

By: Representative Steverson

To: Transportation

HOUSE BILL NO. 20  
(As Passed the House)

1 AN ACT TO AMEND SECTIONS 77-7-7, 77-7-21, 77-7-23, 77-7-41,  
2 77-7-55, 77-7-115, 77-7-119, 77-7-125, 77-7-127, 77-7-333,  
3 77-7-335, 77-7-337 AND 77-7-339, MISSISSIPPI CODE OF 1972, WHICH  
4 ARE MOTOR CARRIER LAWS, TO REFLECT THE PRIOR TRANSFER OF THE  
5 DUTIES OF THE PUBLIC SERVICE COMMISSION TO THE MISSISSIPPI  
6 TRANSPORTATION COMMISSION; TO AMEND SECTIONS 77-9-5, 77-9-119,  
7 77-9-489 AND 77-9-605, MISSISSIPPI CODE OF 1972, TO CONFORM TO  
8 SUCH PRIOR TRANSFER OF DUTIES; TO CREATE A NEW SECTION OF LAW TO  
9 PROVIDE CERTAIN DUTIES TO LAW ENFORCEMENT OFFICERS OF THE  
10 MISSISSIPPI DEPARTMENT OF TRANSPORTATION; AND FOR RELATED  
11 PURPOSES.

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

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

15 77-7-7. Whenever used in this chapter unless expressly  
16 stated otherwise:

17 (a) The term "person" means individual, firm,  
18 copartnership, corporation, company, association or joint-stock  
19 association, and includes any trustee, receiver, assignee or  
20 personal representative thereof.

21 (b) The term "commission" means the \* \* \* Mississippi  
22 Transportation Commission.



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

27           (d) The term "motor vehicle" and "vehicle" means any  
28 vehicle, machine, tractor, trailer or semitrailer propelled or  
29 drawn by mechanical power and used upon the highways in the  
30 transportation of passengers or property; such term, however, does  
31 not include any vehicle, locomotive or car operated exclusively on  
32 a rail or rails.

33           (e) The term "common carrier by motor vehicle" means  
34 any person who or which undertakes, whether directly or by a lease  
35 or any other arrangement, to transport passengers or household  
36 goods.

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

42           (g) The term "restricted motor carrier" means all  
43 carriers of property, except household goods, by motor vehicle for  
44 compensation.

45           (h) The "services" and "transportation" to which this  
46 chapter applies include all vehicles operated by, for or in the  
47 interest of any motor carrier irrespective of ownership or



48 contract, express or implied, together with all facilities and  
49 property operated or controlled by any such carrier or carriers  
50 and used in the transportation of passengers or property or in the  
51 performance of any service in connection therewith.

52 (i) The term "certificate" means a certificate of  
53 public convenience and necessity issued by the commission to  
54 common carriers by motor vehicle and restricted common carriers by  
55 motor vehicle under this chapter.

56 (j) The term "permit" means a permit issued by the  
57 commission to contract carriers by motor vehicle under this  
58 chapter.

59 (k) The term "interstate permit" means a permit issued  
60 under the terms of this chapter to the holder of a certificate of  
61 public convenience and necessity, a permit, or other operating  
62 authority from the \* \* \* U.S. Department of Transportation.

63 (l) The term "owner" or "operator" and "owner and  
64 operator" means any individual, firm, copartnership, corporation,  
65 company, association or joint-stock association, and includes any  
66 trustee, receiver, assignee or personal representative thereof, to  
67 whom or to which a certificate of convenience and necessity or  
68 permit or interstate permit has been issued by the \* \* \*  
69 commission.

70 (m) The term "vanpooling" means a nonprofit arrangement  
71 entered into to provide for the transportation of persons to and  
72 from their places of employment utilizing a motor vehicle



73 manufactured primarily for the transporting of not less than eight  
74 (8) nor more than fifteen (15) people, and where the costs of  
75 operating said vehicle, including reasonable vehicle depreciation  
76 costs, are paid for by those people utilizing such arrangement.

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

80 (o) The term "gross combination weight rating (GCWR)"  
81 means the value specified by the manufacturer as the loaded weight  
82 of a combination (articulated) motor vehicle. In the absence of a  
83 value specified by the manufacturer, GCWR will be determined by  
84 adding the GVWR of the power unit and the total weight of the  
85 towed unit and any load thereon.

86 **SECTION 2.** Section 77-7-21, Mississippi Code of 1972, is  
87 amended as follows:

88 77-7-21. No restricted motor carrier not exempted in this  
89 chapter shall engage in intrastate operation on any highway within  
90 the state unless such carrier is in compliance with the  
91 requirements of the laws and regulations of the \* \* \* commission.

