

By: Representative Broomfield

To: Transportation

HOUSE BILL NO. 468

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

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

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

28 (b) Proceeding with due caution, reduce the speed of
29 the vehicle, maintaining a safe speed for road conditions, if
30 changing lanes would be impossible or unsafe.

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

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

41 (b) Proceeding with due caution, reduce the speed of
42 the vehicle, maintaining a safe speed for road conditions, if
43 changing lanes would be impossible or unsafe.

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

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

48 (i) Owned or operated by the Department of
49 Transportation, a county, a municipality or other political
50 subdivision of this state; or

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

54 (b) "Recovery vehicle" means a truck that is
55 specifically designed for towing a disabled vehicle or a
56 combination of vehicles.

57 (5) A violation of this section is punishable as provided
58 under Section 63-9-11.

59 (6) This section shall not operate to relieve the driver of
60 an authorized emergency vehicle from the duty to drive with due
61 regard for the safety of all persons using the highway.

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