MISSISSIPPI LEGISLATURE REGULAR SESSION 2007

By: Senator(s) Davis, Brown, Burton, Butler, Chassaniol, Clarke, Dawkins, Doxey, Frazier, Gollott, Harden, Jackson (11th), Jordan, King, Lee (47th), Nunnelee, Ross, Tollison, Walls, White, Williamson, Albritton, Horhn, Jackson (32nd)

To: Judiciary, Division B

SENATE BILL NO. 2057

AN ACT TO CREATE THE "MOVE OVER" ACT; TO REQUIRE THE DRIVER OF AN APPROACHING VEHICLE TO YIELD THE RIGHT-OF-WAY TO A STATIONARY EMERGENCY VEHICLE THAT IS USING FLASHING LIGHTS; TO ENACT DEFINITIONS; TO PRESCRIBE PENALTIES; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) Upon approaching an authorized emergency vehicle, recovery vehicle or highway maintenance vehicle that is both stationary and using flashing lights, the person driving the approaching vehicle, proceeding with due caution, shall:

(a) Yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle when on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle, if possible considering safety and traffic conditions; or

(b) If changing lanes would be impossible or unsafe, reduce the speed of the vehicle while maintaining a safe speed for road conditions and being prepared to stop.

(2) For the purposes of this section unless the context clearly otherwise requires:

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

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

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

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

(c) Authorized emergency vehicle means any emergency vehicle described in Section 63-7-19.

(3) A violation of this section shall be a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars ($250.00); provided that, should there be property damage to the emergency vehicle or bodily harm to the emergency vehicle driver resulting from the violation, the fine shall not exceed One Thousand Dollars ($1,000.00).

(4) This section shall not operate to relieve the driver of an authorized emergency vehicle, a recovery vehicle, or a highway maintenance vehicle from the duty to operate such vehicle with due regard for the safety of all persons using the highway.

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