92 **SECTION 3.** Section 77-7-23, Mississippi Code of 1972, is  
93 amended as follows:

94 77-7-23. The \* \* \* commission shall promulgate rules,  
95 regulations and procedures for the regulation of minimum amounts  
96 of financial responsibility relating to insurance requirements and



97 self-insurance authorization, safety of operations and appointment  
98 of agents of service of process for restricted motor carriers.

99 **SECTION 4.** Section 77-7-41, Mississippi Code of 1972, is  
100 amended as follows:

101 77-7-41. No common carrier by motor vehicle not exempted in  
102 this chapter shall engage in intrastate operation on any highway  
103 within the state unless there is in force with respect to such  
104 carrier, a certificate of public convenience and necessity issued  
105 by the commission authorizing such operation. Any certificates of  
106 public convenience and necessity issued by the commission prior to  
107 enactment of this section are hereby ratified and adopted as valid  
108 and enforceable just as if they had been issued after the  
109 enactment of this section.

110 All certificates of public convenience and necessity issued  
111 under this chapter shall be exempt from ad valorem taxation.

112 **SECTION 5.** Section 77-7-55, Mississippi Code of 1972, is  
113 amended as follows:

114 77-7-55. Upon the filing of an application for a certificate  
115 of convenience and necessity, the applicant shall deposit with the  
116 commission as a fee, the sum of Fifty Dollars (\$50.00), and for  
117 the transfer, sale, assignment or lease of such certificate, the  
118 sum of Fifty Dollars (\$50.00), and for the issuance of a duplicate  
119 certificate, the sum of Two Dollars (\$2.00).

120 Upon the filing of an application for a permit as a contract  
121 carrier, the applicant shall deposit with the commission as a fee



122 for the issuance thereof, the sum of Fifty Dollars (\$50.00), and  
123 for the issuance of a duplicate permit, the sum of Two Dollars  
124 (\$2.00).

125 All of the fees provided for by this section shall be paid by  
126 the commission into the State Treasury to be there placed in the  
127 special fund designated \* \* \* by the commission. The fees herein  
128 provided for respecting applications for certificates, permits and  
129 for the approval of sale, transfer, lease or assignment may not be  
130 returned to an applicant after the application has been processed.

131 **SECTION 6.** Section 77-7-115, Mississippi Code of 1972, is  
132 amended as follows:

133 77-7-115. On or before January 1 of each year, or prior to  
134 commencement of business, every holder of a certificate of  
135 convenience and necessity or permit or interstate authority issued  
136 by the \* \* \* U.S. Department of Transportation upon whom the fee  
137 is levied by Section 77-7-119, shall pay to the \* \* \* commission  
138 of this state an amount equal to the fees imposed in the section  
139 for each vehicle operated within this state.

140 **SECTION 7.** Section 77-7-119, Mississippi Code of 1972, is  
141 amended as follows:

142 77-7-119. (1) It shall be unlawful for any holder of a  
143 certificate of public convenience and necessity or permit, issued  
144 in accordance with this chapter, to operate over the highways of  
145 this state unless there shall be accompanying each vehicle so  
146 operated a receipt which shall have been procured from the \* \* \*



147 commission as herein required. The receipts shall bear necessary  
148 numbers and identification markings which, in the opinion of  
149 the \* \* \* commission, are necessary to carry out the provisions of  
150 this section. The receipts required hereby shall be obtained by  
151 each operator liable therefor for each vehicle used in the conduct  
152 of his business in this state. The \* \* \* commission shall collect  
153 a fee of Ten Dollars (\$10.00) for each receipt issued by the  
154 commission, and the Ten Dollar (\$10.00) fee shall not be prorated  
155 monthly.

156 (2) It shall be unlawful for any holder of authority from  
157 the \* \* \* U.S. Department of Transportation to operate over the  
158 highways of this state unless such carrier has paid a fee of Ten  
159 Dollars (\$10.00) for each vehicle operated in or through the State  
160 of Mississippi pursuant to the \* \* \* U.S. Department of  
161 Transportation's single-state insurance registration.

162 (3) The \* \* \* commission is authorized to promulgate all  
163 rules and regulations necessary to enable this state to  
164 participate in the single-state insurance registration system for  
165 motor carriers authorized by Section 4005 of the Intermodal  
166 Surface Transportation Efficiency Act of 1991, P.L. No. 102-240,  
167 105 Stat. 1914 (1991), codified at 49 U.S.C.A. Section 11506 (West  
168 Supp. 1992), and by applicable rules and regulations of the \* \* \*  
169 U.S. Department of Transportation and any amendments thereto.

