

By: Senator(s) Chassaniol

To: Judiciary, Division B

SENATE BILL NO. 2078

1 AN ACT TO PROHIBIT PASSING A SANITATION VEHICLE THAT IS
2 STOPPED FOR LOADING, AND TO MAKE EXCEPTION FOR CERTAIN TRAFFIC ON
3 A DIVIDED HIGHWAY; TO AMEND SECTIONS 63-3-809 AND 63-7-19,
4 MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** (1) (a) Upon meeting or overtaking a sanitation
7 vehicle that has stopped on a street or highway for the purpose of
8 loading solid waste, refuse or recyclable material, the driver of
9 an approaching vehicle must come to a complete stop at least ten
10 (10) feet from the sanitation vehicle if there is in operation on
11 the sanitation vehicle the flashing or oscillating lights provided
12 in Section 63-7-23, and when a retractable, hand-operated stop
13 sign is extended; the driver shall not proceed until the
14 sanitation vehicle has resumed motion and the hand-operated stop
15 sign is retracted.

16 (b) The driver of a vehicle upon a divided highway that
17 has four (4) lanes or more and permits at least two (2) lanes of
18 traffic to travel in opposite directions need not stop upon



19 meeting or passing a sanitation vehicle that is stopped in the
20 opposing roadway.

21 (c) For the purposes of this section, "sanitation
22 vehicle" means a motor vehicle used to collect solid waste, refuse
23 or recyclable material that is:

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

26 (ii) Owned or operated by a contractor under
27 contract with a county, a municipality or other political
28 subdivision of this state.

29 (2) A person who violates the provisions of subsection (1)
30 of this section is guilty of a misdemeanor and shall be punished
31 as follows:

32 (a) For a first conviction, a fine of not less than
33 Three Hundred Fifty Dollars (\$350.00) nor more than Seven Hundred
34 Fifty Dollars (\$750.00), or imprisonment for not more than one (1)
35 year, or both.

36 (b) For a second or subsequent offense, the offenses
37 being committed within a period of five (5) years, a fine of not
38 less than Seven Hundred Fifty Dollars (\$750.00) nor more than One
39 Thousand Five Hundred Dollars (\$1,500.00), or imprisonment for not
40 more than one (1) year, or both.

41 **SECTION 2.** Section 63-3-809, Mississippi Code of 1972, is
42 amended as follows:



43 63-3-809. (1) Upon the immediate approach of an authorized
44 emergency vehicle, when the driver is giving audible signal by
45 siren, exhaust whistle, or bell, the driver of every other vehicle
46 shall yield the right-of-way and shall immediately drive to a
47 position parallel to, and as close as possible to, the right-hand
48 edge or curb of the roadway clear of any intersection and shall
49 stop and remain in such position until the authorized emergency
50 vehicle has passed, except when otherwise directed by a law
51 enforcement officer.

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

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

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

66 (3) Upon approaching a stationary recovery vehicle, utility
67 service vehicle, * * * or highway maintenance vehicle, when the



68 stationary vehicle is giving a signal by use of authorized
69 flashing lights, a person who drives an approaching vehicle shall:

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

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

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

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

84 (i) Owned or operated by the Department of
85 Transportation, a county, a municipality or other political
86 subdivision of this state; or

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

90 (b) "Recovery vehicle" means a truck that is
91 specifically designed for towing a disabled vehicle or a
92 combination of vehicles.



93 (c) "Utility service vehicle" means a vehicle used by
94 any person, municipality, county, electric cooperative,
95 corporation, board, commission, district or any entity created or
96 authorized by public act, private act or general law to provide
97 electricity, natural gas, water, wastewater services,
98 telecommunications services or any combination thereof, for sale
99 to consumers in any particular service area, or by any contractor
100 under contract with any such entity.

101 * * *

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

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

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



117 being prepared to stop, if changing lanes would be impossible or
118 unsafe.

119 (6) A violation of this section is a misdemeanor punishable
120 by a fine:

121 (a) Of not more than Two Hundred Fifty Dollars
122 (\$250.00); or

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

125 (i) Property damage to the emergency
126 vehicle, * * * highway maintenance vehicle, utility service
127 vehicle, recovery vehicle or rural mail carrier vehicle; or

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

130 (7) This section shall not operate to relieve the driver of
131 an authorized emergency vehicle, * * * a recovery vehicle, a
132 utility service vehicle, a highway maintenance vehicle or a rural
133 mail carrier vehicle from the duty to drive with due regard for
134 the safety of all persons using the roadway.

135 **SECTION 3.** Section 63-7-19, Mississippi Code of 1972, is
136 amended as follows:

137 63-7-19. (1) (a) Except as otherwise provided for unmarked
138 vehicles under Section 19-25-15 and Section 25-1-87, every police
139 vehicle shall be marked with blue lights. Every ambulance and
140 special use EMS vehicle as defined in Section 41-59-3 shall be
141 marked with red lights front and back and also may be marked with



142 white and amber lights in addition to red lights. Every emergency
143 management/civil defense vehicle, including emergency response
144 vehicles of the Department of Environmental Quality, shall be
145 marked with blinking, rotating or oscillating red lights.
146 Official vehicles of a 911 Emergency Communications District may
147 be marked with red and white lights. Every wrecker or other
148 vehicle used for emergency work, except vehicles authorized to use
149 blue or red lights, shall be marked with blinking, oscillating or
150 rotating amber-colored lights to warn other vehicles to yield the
151 right-of-way, as provided in Section 63-3-809. Only police
152 vehicles used for emergency work may be marked with blinking,
153 oscillating or rotating blue lights to warn other vehicles to
154 yield the right-of-way. Only law enforcement vehicles, fire
155 vehicles, private or department-owned vehicles used by firemen of
156 volunteer fire departments which receive funds pursuant to Section
157 83-1-39 when responding to calls, emergency management/civil
158 defense vehicles, emergency response vehicles of the Department of
159 Environmental Quality, ambulances used for emergency work, and 911
160 Emergency Communications District vehicles may be marked with
161 blinking, oscillating or rotating red lights to warn other
162 vehicles to yield the right-of-way. This section shall not apply
163 to school buses carrying lighting devices in accordance with
164 Section 63-7-23.



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

168 (2) Any vehicle operated by a United States rural mail
169 carrier for the purpose of delivering United States mail may be
170 marked with two (2) amber-colored lights on front top of the
171 vehicle and two (2) red-colored lights on rear top of the vehicle
172 and alternatively or additionally may be marked with a white,
173 flashing strobe light on the roof of the vehicle so as to warn
174 approaching travelers to decrease their speed because of danger of
175 colliding with the mail carrier as he stops and starts along the
176 edge of the road, street or highway.

177 (3) Any sanitation vehicle operated by a county,
178 municipality or other political subdivision of this state or by a
179 contractor under contract with a county, municipality or other
180 political subdivision of this state to collect solid waste, refuse
181 or recyclable material may be marked with flashing or oscillating
182 white- or amber-colored lights so as to warn approaching travelers
183 to * * * stop when required by law because of the danger of
184 colliding with the sanitation collection vehicle as it stops and
185 starts along the road, street or highway.

186 (4) Any nonlaw enforcement vehicle being used to lead and
187 facilitate the movement of a military funeral procession may be
188 marked with blinking, rotating or oscillating purple lights.
189 "Military funeral procession" means two (2) or more vehicles



190 accompanying the body of a deceased member of the United States
191 Armed Forces, or traveling to the church, chapel or other location
192 at which the funeral service or entombment is to be held.

193 **SECTION 4.** This act shall take effect and be in force from
194 and after July 1, 2018.

