

By: Representatives Chism, Hughes, Mickens,
Paden, Hines, Baria, Rogers (61st),
Weathersby, Sykes, Hale

To: Judiciary B

HOUSE BILL NO. 1202
(As Sent to Governor)

1 AN ACT TO CREATE THE "KAELIN KERSH ACT"; TO AMEND SECTION
2 63-7-19, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT ANY OPERATOR OF
3 AN EMERGENCY VEHICLE AUTHORIZED TO BE MARKED WITH BLINKING,
4 ROTATING OR OSCILLATING LIGHTS SHALL USE BLINKING, ROTATING OR
5 OSCILLATING LIGHTS WHEN OPERATING THE EMERGENCY VEHICLE AT A SPEED
6 IN EXCESS OF THIRTY MILES PER HOUR OVER THE POSTED SPEED LIMIT;
7 AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** This act shall be known and may be cited as the
10 "Kaelin Kersh Act."

11 **SECTION 2.** Section 63-7-19, Mississippi Code of 1972, is
12 amended as follows:

13 63-7-19. (1) (a) Except as otherwise provided for unmarked
14 vehicles under Section 19-25-15 and Section 25-1-87, every police
15 vehicle shall be marked with blue lights. Every ambulance and
16 special use EMS vehicle as defined in Section 41-59-3 shall be
17 marked with red lights front and back and also may be marked with
18 white and amber lights in addition to red lights. Every emergency
19 management/civil defense vehicle, including emergency response
20 vehicles of the Department of Environmental Quality, shall be



21 marked with blinking, rotating or oscillating red lights.
22 Official vehicles of a 911 Emergency Communications District may
23 be marked with red and white lights. Every wrecker or other
24 vehicle used for emergency work, except vehicles authorized to use
25 blue or red lights, shall be marked with blinking, oscillating or
26 rotating amber-colored lights to warn other vehicles to yield the
27 right-of-way, as provided in Section 63-3-809. Only police
28 vehicles used for emergency work may be marked with blinking,
29 oscillating or rotating blue lights to warn other vehicles to
30 yield the right-of-way. Only law enforcement vehicles, fire
31 vehicles, private or department-owned vehicles used by firemen of
32 volunteer fire departments which receive funds pursuant to Section
33 83-1-39 when responding to calls, emergency management/civil
34 defense vehicles, emergency response vehicles of the Department of
35 Environmental Quality, ambulances used for emergency work, and 911
36 Emergency Communications District vehicles may be marked with
37 blinking, oscillating or rotating red lights to warn other
38 vehicles to yield the right-of-way. This section shall not apply
39 to school buses carrying lighting devices in accordance with
40 Section 63-7-23.

41 (b) Emergency response vehicles listed in this
42 subsection (1) are also authorized to use alternating flashing
43 headlights when responding to any emergency.

44 (2) Any vehicle operated by a United States rural mail
45 carrier for the purpose of delivering United States mail may be



46 marked with two (2) amber-colored lights on front top of the
47 vehicle and two (2) red-colored lights on rear top of the vehicle
48 and alternatively or additionally may be marked with a white,
49 flashing strobe light on the roof of the vehicle so as to warn
50 approaching travelers to decrease their speed because of danger of
51 colliding with the mail carrier as he stops and starts along the
52 edge of the road, street or highway.

53 (3) Any sanitation vehicle operated by a county,
54 municipality or other political subdivision of this state or by a
55 contractor under contract with a county, municipality or other
56 political subdivision of this state to collect solid waste, refuse
57 or recyclable material may be marked with flashing or oscillating
58 white- or amber-colored lights so as to warn approaching travelers
59 to decrease speed because of the danger of colliding with the
60 sanitation collection vehicle as it stops and starts along the
61 road, street or highway.

62 (4) Any nonlaw enforcement vehicle being used to lead and
63 facilitate the movement of a military funeral procession may be
64 marked with blinking, rotating or oscillating purple lights.
65 "Military funeral procession" means two (2) or more vehicles
66 accompanying the body of a deceased member of the United States
67 Armed Forces, or traveling to the church, chapel or other location
68 at which the funeral service or entombment is to be held.

69 (5) Any operator of an emergency vehicle authorized to be
70 marked with blinking, rotating or oscillating lights in accordance



71 with this section, shall use blinking, rotating or oscillating
72 lights when operating the emergency vehicle at a speed in excess
73 of thirty (30) miles per hour over the posted speed limit.

74 **SECTION 3.** This act shall take effect and be in force from
75 and after July 1, 2018.