170 **SECTION 8.** Section 77-7-125, Mississippi Code of 1972, is  
171 amended as follows:



172 77-7-125. The \* \* \* commission shall have the sole and  
173 complete power and authority to issue registration receipts to  
174 owners and operators required to have the receipts.

175 **SECTION 9.** Section 77-7-127, Mississippi Code of 1972, is  
176 amended as follows:

177 77-7-127. All funds collected by the \* \* \* commission under  
178 the provisions of this chapter shall be deposited in the State  
179 Treasury to the credit of the \* \* \* commission's regulation fund  
180 for use by the \* \* \* commission for the administration and  
181 enforcement of the laws of this state relative to the inspection,  
182 control and supervision of the business, equipment, service or  
183 accounts of motor carriers subject to this chapter.

184 From and after July 1, 2016, the expenses of this agency  
185 shall be defrayed by appropriation from the State General Fund and  
186 all user charges and fees authorized under this section shall be  
187 deposited into the State General Fund as authorized by law.

188 From and after July 1, 2016, no state agency shall charge  
189 another state agency a fee, assessment, rent or other charge for  
190 services or resources received by authority of this section.

191 **SECTION 10.** Section 77-7-333, Mississippi Code of 1972, is  
192 amended as follows:

193 77-7-333. After selection, the chief enforcement officer and  
194 the inspectors shall go through thirty (30) days of intensive  
195 instruction of the laws of this state pertaining to the \* \* \*  
196 Mississippi Department of Transportation \* \* \* and the Department





197 of Public Safety, together with rules and regulations of all these  
198 departments, and the laws of this state pertaining to arrest. The  
199 expenses of attending such school shall be paid out of the \* \* \*  
200 commission's regulation fund \* \* \* on presentation of paid bills  
201 for travel and subsistence to the secretary of the commission.

202 From and after July 1, 2016, the expenses of this agency  
203 shall be defrayed by appropriation from the State General Fund and  
204 all user charges and fees authorized under this section shall be  
205 deposited into the State General Fund as authorized by law.

206 From and after July 1, 2016, no state agency shall charge  
207 another state agency a fee, assessment, rent or other charge for  
208 services or resources received by authority of this section.

209 **SECTION 11.** Section 77-7-335, Mississippi Code of 1972, is  
210 amended as follows:

211 77-7-335. (1) All inspectors on duty shall wear uniforms,  
212 shall have the right to bear arms, and shall have the authority to  
213 make arrests and hold and impound any vehicle and the contents  
214 thereof which is being operated in violation of this chapter or  
215 the commission's rules, regulations or general orders promulgated  
216 thereunder.

217 (2) All inspectors shall have the authority to enforce all  
218 of the laws, rules and regulations of the \* \* \* commission upon  
219 all highways in the state and the rights-of-way of such highways  
220 and other properties as defined in Section 77-7-261; except that  
221 if any person commits an offense in violation of this chapter or



222 the rules and regulations of this commission upon a highway in the  
223 state and be pursued by a member or inspector of the \* \* \*  
224 commission, such member may pursue and apprehend such offender  
225 upon any of the highways in this state, or to any other place to  
226 which such offender may flee.

227 (3) All inspectors shall have the authority to aid and  
228 assist any law enforcement officer whose life or safety is in  
229 jeopardy and may arrest without warrant any fugitive from justice  
230 who has escaped or who is using the highways in the state in an  
231 attempt to flee. With the approval of the commission or its  
232 designee, inspectors of the \* \* \* commission may assist other law  
233 enforcement agencies in searching for convicted felons who have  
234 escaped or for alleged felons where there is probable cause to  
235 believe that the person being sought committed the felony and a  
236 felony had actually been committed.

237 (4) Upon request of the Mississippi Highway Patrol, a  
238 sheriff of any county or the chief of police of any community and  
239 with the consent of the commission, all inspectors have the  
240 authority to assist in traffic control during time of natural  
241 disasters, such as hurricanes, tornados or floods.

242 (5) Nothing in this section shall be construed as granting  
243 the \* \* \* commission general police powers.

244 **SECTION 12.** Section 77-7-337, Mississippi Code of 1972, is  
245 amended as follows:



246 77-7-337. The commission is hereby authorized and empowered  
247 to purchase all necessary equipment to enforce the provisions of  
248 this chapter, and to pay for the same out of the \* \* \*  
249 commission's regulation fund. \* \* \*

250 From and after July 1, 2016, the expenses of this agency  
251 shall be defrayed by appropriation from the State General Fund and  
252 all user charges and fees authorized under this section shall be  
253 deposited into the State General Fund as authorized by law.

254 From and after July 1, 2016, no state agency shall charge  
255 another state agency a fee, assessment, rent or other charge for  
256 services or resources received by authority of this section.

