

Miss. Code Ann. § 63-3-809

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Current with 2023 Regular Session legislation signed by the Governor and effective upon passage through March 18, 2023. The final official version of the statutes affected by 2023 legislation will appear on Lexis Advance and Lexis+ in the fall of 2023.

Mississippi Code 1972 Annotated Title 63. Motor Vehicles and Traffic Regulations (Chs. 1 – 33) Chapter 3. Traffic Regulations and Rules of the Road (Arts. 1 – 29) Article 17. Right-of-Way. (§§ 63-3-801 – 63-3-809)

§ 63-3-809. Procedure upon approach of authorized emergency vehicles; procedure upon approaching certain stationary vehicles using authorized flashing lights; duty of driver of authorized emergency, recovery or utility service vehicle.

(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, 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 that is marked with some combination of white flashing strobe or amber and red lights, as provided in Section 63-7-19, that is operated by a United States rural mail carrier for the purpose of delivering United States mail, 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, sanitation vehicle, highway maintenance vehicle, utility service vehicle, recovery vehicle or rural mail carrier 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 sanitation vehicle, a recovery vehicle, a utility service vehicle, a highway maintenance vehicle or a rural mail carrier vehicle from the duty to drive with due regard for the safety of all persons using the roadway.

History

Codes, 1942, § 8199; Laws, 1938, ch. 200; Laws, 2007, ch. 315, § 1; Laws, 2012, ch. 412, § 1; Laws, 2014, ch. 314, § 1; Laws, 2017, ch. 355, § 1, eff from and after July 1, 2017.

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