

By: Representatives Miles, Ward, Formby,  
Rotenberry, Mayhall

To: Transportation

HOUSE BILL NO. 397  
(As Passed the House)

1 AN ACT TO AMEND SECTION 63-3-809, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE MOTOR VEHICLE OPERATORS TO PERFORM CERTAIN TRAFFIC  
3 SAFETY MANEUVERS WHEN APPROACHING A STATIONARY AUTHORIZED  
4 EMERGENCY VEHICLE, A RECOVERY VEHICLE OR A HIGHWAY MAINTENANCE  
5 VEHICLE; TO PRESCRIBE PENALTIES FOR VIOLATIONS OF THIS ACT; AND  
6 FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

60           (5) A violation of this section is a misdemeanor punishable  
61 by a fine:

62                   (a) Of not more than Two Hundred Fifty Dollars  
63 (\$250.00); or  
64                   (b) Of not more than One Thousand Dollars (\$1,000.00)

65 if violation of this section results in:

66                   (i) Property damage to the emergency vehicle,  
67 highway maintenance vehicle or recovery vehicle; or

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

70           (2) This section shall not operate to relieve the driver of  
71 an authorized emergency vehicle, a recovery vehicle or a highway  
72 maintenance vehicle from the duty to drive with due regard for the  
73 safety of all persons using the roadway.

74           **SECTION 2.** This act shall take effect and be in force from  
75 and after July 1, 2007.