

By: Senator(s) King, Mettetal

To: Public Utilities

SENATE BILL NO. 2635
(As Sent to Governor)

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

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

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

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

20 (2) The Mississippi Transportation Commission shall have the
21 authority to inspect for safe operation and safe use of equipment
22 the following motor vehicles:

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

26 (b) Any individual, corporation or partnership engaged
27 in a commercial enterprise operating a single motor vehicle or

28 those in combination with a manufacturer's gross vehicle rating of
29 more than ten thousand (10,000) pounds; and

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

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

35 (a) Motor vehicles employed to transport school
36 children and teachers;

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

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

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

46 (e) Motor vehicles engaged in emergency or related
47 operations;

48 (f) Motor vehicles engaged in the private
49 transportation of passengers;

50 (g) Motor vehicles owned and operated by any farmer
51 who:

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

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

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

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

65 (i) Motor vehicles engaged exclusively in hauling
66 gravel, soil or other unmanufactured road building materials;

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

72 (i) Transports hazardous materials requiring a
73 placard; or

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

76 (4) Anyone who violates or fails to comply with this section
77 shall be subject to the penalties as provided for in Section
78 77-7-311, Mississippi Code of 1972.

79 **SECTION 2.** This act shall take effect and be in force from
80 and after July 1, 2005.