audible signal by  
10 siren, exhaust whistle, or bell, the driver of every other vehicle  
11 shall yield the right-of-way and shall immediately drive to a  
12 position parallel to, and as close as possible to, the right-hand  
13 edge or curb of the roadway clear of any intersection and shall  
14 stop and remain in such position until the authorized emergency  
15 vehicle has passed, except when otherwise directed by a law  
16 enforcement officer.

17 (2) Upon approaching a stationary authorized emergency  
18 vehicle, when such vehicle is giving a signal by use of flashing,



19 blinking, oscillating or rotating lights, as authorized under  
20 Section 63-7-19, a person who drives an approaching vehicle shall:

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

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

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

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

42 (b) Proceeding with due caution, reduce the speed of  
43 the vehicle, maintaining a safe speed for road conditions and



44 being prepared to stop, if changing lanes would be impossible or  
45 unsafe.

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

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

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

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

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

59 (c) "Utility service vehicle" means a vehicle used by  
60 any person, municipality, county, electric cooperative,  
61 corporation, board, commission, district or any entity created or  
62 authorized by public act, private act or general law to provide  
63 electricity, natural gas, water, wastewater services,  
64 telecommunications services or any combination thereof, for sale  
65 to consumers in any particular service area, or by any contractor  
66 under contract with any such entity.

67 (d) "Sanitation vehicle" means a vehicle used to  
68 collect solid waste, refuse or recyclable material that is:



69 (i) Owned or operated by a county, a municipality  
70 or other political subdivision of this state; or

71 (ii) Owned or operated by a contractor under  
72 contract with a county, a municipality or other political  
73 subdivision of this state.

74 (5) Upon approaching a vehicle that is marked with some  
75 combination of white flashing strobe or amber and red lights, as  
76 provided in Section 63-7-19, that is operated by a United States  
77 rural mail carrier for the purpose of delivering United States  
78 mail, and that is stationary, including when the vehicle is  
79 signaling the intention to enter the roadway, a person who drives  
80 an approaching vehicle shall:

81 (a) Proceeding with due caution, yield the right-of-way  
82 by making a lane change into a lane not adjacent to the stationary  
83 vehicle, if possible, with due regard to safety and traffic  
84 conditions, if on a roadway having at least four (4) lanes with  
85 not less than two (2) lanes proceeding in the same direction as  
86 the approaching vehicle; or

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

91 ( \* \* \*6) A violation of this section is a misdemeanor  
92 punishable by a fine:



93 (a) Of not more than Two Hundred Fifty Dollars  
94 (\$250.00); or

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

97 (i) Property damage to the emergency vehicle,  
98 sanitation vehicle, highway maintenance vehicle, utility service  
99 vehicle \* \* \*, recovery vehicle or rural mail carrier vehicle; or

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

102 ( \* \* \*7) This section shall not operate to relieve the  
103 driver of an authorized emergency vehicle, a sanitation vehicle, a  
104 recovery vehicle, a utility service vehicle \* \* \*, a highway  
105 maintenance vehicle or a rural mail carrier vehicle from the duty  
106 to drive with due regard for the safety of all persons using the  
107 roadway.

108 **SECTION 2.** This act shall take effect and be in force from  
109 and after July 1, 2017.

