

By: Senator(s) Doty

To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2385

1 AN ACT TO AMEND SECTION 63-3-309, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT UNDER CERTAIN LIMITED CIRCUMSTANCES MOTORCYCLES
3 MAY PROCEED THROUGH INTERSECTIONS OR MAKE A TURN WHEN STOPPED AT A
4 RED LIGHT ONLY IF THE MOTORCYCLE DOES NOT TRIGGER THE SENSOR FOR A
5 GREEN LIGHT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 63-3-309, Mississippi Code of 1972, is
8 amended as follows:

9 63-3-309. Whenever traffic is controlled by traffic-control
10 signals exhibiting the words "Go," "Caution," or "Stop" or
11 exhibiting different colored lights successively one (1) at a
12 time, only the following colors shall be used and said terms and
13 lights shall indicate as follows:

14 (1) Green alone or "Go."

15 (a) Vehicular traffic facing the signal may proceed
16 straight through or turn right or left unless a sign at such place
17 prohibits either such turn. However, vehicular traffic shall
18 yield the right-of-way to other vehicles and to pedestrians



19 lawfully within the intersection at the time such signal is
20 exhibited.

21 (b) Pedestrians facing the signal may proceed across
22 the roadway within any marked or unmarked crosswalk.

23 (2) Yellow alone or "Caution" when shown following the green
24 or "Go" signal.

25 (a) Vehicular traffic facing the signal shall stop
26 before entering the nearest crosswalk at the intersection, but if
27 such stop cannot be made in safety a vehicle may be driven
28 cautiously through the intersection.

29 (b) Pedestrians facing such signal are thereby advised
30 that there is insufficient time to cross the roadway, and any
31 pedestrian then starting to cross shall yield the right-of-way to
32 all vehicles.

33 (3) Red alone or "Stop."

34 (a) Vehicular traffic facing the signal shall stop
35 before entering the nearest crosswalk at an intersection or at
36 such other point as may be indicated by a clearly visible line and
37 shall remain standing until green or "Go" is shown alone, except
38 as provided in (b) and (c) of this * * * subsection (3) * * *.

39 (b) Vehicular traffic facing a steady red signal may
40 cautiously enter the intersection to turn right after stopping as
41 required by paragraph * * * (a) of this subsection (3), unless a
42 sign stating "No Turn On Red" is in place prohibiting such a turn.
43 Such vehicular traffic shall yield the right-of-way to pedestrians



44 lawfully within an adjacent crosswalk and to other vehicular
45 traffic lawfully using the intersection.

46 (c) Vehicular traffic facing a steady red signal at the
47 intersection of two (2) one-way streets may cautiously enter the
48 intersection to turn left in the direction designated for one-way
49 traffic, after stopping as required by paragraph * * * (a) of this
50 subsection (3), unless a sign stating "No Turn On Red" is in place
51 prohibiting such a turn. Such vehicular traffic shall yield the
52 right-of-way to pedestrians within an adjacent crosswalk and to
53 other vehicular traffic lawfully using the intersection.

54 (d) No pedestrian facing such signal shall enter the
55 roadway unless he can do so safely and without interfering with
56 any vehicular traffic.

57 (4) Red with green arrow.

58 (a) Vehicular traffic facing such signal may cautiously
59 enter the intersection only to make movement indicated by such
60 arrow but shall not interfere with other traffic or endanger
61 pedestrians lawfully within a crosswalk.

62 (b) No pedestrian facing such signal shall enter the
63 roadway unless he can do so safely and without interfering with
64 any vehicular traffic.

65 (5) It is a defense to a charge of violating subsection (3)
66 or (4) of this section if the operator of a motorcycle shows all
67 of the following:



68 (a) The operator brought the motorcycle to a complete
69 stop at the intersection where a steady red signal or red with a
70 green arrow signal was being emitted in the direction of the
71 operator.

72 (b) The intersection is controlled by a
73 vehicle-actuated traffic signal.

74 (c) No other vehicle that was entitled to have the
75 right-of-way under applicable law was sitting at, traveling
76 through, or approaching the intersection.

77 (d) No pedestrians were attempting to cross at or near
78 the intersection.

79 (e) The motorcycle operator who received the citation
80 waited a minimum of three (3) minutes at the intersection where
81 the steady red signal or red with a green arrow signal was being
82 emitted in the direction of the operator before entering the
83 intersection.

84 **SECTION 2.** This act shall take effect and be in force from
85 and after July 1, 2020.

