

By: Senator(s) Hewes

To: Highways and  
Transportation

SENATE BILL NO. 3042

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 pick-up 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.