

By: Senator(s) Hill, Stone

To: Judiciary, Division B

## SENATE BILL NO. 2305

1 AN ACT TO AMEND SECTION 63-3-809, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE AN APPROACHING DRIVER TO SLOW DOWN AND MOVE INTO THE  
3 LEFT LANE TO ALLOW A RURAL MAIL CARRIER TO ENTER THE ROADWAY IN  
4 SAFETY; TO AMEND SECTION 63-3-807, MISSISSIPPI CODE OF 1972, TO  
5 CONFORM; 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 flashing,



20 blinking, oscillating or rotating lights, as authorized under  
21 Section 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 roadway 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 and  
30 being prepared to stop, if changing lanes would be impossible or  
31 unsafe.

32 (3) Upon approaching a stationary recovery vehicle, utility  
33 service vehicle, sanitation vehicle, or highway maintenance  
34 vehicle, when the stationary vehicle is giving a signal by use of  
35 authorized flashing lights, a person who drives an approaching  
36 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 vehicle, if possible, with due regard to safety and traffic  
40 conditions, if on a roadway having at least four (4) lanes with  
41 not less than two (2) lanes proceeding in the same direction as  
42 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



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, wastewater 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) Upon approaching a vehicle operated by a United States rural mail carrier for the purpose of delivering United States mail that is marked with amber, red and white flashing strobe lights as provided in Section 63-7-19, and that is stationary, including when the vehicle is signaling the intention to enter the roadway, 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.

( \* \* \*6) 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.

( \* \* \*7) 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 63-3-807, Mississippi Code of 1972, is  
amended as follows:

63-3-807. The driver of a vehicle other than a vehicle  
operated by a United States rural mail carrier for the purpose of  
delivering United States mail that is about to enter or cross a  
highway from a private road or driveway shall yield the  
right-of-way to all vehicles approaching on said highway.

**SECTION 3.** This act shall take effect and be in force from  
and after July 1, 2017.

