

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



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 (c) "Utility service vehicle" means a vehicle used by
61 any person, municipality, county, electric cooperative,
62 corporation, board, commission, district or any entity created or
63 authorized by public act, private act or general law to provide
64 electricity, natural gas, water, wastewater services,
65 telecommunications services or any combination thereof, for sale
66 to consumers in any particular service area, or by any contractor
67 under contract with any such entity.

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



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

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

75 (5) Upon approaching a vehicle operated by a United States
76 rural mail carrier for the purpose of delivering United States
77 mail that is marked with amber, red and white flashing strobe
78 lights as provided in Section 63-7-19, and that is stationary,
79 including when the vehicle is signaling the intention to enter the
80 roadway, a person who drives an approaching vehicle shall:

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

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

91 (* * *6) A violation of this section is a misdemeanor
92 punishable by a fine:

93 (a) Of not more than Two Hundred Fifty Dollars
94 (\$250.00); or



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

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

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

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

107 **SECTION 2.** Section 63-3-807, Mississippi Code of 1972, is
108 amended as follows:

109 63-3-807. The driver of a vehicle other than a vehicle
110 operated by a United States rural mail carrier for the purpose of
111 delivering United States mail that is about to enter or cross a
112 highway from a private road or driveway shall yield the
113 right-of-way to all vehicles approaching on said highway.

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

