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Chapter No. 314  
14/SS01/R35  
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**SENATE BILL NO. 2228**

Originated in Senate *Lizwek* Secretary

SENATE BILL NO. 2228

AN ACT TO AMEND SECTION 63-3-809, MISSISSIPPI CODE OF 1972, TO REQUIRE A DUTY OF CARE WHEN DRIVING PAST A STATIONARY SANITATION VEHICLE; TO AMEND SECTION 63-7-19, MISSISSIPPI CODE OF 1972, TO AUTHORIZE BUT NOT REQUIRE FLASHING LIGHTS ON SANITATION VEHICLES; AND FOR RELATED PURPOSES.

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

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

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

(2) Upon approaching a stationary authorized emergency vehicle, when such vehicle is giving a signal by use of flashing,

blinking, oscillating or rotating lights, as authorized under Section 63-7-19, a person who drives an approaching vehicle shall:

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

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

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

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

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

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

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

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

(i) Owned or operated by the 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 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) "Utility service vehicle" means a vehicle used by any person, municipality, county, electric cooperative, corporation, board, commission, district or any entity created or authorized by public act, private act or general law to provide electricity, natural gas, water, waste water services, telecommunications services or any combination thereof, for sale to consumers in any particular service area, or by any contractor under contract with any such entity.

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

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

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

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

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

(b) Of not more than One Thousand Dollars (\$1,000.00) if violation of this section results in:

(i) Property damage to the emergency vehicle, highway maintenance vehicle, utility service vehicle or recovery vehicle; or

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

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

**SECTION 2.** Section 63-7-19, Mississippi Code of 1972, is amended as follows:

63-7-19. (1) (a) Except as otherwise provided for unmarked vehicles under Section 19-25-15 and Section 25-1-87, every police

vehicle shall be marked with blue lights. Every ambulance and special use EMS vehicle as defined in Section 41-59-3 shall be marked with red lights front and back and also may be marked with white and amber lights in addition to red lights. Every emergency management/civil defense vehicle, including emergency response vehicles of the Department of Environmental Quality, shall be marked with blinking, rotating or oscillating red lights.

Official vehicles of a 911 Emergency Communications District may be marked with red and white lights. Every wrecker or other vehicle used for emergency work, except vehicles authorized to use blue or red lights, shall be marked with blinking, oscillating or rotating amber colored lights to warn other vehicles to yield the right-of-way, as provided in Section 63-3-809. Only police vehicles used for emergency work may be marked with blinking, oscillating or rotating blue lights to warn other vehicles to yield the right-of-way. Only law enforcement vehicles, fire vehicles, private or department-owned vehicles used by firemen of volunteer fire departments which receive funds pursuant to Section 83-1-39 when responding to calls, emergency management/civil defense vehicles, emergency response vehicles of the Department of Environmental Quality, ambulances used for emergency work, and 911 Emergency Communications District vehicles may be marked with blinking, oscillating or rotating red lights to warn other vehicles to yield the right-of-way. This section shall not apply

to school buses carrying lighting devices in accordance with Section 63-7-23.

( \* \* \*b) \* \* \* Emergency response vehicles listed \* \* \* in this subsection (1) \* \* \* are also \* \* \* authorized to use alternating flashing headlights when responding to any emergency.

( \* \* \*2) Any vehicle operated by a United States rural mail carrier for the purpose of delivering United States mail may be marked with two (2) amber-colored lights on front top of the vehicle and two (2) red-colored lights on rear top of the vehicle and alternatively or additionally may be marked with a white, flashing strobe light on the roof of the vehicle so as to warn approaching travelers to decrease their speed because of danger of colliding with the mail carrier as he stops and starts along the edge of the road, street or highway.

(3) Any sanitation vehicle operated by a county, municipality or other political subdivision of this state or by a contractor under contract with a county, municipality or other political subdivision of this state to collect solid waste, refuse or recyclable material may be marked with flashing or oscillating white- or amber-colored lights so as to warn approaching travelers to decrease speed because of the danger of colliding with the sanitation collection vehicle as it stops and starts along the road, street or highway.

SECTION 3. This act shall take effect and be in force from and after July 1, 2014.

PASSED BY THE SENATE  
February 5, 2014



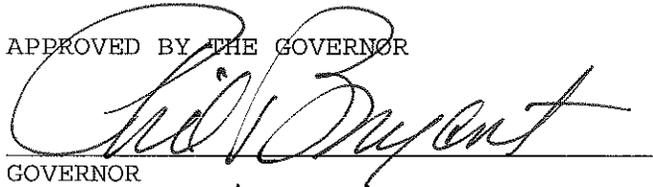
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PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
February 27, 2014



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SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



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GOVERNOR

March 12, 2014 10:10 AM