

By: Senator(s) King, Mettetal

To: Public Utilities

SENATE BILL NO. 2635

1 AN ACT TO AMEND SECTION 77-7-16, MISSISSIPPI CODE OF 1972, TO
2 EXEMPT UTILITY SERVICE VEHICLES WHILE IN INTRASTATE COMMERCE FROM
3 THE SUPERVISION AND INSPECTION OF SAFE OPERATION BY THE PUBLIC
4 SERVICE COMMISSION; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 77-7-16, Mississippi Code of 1972, is
7 amended as follows:

8 77-7-16. (1) Supervision and inspection of the safe
9 operation and the safe use of equipment of motor vehicles
10 operating in the state shall be a specified duty of the
11 commission. In accordance therewith, the commission shall
12 promulgate as its own and enforce the rules, regulations,
13 requirements and classifications of the United States Department
14 of Transportation or any successor federal agency thereof charged
15 with the regulation of motor vehicle safety. The commission shall
16 establish a system of reciprocity with other states to facilitate
17 the inspection of motor vehicles provided for in this subsection.

18 (2) The commission shall have the authority to inspect for
19 safe operation and safe use of equipment the following motor
20 vehicles:

21 (a) Each holder of a certificate of convenience and
22 necessity, a permit to operate as a contract carrier or interstate
23 permit;

24 (b) Any individual, corporation or partnership engaged
25 in a commercial enterprise operating a single motor vehicle or
26 those in combination with a manufacturer's gross vehicle rating of
27 more than ten thousand (10,000) pounds; and

28 (c) Any individual, corporation or partnership
29 operating a motor vehicle of any gross weight transporting
30 hazardous material that requires placarding under the Federal
31 Hazardous Material Regulations.

32 (3) This section shall not apply to the following:

33 (a) Motor vehicles employed to transport school
34 children and teachers;

35 (b) Motor vehicles owned and operated by the United
36 States, District of Columbia or any state or any municipality or
37 any other political subdivision of this state;

38 (c) Motor vehicles engaged in the occasional
39 transportation of personal property without compensation by
40 individuals which is not in the furtherance of a commercial
41 enterprise;

42 (d) Motor vehicles engaged in the transportation of
43 human corpses or sick or injured persons;

44 (e) Motor vehicles engaged in emergency or related
45 operations;

46 (f) Motor vehicles engaged in the private
47 transportation of passengers;

48 (g) Motor vehicles owned and operated by any farmer
49 who:

50 (i) Is using the vehicle to transport agricultural
51 products from a farm owned by the farmer, or to transport farm
52 machinery or farm supplies to or from a farm owned by the farmer;

53 (ii) Is not using the vehicle to transport
54 hazardous materials of a type or quantity that requires the
55 vehicle to be placarded in accordance with the Federal Hazardous
56 Material Regulations in CFR 49 part 177.823; and

57 (iii) Is using the vehicle within one hundred
58 fifty (150) air miles of the farmer's farm, and the vehicle is a
59 private motor carrier of property.

60 (h) Motor vehicles engaged in the transportation of
61 logs and pulpwood between the point of harvest and the first point
62 of processing the harvested product;

63 (i) Motor vehicles engaged exclusively in hauling
64 gravel or other unmanufactured road building materials;

65 (j) Utility service vehicles owned or operated by
66 public utilities subject to regulation by the commission, while in
67 intrastate commerce within this state, with a manufacturer's gross
68 vehicle rating of less than twenty-six thousand one (26,001)
69 pounds, unless the vehicle:

70 (i) Transports hazardous materials requiring a
71 placard; or

72 (ii) Is designed or used to transport sixteen (16)
73 or more people, including the driver.

74 (4) Anyone who violates or fails to comply with this section
75 shall be subject to the penalties as provided for in Section
76 77-7-311, Mississippi Code of 1972.

77 **SECTION 2.** This act shall take effect and be in force from
78 and after its passage.