

By: Representatives Hale, Remak

To: Transportation

HOUSE BILL NO. 109

1 AN ACT TO AMEND SECTION 63-3-809, MISSISSIPPI CODE OF 1972,
2 TO DESIGNATE THE NAME OF THE LAW REQUIRING OPERATORS OF MOTOR
3 VEHICLES TO GIVE THE RIGHT OF WAY TO EMERGENCY VEHICLES, EMERGENCY
4 PERSONNEL AND MAIL CARRIERS AS THE "MASON WILBANKS EMERGENCY
5 PERSONNEL OBSERVATION MEMORIAL LAW"; AND FOR RELATED PURPOSES.

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

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

9 63-3-809. (1) This section shall be known and may be cited
10 as the "Mason Wilbanks Emergency Personnel Observation Memorial
11 Law."

12 (* * *2) Upon the immediate approach of an authorized
13 emergency vehicle, when the driver is giving audible signal by
14 siren, exhaust whistle, or bell, the driver of every other vehicle
15 shall yield the right-of-way and shall immediately drive to a
16 position parallel to, and as close as possible to, the right-hand
17 edge or curb of the roadway clear of any intersection and shall
18 stop and remain in such position until the authorized emergency



19 vehicle has passed, except when otherwise directed by a law
20 enforcement officer.

21 (* * *3) Upon approaching a stationary authorized emergency
22 vehicle, when such vehicle is giving a signal by use of flashing,
23 blinking, oscillating or rotating lights, as authorized under
24 Section 63-7-19, a person who drives an approaching vehicle shall:

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

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

35 (* * *4) Upon approaching a stationary recovery vehicle,
36 utility service vehicle, sanitation vehicle, or highway
37 maintenance vehicle, when the stationary vehicle is giving a
38 signal by use of authorized flashing lights, a person who drives
39 an approaching vehicle shall:

40 (a) Proceeding with due caution, yield the right-of-way
41 by making a lane change into a lane not adjacent to the stationary
42 vehicle, if possible, with due regard to safety and traffic
43 conditions, if on a roadway having at least four (4) lanes with



44 not less than two (2) lanes proceeding in the same direction as
45 the approaching vehicle; or

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

50 (* * *5) For purposes of this section, unless the context
51 otherwise clearly requires:

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

54 (i) Owned or operated by the Department of
55 Transportation, a county, a municipality or other political
56 subdivision of this state; or

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

60 (b) "Recovery vehicle" means a truck that is
61 specifically designed for towing a disabled vehicle or a
62 combination of vehicles.

63 (c) "Utility service vehicle" means a vehicle used by
64 any person, municipality, county, electric cooperative,
65 corporation, board, commission, district or any entity created or
66 authorized by public act, private act or general law to provide
67 electricity, natural gas, water, wastewater services,
68 telecommunications services or any combination thereof, for sale



69 to consumers in any particular service area, or by any contractor
70 under contract with any such entity.

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

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

75 (ii) Owned or operated by a contractor under
76 contract with a county, a municipality or other political
77 subdivision of this state.

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

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

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



93 being prepared to stop, if changing lanes would be impossible or
94 unsafe.

95 (* * *7) A violation of this section is a misdemeanor
96 punishable by a fine:

97 (a) Of not more than Two Hundred Fifty Dollars
98 (\$250.00); or

99 (b) Of not more than One Thousand Dollars (\$1,000.00)

100 if violation of this section results in:

101 (i) Property damage to the emergency vehicle,
102 sanitation vehicle, highway maintenance vehicle, utility service
103 vehicle, recovery vehicle or rural mail carrier vehicle; or

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

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

111 **SECTION 2.** This act shall take effect and be in force from
112 and after July 1, 2024.

