

By: Representative Miles

To: Transportation

HOUSE BILL NO. 1123

1 AN ACT TO AMEND SECTIONS 77-7-7 AND 77-7-16, MISSISSIPPI CODE
2 OF 1972, TO EXEMPT CERTAIN VEHICLES FROM REGULATION UNDER THE
3 MISSISSIPPI MOTOR CARRIER REGULATORY LAW OF 1938; AND FOR RELATED
4 PURPOSES.

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

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

8 77-7-7. Whenever used in this chapter unless expressly
9 stated otherwise:

10 (a) The term "person" means individual, firm,
11 copartnership, corporation, company, association or joint-stock
12 association, and includes any trustee, receiver, assignee or
13 personal representative thereof.

14 (b) The term "commission" means the Public Service
15 Commission of the State of Mississippi.

16 (c) The term "highway" means every public highway or
17 place of whatever nature open to the use of the public for
18 purposes of vehicle travel in this state, including the streets
19 and alleys in towns and cities.

20 (d) The term "motor vehicle" and "vehicle" means any
21 vehicle, machine, tractor, trailer or semitrailer propelled or
22 drawn by mechanical power and used upon the highways in the
23 transportation of passengers or property; such term, however, does
24 not include any vehicle, locomotive or car operated exclusively on
25 a rail or rails.

26 (e) The term "common carrier by motor vehicle" means
27 any person who or which undertakes, whether directly or by a lease

28 or any other arrangement, to transport passengers or household
29 goods.

30 (f) The term "contract carrier by motor vehicle" means
31 any person, not included under subsection (e) of this section, who
32 or which, under special and individual contracts or agreements,
33 and whether directly or by a lease or any other arrangement,
34 transports passengers or household goods.

35 (g) The term "restricted motor carrier" means all
36 carriers of property, except household goods, by motor vehicle for
37 compensation.

38 (h) The "services" and "transportation" to which this
39 chapter applies include all vehicles operated by, for or in the
40 interest of any motor carrier irrespective of ownership or
41 contract, express or implied, together with all facilities and
42 property operated or controlled by any such carrier or carriers
43 and used in the transportation of passengers or property or in the
44 performance of any service in connection therewith.

45 (i) The term "certificate" means a certificate of
46 public convenience and necessity issued by the commission to
47 common carriers by motor vehicle and restricted common carriers by
48 motor vehicle under this chapter.

49 (j) The term "permit" means a permit issued by the
50 commission to contract carriers by motor vehicle under this
51 chapter.

52 (k) The term "interstate permit" means a permit issued
53 under the terms of this chapter to the holder of a certificate of
54 public convenience and necessity, a permit, or other operating
55 authority from the Interstate Commerce Commission.

56 (l) The term "owner" or "operator" and "owner and
57 operator" means any individual, firm, copartnership, corporation,
58 company, association or joint stock association, and includes any
59 trustee, receiver, assignee or personal representative thereof, to
60 whom or to which a certificate of convenience and necessity or

61 permit or interstate permit has been issued by the Public Service
62 Commission.

63 (m) The term "vanpooling" means a nonprofit arrangement
64 entered into to provide for the transportation of persons to and
65 from their places of employment utilizing a motor vehicle
66 manufactured primarily for the transporting of not less than eight
67 (8) nor more than fifteen (15) people, and where the costs of
68 operating said vehicle, including reasonable vehicle depreciation
69 costs, are paid for by those people utilizing such arrangement.

70 (n) The term "gross vehicle weight rating (GVWR)" means
71 the value specified by the manufacturer as the loaded weight of a
72 single motor vehicle.

73 (o) The term "gross combination weight rating (GCWR)"
74 means the value specified by the manufacturer as the loaded weight
75 of a combination (articulated) motor vehicle. In the absence of a
76 value specified by the manufacturer, GCWR will be determined by
77 adding the GVWR of the power unit and the total weight of the
78 towed unit and any load thereon.

79 **SECTION 2.** Section 77-7-16, Mississippi Code of 1972, is
80 amended as follows:

81 77-7-16. (1) Supervision and inspection of the safe
82 operation and the safe use of equipment of motor vehicles
83 operating in the state shall be a specified duty of the
84 Mississippi Transportation Commission. In accordance therewith,
85 the commission shall promulgate as its own and enforce the rules,
86 regulations, requirements and classifications of the United States
87 Department of Transportation or any successor federal agency
88 thereof charged with the regulation of motor vehicle safety. The
89 Mississippi Transportation Commission shall establish a system of
90 reciprocity with other states to facilitate the inspection of
91 motor vehicles provided for in this subsection.

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

95 (a) Each holder of a certificate of convenience and
96 necessity, a permit to operate as a contract carrier or interstate
97 permit;

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

102 (c) Any individual, corporation or partnership
103 operating a motor vehicle of any gross weight transporting
104 hazardous material that requires placarding under the Federal
105 Hazardous Material Regulations.

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

107 (a) Motor vehicles employed to transport school
108 children and teachers;

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

112 (c) Motor vehicles engaged in the occasional
113 transportation of personal property without compensation by
114 individuals which is not in the furtherance of a commercial
115 enterprise;

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

118 (e) Motor vehicles engaged in emergency or related
119 operations;

120 (f) Motor vehicles engaged in the private
121 transportation of passengers;

122 (g) Motor vehicles, including pickup trucks, that have
123 a GVWR or GCWR of twenty-six thousand (26,000) pounds or less,
124 operating intrastate only, provided that such vehicle does not:

125 (i) Transport hazardous material requiring a
126 placard; or

127 (ii) Transport Sixteen (16) or more passengers,
128 including the driver.

129 (h) Motor vehicles owned and operated by any farmer
130 who:

131 (i) Is using the vehicle to transport agricultural
132 products from a farm owned by the farmer, or to transport farm
133 machinery or farm supplies to or from a farm owned by the farmer;

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

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

141 (i) Motor vehicles engaged in the transportation of
142 logs and pulpwood between the point of harvest and the first point
143 of processing the harvested product;

144 (j) Motor vehicles engaged exclusively in hauling
145 gravel, soil or other unmanufactured road building materials;

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

151 (i) Transports hazardous materials requiring a
152 placard; or

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

155 (4) Anyone who violates or fails to comply with this section
156 shall be subject to the penalties as provided for in Section
157 77-7-311, Mississippi Code of 1972.

158 **SECTION 3.** This act shall take effect and be in force from
159 and after July 1, 2007.