

By: Senator(s) Simmons (13th), Jackson
(11th)

To: Highways and
Transportation;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2213

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; AND FOR RELATED PURPOSES.

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

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

12 77-7-7. Whenever used in this chapter unless expressly
13 stated otherwise:

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

18 (b) The term "commission" means the * * * Mississippi
19 Transportation Commission.

20 (c) The term "highway" means every public highway or
21 place of whatever nature open to the use of the public for



22 purposes of vehicle travel in this state, including the streets
23 and alleys in towns and cities.

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

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

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

39 (g) The term "restricted motor carrier" means all
40 carriers of property, except household goods, by motor vehicle for
41 compensation.

42 (h) The "services" and "transportation" to which this
43 chapter applies include all vehicles operated by, for or in the
44 interest of any motor carrier irrespective of ownership or
45 contract, express or implied, together with all facilities and
46 property operated or controlled by any such carrier or carriers



47 and used in the transportation of passengers or property or in the
48 performance of any service in connection therewith.

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

53 (j) The term "permit" means a permit issued by the
54 commission to contract carriers by motor vehicle under this
55 chapter.

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

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

67 (m) The term "vanpooling" means a nonprofit arrangement
68 entered into to provide for the transportation of persons to and
69 from their places of employment utilizing a motor vehicle
70 manufactured primarily for the transporting of not less than eight
71 (8) nor more than fifteen (15) people, and where the costs of



72 operating said vehicle, including reasonable vehicle depreciation
73 costs, are paid for by those people utilizing such arrangement.

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

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

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

85 77-7-21. No restricted motor carrier not exempted in this
86 chapter shall engage in intrastate operation on any highway within
87 the state unless such carrier is in compliance with the
88 requirements of the laws and regulations of the * * * commission.

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

91 77-7-23. The * * * commission shall promulgate rules,
92 regulations and procedures for the regulation of minimum amounts
93 of financial responsibility relating to insurance requirements and
94 self-insurance authorization, safety of operations and appointment
95 of agents of service of process for restricted motor carriers.



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

98 77-7-41. No common carrier by motor vehicle not exempted in
99 this chapter shall engage in intrastate operation on any highway
100 within the state unless there is in force with respect to such
101 carrier, a certificate of public convenience and necessity issued
102 by the commission authorizing such operation. Any certificates of
103 public convenience and necessity issued by the commission prior to
104 enactment of this section are hereby ratified and adopted as valid
105 and enforceable just as if they had been issued after the
106 enactment of this section.

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

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

111 77-7-55. Upon the filing of an application for a certificate
112 of convenience and necessity, the applicant shall deposit with the
113 commission as a fee, the sum of Fifty Dollars (\$50.00), and for
114 the transfer, sale, assignment or lease of such certificate, the
115 sum of Fifty Dollars (\$50.00), and for the issuance of a duplicate
116 certificate, the sum of Two Dollars (\$2.00).

117 Upon the filing of an application for a permit as a contract
118 carrier, the applicant shall deposit with the commission as a fee
119 for the issuance thereof, the sum of Fifty Dollars (\$50.00), and



120 for the issuance of a duplicate permit, the sum of Two Dollars
121 (\$2.00).

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

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

130 77-7-115. On or before January 1 of each year, or prior to
131 commencement of business, every holder of a certificate of
132 convenience and necessity or permit or interstate authority issued
133 by the * * * U.S. Department of Transportation upon whom the fee
134 is levied by Section 77-7-119, shall pay to the * * * commission
135 of this state an amount equal to the fees imposed in the section
136 for each vehicle operated within this state.

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

139 77-7-119. (1) It shall be unlawful for any holder of a
140 certificate of public convenience and necessity or permit, issued
141 in accordance with this chapter, to operate over the highways of
142 this state unless there shall be accompanying each vehicle so
143 operated a receipt which shall have been procured from the * * *
144 commission as herein required. The receipts shall bear necessary



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

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

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

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



169 77-7-125. The * * * commission shall have the sole and
170 complete power and authority to issue registration receipts to
171 owners and operators required to have the receipts.

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

174 77-7-127. All funds collected by the * * * commission under
175 the provisions of this chapter shall be deposited in the State
176 Treasury to the credit of the * * * commission's regulation fund
177 for use by the * * * commission for the administration and
178 enforcement of the laws of this state relative to the inspection,
179 control and supervision of the business, equipment, service or
180 accounts of motor carriers subject to this chapter.

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

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

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

190 77-7-333. After selection, the chief enforcement officer and
191 the inspectors shall go through thirty (30) days of intensive
192 instruction of the laws of this state pertaining to the * * *
193 Mississippi Department of Transportation * * * and the Department



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

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

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

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

208 77-7-335. (1) All inspectors on duty shall wear uniforms,
209 shall have the right to bear arms, and shall have the authority to
210 make arrests and hold and impound any vehicle and the contents
211 thereof which is being operated in violation of this chapter or
212 the commission's rules, regulations or general orders promulgated
213 thereunder.

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



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

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

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

239 (5) Nothing in this section shall be construed as granting
240 the * * * commission general police powers.

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



243 77-7-337. The commission is hereby authorized and empowered
244 to purchase all necessary equipment to enforce the provisions of
245 this chapter, and to pay for the same out of the * * *
246 commission's regulation fund. * * *

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

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

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

256 77-7-339. The salary of the chief enforcement officer and
257 the inspectors, and the reasonable and necessary expenses of such
258 employees and the administration of the duties imposed on the
259 commission by this chapter, shall be paid out of the special fund
260 in the State Treasury designated as the * * * commission's
261 regulation fund, * * * upon requisition and warrants in the same
262 manner provided by law for the disbursements of appropriations for
263 the commission. An itemized account shall be kept of all receipts
264 and expenditures and shall be reported to the Legislature by the
265 commission.

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



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

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

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

275 77-9-5. (1) The term "railroad" as used in this chapter,
276 includes and applies to every person, firm, association of
277 persons, and company, whether incorporated or not, who or which
278 shall own or operate a railroad as a common carrier.

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

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

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

288 77-9-119. Any railroad company organized and existing under
289 the laws of this state and which is subject to the Interstate
290 Commerce Commission Termination Act of 1995 shall have power to
291 consolidate with any other railroad company, organized under the
292 laws of this or any other state, and shall have power to purchase



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

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

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

311 77-9-489. The salaries of all employees authorized to
312 enforce the provisions of the railroad laws, and the reasonable
313 and necessary expenses of such employees, shall be paid out of the
314 special fund in the State Treasury designated as the * * *
315 commission's regulation fund * * * upon the requisition and
316 warrant in the manner provided by law. An itemized account shall



317 be kept of all receipts and expenditures and reported to the
318 Legislature by the commission.

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

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

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

328 77-9-605. Every express company shall establish and maintain
329 offices for the transaction of business with the public in its
330 capacity as a common carrier, at each city, town, and village
331 convenient to its routes, if, in the opinion of the * * *
332 commission, the public convenience and necessity requires it. An
333 office once established shall not be discontinued without the
334 consent of the commission, which has authority to require such a
335 company to establish and maintain offices.

336 **SECTION 18.** This act shall take effect and be in force from
337 and after its passage.