257 **SECTION 13.** Section 77-7-339, Mississippi Code of 1972, is  
258 amended as follows:

259 77-7-339. The salary of the chief enforcement officer and  
260 the inspectors, and the reasonable and necessary expenses of such  
261 employees and the administration of the duties imposed on the  
262 commission by this chapter, shall be paid out of the special fund  
263 in the State Treasury designated as the \* \* \* commission's  
264 regulation fund, \* \* \* upon requisition and warrants in the same  
265 manner provided by law for the disbursements of appropriations for  
266 the commission. An itemized account shall be kept of all receipts  
267 and expenditures and shall be reported to the Legislature by the  
268 commission.

269 From and after July 1, 2016, the expenses of this agency  
270 shall be defrayed by appropriation from the State General Fund and



271 all user charges and fees authorized under this section shall be  
272 deposited into the State General Fund as authorized by law.

273 From and after July 1, 2016, no state agency shall charge  
274 another state agency a fee, assessment, rent or other charge for  
275 services or resources received by authority of this section.

276 **SECTION 14.** Section 77-9-5, Mississippi Code of 1972, is  
277 amended as follows:

278 77-9-5. (1) The term "railroad" as used in this chapter,  
279 includes and applies to every person, firm, association of  
280 persons, and company, whether incorporated or not, who or which  
281 shall own or operate a railroad as a common carrier.

282 (2) The term "company" as used in this chapter, embraces and  
283 applies to every person, firm, association of persons, and  
284 company, whether incorporated or not, who or which shall own or  
285 operate a telegraph or telephone line, or do an express or  
286 sleeping car business.

287 (3) The term "commission," as used in this chapter, means  
288 the Mississippi Transportation Commission.

289 **SECTION 15.** Section 77-9-119, Mississippi Code of 1972, is  
290 amended as follows:

291 77-9-119. Any railroad company organized and existing under  
292 the laws of this state and which is subject to the Interstate  
293 Commerce Commission Termination Act of 1995 shall have power to  
294 consolidate with any other railroad company, organized under the  
295 laws of this or any other state, and shall have power to purchase



296 or lease the railroad, franchises, and properties of any other  
297 railroad company organized under the laws of this state, and to  
298 purchase and hold the capital stock or a part thereof of any other  
299 railroad company organized under the laws of this or any other  
300 state, wherever any such action has first been permitted by an act  
301 or acts of Congress and an order or orders of the \* \* \* U.S.  
302 Department of Transportation of the United States and of the \* \* \*  
303 commission. In the event of consolidation, the consolidated  
304 company shall become thereby a domestic corporation of the State  
305 of Mississippi.

306 Any railroad company organized and existing under the laws of  
307 this state and which is subject to the Interstate Commerce  
308 Commission Termination Act of 1995 shall have the power to merge  
309 with any other railroad company organized under the laws of this  
310 or any other state pursuant to the Mississippi Business  
311 Corporation Act.

312 **SECTION 16.** Section 77-9-489, Mississippi Code of 1972, is  
313 amended as follows:

314 77-9-489. The salaries of all employees authorized to  
315 enforce the provisions of the railroad laws, and the reasonable  
316 and necessary expenses of such employees, shall be paid out of the  
317 special fund in the State Treasury designated as the \* \* \*  
318 commission's regulation fund \* \* \* upon the requisition and  
319 warrant in the manner provided by law. An itemized account shall



320 be kept of all receipts and expenditures and reported to the  
321 Legislature by the commission.

322 From and after July 1, 2016, the expenses of this agency  
323 shall be defrayed by appropriation from the State General Fund and  
324 all user charges and fees authorized under this section shall be  
325 deposited into the State General Fund as authorized by law.

326 From and after July 1, 2016, no state agency shall charge  
327 another state agency a fee, assessment, rent or other charge for  
328 services or resources received by authority of this section.

329 **SECTION 17.** Section 77-9-605, Mississippi Code of 1972, is  
330 amended as follows:

331 77-9-605. Every express company shall establish and maintain  
332 offices for the transaction of business with the public in its  
333 capacity as a common carrier, at each city, town, and village  
334 convenient to its routes, if, in the opinion of the \* \* \*  
335 commission, the public convenience and necessity requires it. An  
336 office once established shall not be discontinued without the  
337 consent of the commission, which has authority to require such a  
338 company to establish and maintain offices.

339 **SECTION 18.** Notwithstanding any other laws to the contrary,  
340 law enforcement officers of the Mississippi Department of  
341 Transportation shall enforce any violations of the implied consent  
342 law and shall respond to and enforce laws at any motor vehicle  
343 accident in the officer's area of jurisdiction.



344           **SECTION 19.** This act shall take effect and be in force from  
345 and after its passage.

